

MAY 30 2008

DEPT OF INSURANCE  
BY 

STATE OF ARIZONA  
DEPARTMENT OF INSURANCE

In the Matter of:

**LISA MICHELLE PERON**  
**(License Number 867185)**

Respondent.

**No. 08A-043-INS**  
**ORDER**

On May 23, 2008, the Office of Administrative Hearings, through Administrative Law Judge ("ALJ") Eric A. Bryant, issued an Administrative Law Judge Decision ("Recommended Decision"), received by the Director of the Department of Insurance ("Director") on May 29, 2008, a copy of which is attached and incorporated by this reference. The Director 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, Respondent may request a rehearing with respect to this order by filling a written motion with the Director 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.

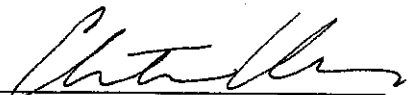
Respondent may appeal the final decision of the Director to the Superior Court of Maricopa County for judicial review pursuant to A.R.S. § 20-166. A party filing an appeal

...  
...

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

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CHRISTINA URIAS, Director  
Arizona Department of Insurance

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

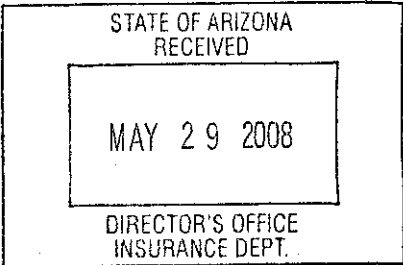
Office of Administrative Hearings  
1400 West Washington, Suite 101  
Phoenix, Arizona 85007

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

Lisa Michelle Peron  
9135 N. Marne Place  
Tucson, Arizona 85737  
Respondent

  
Curvey Burton

STATE OF ARIZONA  
OFFICE OF ADMINISTRATIVE HEARINGS



In the Matter of:

No. 08A-043-INS

**Lisa Michelle Peron**  
(License No. 867185),

**ADMINISTRATIVE**  
**LAW JUDGE**  
**DECISION**

Licensee.

**HEARING:** May 7, 2008

**APPEARANCES:** No one appeared on behalf of Licensee; the State of Arizona, Department of Insurance was represented by Special Assistant Attorney General Mary Kosinski and witness Steven Fromholtz, Producer Licensing Administrator, Licensing Section, Arizona Department of Insurance.

**ADMINISTRATIVE LAW JUDGE:** Eric A. Bryant

This disciplinary action brought by the Arizona Department of Insurance ("Department") alleges that Licensee Lisa Michelle Peron failed to provide a full set of legible fingerprints as part of her application for an insurance producer's license+. As noted above, no one on behalf of Licensee appeared at the hearing to put forth any evidence in defense of the allegations; therefore, the Department's evidence is uncontested. The Department submitted Exhibits 1 (Affidavit of Steven Fromholtz), 2 (Application for Individual Insurance License), 3 (Licensee Information Change Notification), 4 (Letter Re: Notice of Illegible Fingerprints), and 5 (FBI report). Based upon the entire record, the Administrative Law Judge makes the following Findings of Fact, Conclusions of Law, and Decision finding that Licensee failed to provide a complete set of fingerprints with her application and provided incomplete information with her application, and recommending that her license be revoked.

**FINDINGS OF FACT**

1. Licensee holds a license (No. 867185) issued by the Arizona Department of Insurance that authorizes her to act as a property and casualty producer. It expires on December 31, 2009.<sup>1</sup> On her application for licensure, filed June 14, 2006, she

<sup>1</sup> Exhibit 2.

1 provided a business address of 930 N. Finance Center Drive in Tucson, Arizona and a  
2 residential address on N. Marne Place in Tucson.<sup>2</sup> The record shows that she notified  
3 the Department of an address change in September 2006.<sup>3</sup> Her business address  
4 became the same as her residential address on N. Marne Place. This is the address  
5 on file for Licensee.

