

MAY 28 2008

DEPT OF INSURANCE
BY 

STATE OF ARIZONA
DEPARTMENT OF INSURANCE

In the Matter of:

**CHERYL LYNN JORGENSEN dba
MIKE'S BAIL BONDS
(License Number 105367),**

Respondent.

No. 07A-204-INS

ORDER

On May 14, 2008, the Office of Administrative Hearings, through Administrative Law Judge ("ALJ") Thomas Shedden, issued an Administrative Law Judge Decision ("Recommended Decision"), received by the Director of the Department of Insurance ("Director") on May 16, 2008, a copy of which is attached and incorporated by this reference. The Director of the Department of Insurance has reviewed the Recommended Decision and enters the following Order:

1. The Recommended Findings of Fact and Conclusions of Law are adopted.
2. Respondent's license is revoked immediately.

NOTIFICATION OF RIGHTS

Pursuant to Arizona Revised Statutes ("A.R.S.") § 41-1092.09, Petitioner may request a rehearing with respect to this order by filing a written motion with the Director of the Department of Insurance within 30 days of the date of this Order, setting forth the basis for relief under A.A.C. R20-6-114(B). Pursuant to A.R.S. § 41-1092.09, it is not necessary to request a rehearing before filing an appeal to Superior Court.

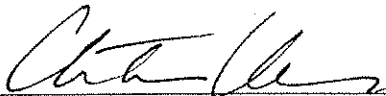
Petitioner may appeal the final decision of the Director to the Superior Court of Maricopa County for judicial review pursuant to A.R.S. § 20-166. A party filing an appeal

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...

1 must notify the Office of Administrative Hearings of the appeal within ten days after filing
2 the complaint commencing the appeal, pursuant to A.R.S. § 12-904(B).

3 DATED this 27th day of May, 2008.

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7 CHRISTINA URIAS, Director
Arizona Department of Insurance

8 COPY of the foregoing mailed this
9 28th day of May, 2008 to:

10 Office of Administrative Hearings
1400 West Washington, Suite 101
Phoenix, Arizona 85007

11 Catherine O'Neil, Consumer Legal Affairs Officer
12 Steven Fromholtz, Licensing Supervisor
13 Mary E. Kosinski, Executive Assistant for Regulatory Affairs
Arnold Sniegowski, Investigations
Arizona Department of Insurance
2910 North 44th Street, Suite 210
14 Phoenix, Arizona 85018

15 Cheryl Lynn Jorgensen
123 South Stone, Suite 9
16 Tucson, Arizona 85701
17 Respondent

18 Cheryl Lynn Jorgensen
5844 East Farmridge Drive
Tucson, Arizona 85718
19 Respondent

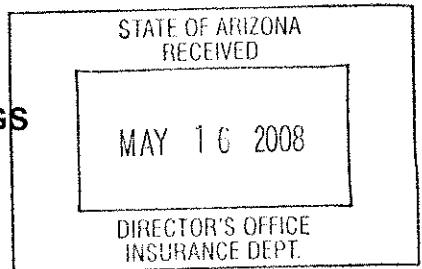
20 Cheryl Lynn Jorgensen
1645 W. Valencia Road, No. 109-277
21 Tucson, Arizona 85746
22 Respondent

23 Alyse Meislik
Assistant Attorney General
1275 West Washington Street
24 Phoenix, Arizona 85007-2926

25 
26 Curvey Burton

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IN THE OFFICE OF ADMINISTRATIVE HEARINGS



In the Matter of:

CHERYL LYNN JORGENSEN, dba
MIKE'S BAIL BONDS,

Respondent.

No. 07A-204-INS

ADMINISTRATIVE LAW JUDGE

DECISION

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HEARING: May 1, 2008

APPEARANCES: No one appeared for Respondent; Assistant Attorney General
Alyse Meislik represented the Department of Insurance.

ADMINISTRATIVE LAW JUDGE: Thomas Shedden

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The Arizona Department of Insurance asserted that grounds exist to revoke
Respondent Cheryl Lynn Jorgensen's license.

FINDINGS OF FACT

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1. Respondent Cheryl Lynn Jorgensen d.b.a. Mike's Bail Bonds ("Ms. Jorgensen") is licensed as an Arizona bail bond agent, license number 105367 issued by the Arizona Department of Insurance (the "Department").
 2. Ms. Jorgensen's license will expire on July 31, 2008. See Exhibit 2.
 3. Ms. Jorgensen is a member of Mike's Bail Bonds LLC (the "LLC"). The LLC is not licensed by the Department.
 4. Ms. Jorgensen entered a Consent Order that became effective May 9, 2007 in which Ms. Jorgensen agreed that: (1) she had violated A.R.S. Title 20, within the meaning of A.R.S. § 20-295(A)(2); (2) her conduct fell within the meaning of A.R.S. §§ 20-340.03(A)(6) and 20-340.03(D)(3) and A.A.C. R20-6-601(E)(2)(c); (3) the LLC had engaged in conduct that constituted acting as a bail bond agent; and (4) grounds existed for the Department to revoke Ms. Jorgensen's license pursuant to A.R.S. §§ 20-295(A) and (F). See Exhibit 7.

