

DEC 26 2007

DEPT OF INSURANCE
BY 

STATE OF ARIZONA
DEPARTMENT OF INSURANCE

In the Matter of:

LAURA ANN MUMBY
(License number 885090),

Respondent.

No. 07A-195-INS

PROPOSED FINDINGS OF FACT,
CONCLUSIONS OF LAW AND ORDER


On November 9, 2007, the Arizona Department of Insurance ("Department") issued a Notice of Hearing ("Notice") in the above-captioned matter, a copy of which is attached and incorporated by this reference. The Notice required Laura Ann Mumby ("Mumby" or "Respondent") to provide a written answer to the allegations set forth in the Notice within twenty days of the issuance of the Notice. As of this date, Respondent has failed to file an answer. On December 12, 2007, counsel for the Department filed a Request for Default and Proposed Findings of Fact, Conclusions of Law and Order. As of this date, Respondent has not responded to the Department's request. Pursuant to A.A.C.R20-6-106(D), a party that fails to file an answer within the time provided shall be deemed to be in default and one or more of the allegations in the Notice of Hearing may be deemed to be admitted.

FINDINGS OF FACT

1. Notice was proper.
2. Respondent is in default.
3. The allegations in the Notice are deemed admitted.

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1 Laura Ann Mumby
4618 East Glenrosa Avenue
2 Phoenix, Arizona 85018
Respondent

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5 Curvey Burton

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DEPT OF INSURANCE
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STATE OF ARIZONA

DEPARTMENT OF INSURANCE

In the Matter of:)

LAURA ANN MUMBY)
(License number 885090))

Respondent)

Docket No. 07A-195-INS

NOTICE OF HEARING

(Administrative Law Judge
Lewis D. Kowal)

PLEASE TAKE NOTICE that the above-captioned matter will be heard before the Director of Insurance of the State of Arizona (the "Director") or her duly designated representative on January 7, 2008, at 9:00 a.m., at the Office of Administrative Hearings, **1400 West Washington, Suite 101, Phoenix, Arizona 85007¹**.

If you wish to continue this hearing to another date, you must file a motion in writing with the Office of Administrative Hearings not less than **15** days before the scheduled hearing date. Please send it to the attention of the Administrative Law Judge ("ALJ") and include the docket number listed above. You must also mail or hand-deliver a copy of any motion to continue to the Department of Insurance on the same date you file it with the Office of Administrative Hearings.

You are not required to have an attorney represent you. However, if you are represented, your attorney must be licensed to practice law in the State of Arizona. An insurance company may be represented by a corporate officer. A.R.S. § 20-161(B).

You are entitled to be present during the giving of all evidence and you will have a reasonable opportunity to inspect all documentary evidence, examine witnesses, present evidence that supports your case and to request that the ALJ issue subpoenas to compel the attendance of witnesses and production of evidence. A.R.S. §20-164(B).

¹As authorized under Arizona Revised Statutes ("A.R.S.") §§20-161 through and including 20-165 and Title 41, Chapter 6, Article 10 (A.R.S. § 41-1092 *et seq.*).

1 A clear and accurate record of the proceedings will be made either by a court reporter
2 or by electronic means. A.R.S. §41-1092.07(E). If you want a copy of an electronic recording,
3 you must contact the Office of Administrative Hearings at (602) 542-9826. If the hearing was
4 transcribed by a court reporter and you want a copy of the transcript, you must pay the cost of
the transcript to the court reporter or other transcriber

5 If you have questions concerning this Notice of Hearing please direct them to Mary
6 Kosinski, Arizona Department of Insurance, (602) 364-3471, 2910 North 44th Street, Suite 210,
7 Phoenix, Arizona 85018.

8 **NOTICE OF APPLICABLE RULES**

9 On January 23, 1992, we adopted the rules of practice and procedure applicable in
10 contested cases before the Director of Insurance. The hearing will be conducted pursuant to
these rules. A.A.C. R20-6-101 through R20-6-115.

11 YOU MUST FILE A WRITTEN RESPONSE (ANSWER) TO THE ALLEGATIONS IN
12 THIS NOTICE WITH US WITHIN 20 DAYS AFTER WE ISSUE THIS NOTICE. A.A.C.
13 R20-6-106. YOUR RESPONSE SHOULD STATE YOUR POSITION OR DEFENSE AND
14 SHOULD SPECIFICALLY ADMIT OR DENY EACH ASSERTION IN THE NOTICE. IF YOU
15 DO NOT SPECIFICALLY DENY AN ASSERTION, WE WILL CONSIDER IT ADMITTED. ANY
DEFENSE YOU DO NOT RAISE WILL BE CONSIDERED WAIVED.

16 IF YOU DO NOT FILE YOUR RESPONSE ON TIME, WE WILL CONSIDER YOU IN
17 DEFAULT AND THE DIRECTOR MAY DEEM THE ALLEGATIONS IN THE NOTICE AS
18 TRUE. ACCORDINGLY, WE WILL TAKE WHATEVER ACTION IS APPROPRIATE
INCLUDING SUSPENSION, REVOCATION, IMPOSITION OF A CIVIL PENALTY AND
19 ORDERING RESTITUTION TO ANY INJURED PERSON.