6 2. With her application filed June 14, 2006, Licensee submitted a set of  
7 fingerprints as she is required to do. At the time, the Department had no knowledge  
8 that the fingerprints submitted by Licensee were illegible. The Department sent the  
9 fingerprints to the Arizona Department of Public Safety (DPS) for processing of a state  
10 and federal criminal records background check and granted the application for  
11 licensure.

12 3. Steven Fromholtz, Producer Licensing Administrator with the Arizona  
13 Department of Insurance, testified at the hearing and by affidavit<sup>4</sup> that licenses are  
14 issued before the results of background checks are received because of relatively short  
15 regulatory timeframes for issuing licenses upon receipt of a complete application. If a  
16 problem is later discovered, the Department will then take action.

17 4. Here, DPS later informed the Department that two of the fingerprint images  
18 on Licensee's fingerprint card were "not discernable."<sup>5</sup> On January 10, 2008, the  
19 Department sent to Licensee, at her current business address on N. Marne Place, a  
20 letter informing her that she must submit a replacement set of fingerprints by January  
21 31, 2008. The letter was sent by regular mail. Licensee did not respond.

22 5. Notice of Hearing for this matter was sent by regular mail to Licensee at the N.  
23 Marne Place address that Licensee has on file with the Department. That mail was  
24 returned to the Department unopened.

#### 25 CONCLUSIONS OF LAW

26 1. The Department bears the burden of showing, by a preponderance of the  
27 evidence, that a licensee has violated the statutes regulating the licensee's practice.

28 <sup>2</sup> *Id.* The address given actually states "W. Marne Pl." However, based on other evidence, described  
29 above in subsequent Findings of Fact, this was a typo and should have been "N. Marne Pl."

30 <sup>3</sup> Exhibit 4.

<sup>4</sup> Exhibit 1.

<sup>5</sup> Exhibit 5.

1 *Culpepper v. State*, 187 Ariz. 431, 437, 930 P.2d 508, 514 (Ct. App. 1996). The  
2 Department has met its burden.

3 2. The Director of the Arizona Department of Insurance may take disciplinary  
4 action against a licensee for violation of any applicable statute or rule.<sup>6</sup> "Disciplinary  
5 action" includes revocation, suspension for not more than 12 months, or a civil penalty.<sup>7</sup>

6 3. Licensee was required to submit a full set of fingerprints to the Department  
7 with her application.<sup>8</sup> Because the set of fingerprints she provided did not contain  
8 legible prints for two fingers, Licensee did not submit a full set. She is, therefore,  
9 subject to disciplinary action on this ground.

10 4. Licensee is also subject to disciplinary action if she has filed incomplete  
11 information with her application.<sup>9</sup> Because the set of fingerprints she provided were  
12 incomplete, her application provided incomplete information. She is, therefore, subject  
13 to disciplinary action on this ground as well.

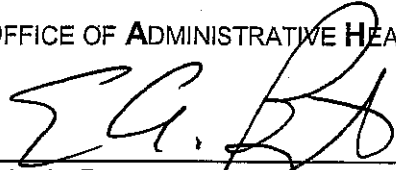
14 5. Licensee's insurance producer license should be revoked.

15 **DECISION**

16 IT IS RECOMMENDED that the Director of the Arizona Department of Insurance  
17 revoke producer's license number 867185 held by Lisa Michelle Peron.

18 Done this 23<sup>rd</sup> day of May 2008.

19 OFFICE OF ADMINISTRATIVE HEARINGS

20   
21 \_\_\_\_\_  
22 Eric A. Bryant  
23 Administrative Law Judge

24 Original mailed this 27 day of May 2008, to:

25 Christina Urias, Director  
26 Arizona Department of Insurance  
27 2910 North 44<sup>th</sup> Street, Suite 210  
28 Phoenix, AZ 85018

29 By   
30 \_\_\_\_\_

<sup>6</sup> A.R.S. § 20-295(A)(2).

<sup>7</sup> A.R.S. § 20-295(A).

<sup>8</sup> A.R.S. § 20-285(F)(2).

<sup>9</sup> A.R.S. § 20-295(A)(1).