

MAY 15 2008

DEPT. OF INSURANCE  
BY CB

STATE OF ARIZONA  
DEPARTMENT OF INSURANCE

In the Matter of:

**INSURANCE CENTER, LLC**  
**(License Number 896496)**

Respondent.

**No. 08A-034-INS**

**ORDER**

On May 12, 2008, the Office of Administrative Hearings, through Administrative Law Judge ("ALJ") Lewis Kowal, issued an Administrative Law Judge Decision ("Recommended Decision"), received by the Director of the Department of Insurance ("Director") on May 14, 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 filling 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.

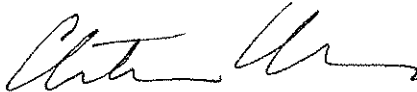
Petitioner may appeal the final decision of the Director to the Superior Court of Maricopa County for judicial review pursuant to A.R.S. § 20-166. A party filing an appeal

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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 14<sup>th</sup> day of May, 2008.

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7 CHRISTINA URIAS, Director  
8 Arizona Department of Insurance

9 COPY of the foregoing mailed this  
10 15<sup>th</sup> day of May, 2008 to:

11 Office of Administrative Hearings  
12 1400 West Washington, Suite 101  
13 Phoenix, Arizona 85007

14 Catherine O'Neil, Consumer Legal Affairs Officer  
15 Steven Fromholtz, Licensing Supervisor  
16 Mary E. Kosinski, Executive Assistant for Regulatory Affairs  
17 Arizona Department of Insurance  
18 2910 North 44th Street, Suite 210  
19 Phoenix, Arizona 85018

20 Insurance Center, LLC  
21 4415 S. Rural Rd., Suite 7  
22 Tempe, Arizona 85282  
23 Respondent

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25 Curvey Burton  
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IN THE OFFICE OF ADMINISTRATIVE HEARINGS

STATE OF ARIZONA  
RECEIVED

MAY 14 2008

DIRECTOR'S OFFICE  
INSURANCE DEPT.

In the Matter of:

No. 08A-034-INS

Insurance Center, LLC  
(License Number 896496),

ADMINISTRATIVE  
LAW JUDGE DECISION

Respondent.

**HEARING:** April 23, 2008

**APPEARANCES:** Special Assistant Attorney General for the Arizona  
Department of Insurance; Insurance Center, LC did not appear at the hearing.

**ADMINISTRATIVE LAW JUDGE:** Lewis D. Kowal

**FINDINGS OF FACT**

1. At all times material to this matter, Insurance Center, LLC ("Respondent") was and currently is licensed by the Arizona Department of Insurance ("Department") as an accident/health producer and life producer.
2. On July 18, 2007, the Department issued Respondent a resident accident/health producer and life producer license, license number 896496 ("License"), which expires on July 31, 2011.
3. On September 28, 2007, the Department issued a letter to Respondent that was mailed to its address of record, informing it that Kenneth Wayne Anderton's ("Mr. Anderton") fingerprint card could not be processed and was returned by the Arizona Department of Public Safety ("DPS") as illegible.
4. Respondent listed Mr. Anderton in the license application as a member of Respondent. In the above-mentioned letter, the Department requested that Respondent submit a replacement set of fingerprints for Mr. Anderton and enclosed a blank replacement fingerprint form. The Department provided a deadline of November 2, 2007 for the return of the completed replacement fingerprint form.

Office of Administrative Hearings  
1400 West Washington, Suite 101  
Phoenix, Arizona 85007  
(602) 542-9826

1 5. Because the Department did not receive the requested replacement fingerprint  
2 form for Mr. Anderton from Respondent as requested, the Department sent a letter to  
3 Mr. Anderton at Respondent's address of record on December 20, 2007 via certified  
4 mail, return receipt requested, giving Respondent a deadline of fifteen days from the  
5 date of the letter to file a replacement fingerprint form with the Department.

6 6. The Department submitted as an exhibit a copy of a receipt card and envelope  
7 containing the December 20, 2007 letter that showed that the December 20, 2007 letter  
8 sent to Respondent was returned to the Department marked by the U.S. Postal Service  
9 "Attempted-Not Known". Exhibit 4.

10 7. The Department also sent the December 20, 2007 letter to Mr. Anderton at an  
11 address the department obtained from the Tennessee Secretary of State's website for  
12 a Tennessee corporation which listed Mr. Anderton as its registered agent and a  
13 principal.

14 8. Steven Fromholtz ("Mr. Fromholtz"), Producer Licensing Administrator of the  
15 Licensing Section of the Department, testified that, to date, the Department has not  
16 received any communication from Respondent in response to the above-mentioned  
17 letters and the Department has not received a replacement fingerprint form for Mr.  
18 Anderton from Respondent or from Mr. Anderton.

19 9. Mr. Fromholtz testified that the Department has not received any change of  
20 address notification from Respondent and that the above-mentioned letters were sent  
21 to the mailing address of record the Department had for Respondent.

22 10. Mr. Fromholtz testified that when the Department receives an application for a  
23 producer's license, it is processed. The fingerprint card is reviewed by Department staff  
24 to make sure it is administratively complete. The card is then forwarded to the Arizona  
25 Department of Public Safety for processing, which includes processing by the Federal  
26 Bureau of Investigation for criminal history background check to be conducted.

27 11. Respondent did not present any evidence to refute or rebut the evidence  
28 presented by the Department.  
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**CONCLUSIONS OF LAW**

1. This matter is a disciplinary proceeding wherein the Department must prove by a preponderance of the evidence that Respondent violated the State's Insurance Laws.

See A.AC. R2-19-119.

2. Pursuant to A.R.S. § 20-285(E) the license application of a business entity like Respondent is to include the names of all officers, director, and members and the Director has authorization to require the same information that is required of an individual for licensure, such as fingerprint cards, be required of a member of a legal entity, such as Mr. Anderton.

3. During the application process, the Director of the Department required Respondent to submit a full set of fingerprints and Respondent's illegible fingerprint submission with respect to Mr. Anderton, a member of Respondent, did not satisfy that requirement. See A.R.S. § 20-285(F)(2).

4. Respondent's conduct, as set forth above, constitutes a violation of A.R.S. § 20-295(A)(1), by having failed to provide complete information in the license application.


5. Respondent's conduct, as set forth above, constitutes the violation of a provision of A.R.S., Title 20, within the meaning of A.R.S. § 20-295(A)(2).

6. Grounds exist for the Director of the Department to suspend, revoke, or refuse to renew the License pursuant to A.R.S. §§ 20-295(A) and (B).

**ORDER**

Based upon the above, the License shall be revoked on the effective date of the Order entered in this matter.

Done this day, May 12, 2008.

  
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Lewis D. Kowal  
Administrative Law Judge

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Original transmitted by mail this  
13 day of May, 2008, to:

Department of Insurance  
Christina Urias, Director  
2910 North 44th Street, Ste. 210  
Phoenix, AZ 85018

By Chris Fishler