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1400 West Washington, Suite 101
Phoenix, Arizona 85007
(602) 542-9826

1 5. Under the terms of the Consent Order, Ms. Jorgensen's license was suspended
2 for 90 days and she was required to pay to the Department a civil penalty of
3 \$20,000.00. Ms. Jorgensen was required to make monthly payments of \$500.00 during
4 the time her license was suspended and the remainder in monthly payments of
5 \$2,500.00.

6 6. On March 25, 2008, the Department issued a Notice of Hearing in which it
7 alleged that Ms. Jorgensen had not complied with the Consent Order and that her
8 actions as set forth in that Consent Order provided grounds to revoke her license under
9 A.R.S. §§ 20-295(A), (F), 20-340.06.

10 7. The Notice of Hearing set the matter for 1:30 p.m. May 1, 2008.

11 8. Ms. Jorgensen did not appear at the scheduled hearing time and after a 15
12 minute grace period the Administrative Law Judge convened the hearing in her
13 absence.

14 9. The Department presented the testimony of its Investigator Arnold Sniegowski
15 and had 10 exhibits entered into evidence (1- 4 and 7 - 12). Mr. Sniegowski presented
16 credible testimony.

17 10. About 2 years ago, the Department received a consumer complaint about Ms.
18 Jorgensen. That matter was resolved but during the investigation, the Department
19 learned that Ms. Jorgensen had been charging fees in excess of that allowed by
20 statute. Between January 18, 2004 and October 4, 2006 Ms. Jorgensen charged
21 additional posting fees of \$48,989.95 on 543 bonds.

22 11. On or about October 4, 2006 the Department informed Ms. Jorgensen that her
23 practice of charging additional posting fees was in violation of the applicable statutes
24 and told her to stop. About 1 month later the Department learned the Ms. Jorgensen
25 had continued to charge fees in excess of that allowed by statute and that between
26 October 5, 2006 and December 24, 2006 she had charged additional posting fees of
27 \$575.00 on 7 bonds.

28 12. The Consent Order was entered as a result of Ms. Jorgensen's violations.

29 13. Ms. Jorgensen made two payments of \$500.00 each toward the \$20,000.00 civil
30 penalty, but has not made any of the required payments since June 2007.

1 14. During the course of the Department's investigation in this matter the Ms.
2 Jorgensen has had several addresses. Ms. Jorgensen's current business address of
3 record is 123 South Stone, Suite 9, Tucson, Arizona. Ms. Jorgensen's home address of
4 record is 5844 East Farnridge Drive, Tucson Arizona. See Exhibit 4.

5 15. The Department sent the Notice of Hearing to Ms. Jorgensen's business
6 address of record and her home address of record by certified mail. Both letters were
7 returned as undeliverable. The Department also sent the Notice of Hearing to a third
8 address for Ms. Jorgensen and that letter was returned.

9 16. The Department sent the Notice of Hearing to the attorney that had represented
10 Ms. Jorgensen when the consent agreement was entered, but that attorney advised the
11 Department that she no longer represented Ms. Jorgensen and had no addresses other
12 than the addresses of record.

13 17. The Department requests that Ms. Jorgensen's license be revoked.

14 CONCLUSIONS OF LAW

15 1. In this matter the Department bears the burden to prove by a preponderance of
16 the evidence that Ms. Jorgensen's license, number 105367, should be revoked. See
17 A.R.S. § 41-1092.07(G)(2); A.A.C. R2-19-119.

18 2. A preponderance of the evidence is "[e]vidence which is of greater weight or more
19 convincing than the evidence which is offered in opposition to it; that is, evidence which
20 as a whole shows that the fact sought to be proved is more probable than not." BLACK'S
21 LAW DICTIONARY 1182 (6th ed. 1990).

22 3. The Department met its obligation to serve Ms. Jorgensen with the Notice of
23 Hearing by its certified mailing to Ms. Jorgensen's address of record and its other
24 attempts to contact Ms. Jorgensen, which were reasonably calculated to effect actual
25 notice to Ms. Jorgensen. See A.R.S. § 41-1092.04.


26 4. The undisputed evidence shows that Ms. Jorgensen has not complied with the
27 Consent Order, which is a violation of A.R.S. § 20-295(A)(2).

28 5. The Department has met its burden to show that Ms. Jorgensen's license, number
29 105367, should be revoked.
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2 **RECOMMENDED ORDER**

3 **IT IS ORDERED** that Ms. Cheryl Lynn Jorgensen d.b.a. Mike's Bail Bonds, license
4 number 105367 is revoked.


5 Done this day, May 14, 2008

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7 

8 Thomas Shedden
9 Administrative Law Judge

10
11 Original transmitted by mail this
12 16 day of May, 2008, to:

13
14 Christina Urias, Director
15 Department of Insurance
16 2910 North 44th Street, Ste. 210
17 Phoenix, AZ 85018

18 By 
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