20 **PERSONS WITH DISABILITIES**

21 PERSONS WITH DISABILITIES MAY REQUEST REASONABLE
22 ACCOMMODATIONS SUCH AS INTERPRETERS, ALTERNATIVE FORMATS, OR
23 ASSISTANCE WITH PHYSICAL ACCESSIBILITY. REQUESTS FOR ACCOMMODATIONS
SHOULD BE MADE AS EARLY AS POSSIBLE TO ALLOW TIME TO ARRANGE THE
ACCOMMODATIONS. IF YOU REQUIRE ACCOMMODATIONS, PLEASE CONTACT THE

1 OFFICE OF ADMINISTRATIVE HEARINGS AT (602) 542-9826.

2 The allegations supporting this Notice of Hearing are as follows:

3 1. Laura Ann Mumby ("Respondent") is, and was at all material times licensed as a
4 resident life and accident/health producer, Arizona license number 885090 which expires May
5 31, 2010.

6 2. Respondent's mailing, business and residence addresses of record with the
7 Department are: Bankers Life and Casualty, 6929 E. Greenway Pkwy., Suite 195, Scottsdale,
8 Arizona 85254 (business and mailing) and 4618 E. Glenrosa Ave., Phoenix, Arizona 85018
9 (residence).

10 3. On or about February 16, 2007, the Department issued to Respondent an
11 insurance license as a resident life and accident/health producer, Arizona license number
12 885090.

13 4. On June 12, 2007, the Department notified Respondent by mail at her
14 business/mailling address of record that her fingerprint card had been processed and returned
15 by the Federal Bureau of Investigation ("FBI") as illegible. The Department requested a
16 replacement set of fingerprints along with a completed "Illegible Fingerprint Replacement
17 Form" on or before July 13, 2007.

18 5. On August 3, 2007, the Department sent a second letter to Respondent at her
19 business/mailling address of record, return receipt requested, and to her residence address of
20 record notifying her that she had fifteen (15) days to submit a full set of fingerprints to the
21 Department.

22 6. On October 26, 2007, the Post Office returned the August 3, 2007 letter to
23 Respondent's business/mailling address of record (which had been forwarded to Respondent's
residence address of record) as "Unclaimed."

7. To date, Respondent has not submitted a full set of fingerprints to the
Department.

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1 **VIOLATIONS**

2 8. Respondent's conduct as described above constitutes the violation of the
3 requirement that an applicant submit a full set of fingerprints to the Department within the
4 meaning of A.R.S. § 20-285(F)(2).

5 9. Respondent's conduct as described above constitutes providing incomplete
6 information in the license application within the meaning of A.R.S. § 20-295(A)(1).

7 10. Respondent's conduct as described above constitutes the violation of any
8 provision of A.R.S. Title 20 or any rule, subpoena or order of the director within the meaning of
9 A.R.S. §20-295(A)(2).

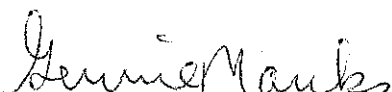
10 11. Grounds exist for the Director to suspend, revoke, or refuse to renew
11 Respondent's insurance license, impose a civil penalty and/or order restitution pursuant to
12 A.R.S. §§20-295(A) and (F).

13 WHEREFORE, if after hearing, the Director finds the grounds alleged above, the
14 Director may deny, suspend, or revoke Respondent's insurance producer's license. A.R.S. §
15 20-295 (A).

16 The Director delegates the authority vested in her to the Director of the Office of
17 Administrative Hearings or his designee to preside over the hearing of this matter as the
18 Administrative Law Judge, to make written recommendations to the Director consisting of
19 proposed findings of fact, proposed conclusions of law, and a proposed order. This delegation
20 does not include delegation of the authority of the Director to make an order on the hearing or
21 any other final decision in this matter. A.R.S. § 20-150.

22 The Office of Administrative Hearings is an independent agency. A.R.S §41-1092.01.
23 Please find enclosed a copy of the procedures to be followed. Further hearing information
may also be found at the Office of Administrative Hearings website: www.azaoh.com.

DATED this 6th day of November, 2007.


GERRIE MARKS, Deputy Director
Arizona Department of Insurance

1 COPIES of the foregoing mailed/delivered,
return receipt requested,
2 this 9th day of November, 2007, to:

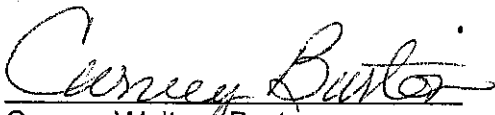
3 Laura Ann Mumby
c/o Bankers Life & Casualty
4 6929 E. Greenway Pkwy, #195
Scottsdale, Arizona 85254
5 Respondent

6 Laura Ann Mumby
4618 E. Glenrosa Ave.
7 Phoenix, Arizona 85018
Respondent

8 COPIES of the foregoing mailed/delivered
9 this 9th day of November, 2007, to:

10 Mary E. Kosinski, Exec. Assistant for Regulatory Affairs
Mary Butterfield, Assistant Director
11 Catherine M. O'Neil, Consumer Legal Affairs Officer
Steven Fromholtz, Licensing Supervisor
12 Department of Insurance
2910 North 44th Street, Suite 210
13 Phoenix, Arizona 85018

14 Lewis D. Kowal
Administrative Law Judge
15 Office of Administrative Hearings
1400 West Washington, Suite 101
16 Phoenix, Arizona 885007

17 
Curvey Walters Burton

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