

JUN 5 2008

DEPT OF INSURANCE
BY MS

STATE OF ARIZONA
DEPARTMENT OF INSURANCE

In the Matter of:

No. 08A-057-INS

CLIFFORD OSCAR THOMSON
(License number 896493),

**PROPOSED FINDINGS OF FACT,
CONCLUSIONS OF LAW AND ORDER**

Respondent.

On April 9, 2008, 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 Clifford Oscar Thomson ("Thomson" 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 May 30, 2008, 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.

///

1 **CONCLUSIONS OF LAW**

2 1. The conduct alleged in the Notice constitutes grounds for the Director to
3 suspend, revoke or refuse to renew Respondent's license to transact insurance in Arizona,
4 pursuant to A.R.S. §20-295(A).


5 **ORDER**

6 IT IS ORDERED:

7 1. The insurance license held by Respondent is revoked effective upon the
8 issuance of this Order.

9 2. The hearing set for June 10, 2008 at 9:00 a.m. is vacated.

10 DATED this 5th day of June, 2008.


11
12 
13 _____
14 CHRISTINA URIAS, Director
15 Arizona Department of Insurance

16 COPY of the foregoing mailed this
17 5th day of June, 2008 to:

18 Michael Wales, Administrative Law Judge
19 Office of Administrative Hearings
20 1400 West Washington, Suite 101
21 Phoenix, Arizona 85007

22 Steven Fromholtz, Licensing Supervisor
23 Catherine O'Neil, Legal Affairs
24 Mary Kosinski, Executive Assistant for Regulatory Affairs
25 Arizona Department of Insurance
26 2910 North 44th Street, Suite 210
Phoenix, Arizona 85018

Clifford Oscar Thomson
19962 E. Sierra Drive
Mayer, Arizona 86333
Respondent

25 
26 Curvey Burton

APR 9 2008

STATE OF ARIZONA

DEPARTMENT OF INSURANCE

DEPT OF INSURANCE
BY CB

In the Matter of:)

CLIFFORD OSCAR THOMSON)
(License number 896493))

Respondent)

Docket No. 08A-057-INS

NOTICE OF HEARING

(Administrative Law Judge
Michael Wales)

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 June 10, 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. Clifford Oscar Thomson ("Respondent") is, and was at all material times licensed
4 as a resident accident/health and life producer, Arizona license number 896493 which expires
5 November 30, 2010.

6 2. Respondent's mailing, business and residence addresses of record with the
7 Department are: c/o Banker's Life, 5651 Talavi, Ste. 140, Glendale, Arizona 85306
8 (business); 19962 E. Sierra Dr., Mayer, Arizona 86333 (mailing and residence).

9 3. On or about July 18, 2007, the Department issued to Respondent an insurance
10 license as a resident accident/health and life producer, Arizona license number 896493.

11 4. On November 19, 2007, the Department notified Respondent by mail at his
12 mailing/residence address of record that his fingerprint card had been processed and returned
13 by the Federal Bureau of Investigation ("FBI") as illegible. The Department requested a
14 replacement set of fingerprints along with a completed "Illegible Fingerprint Replacement
15 Form" on or before December 20, 2007.

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

18 VIOLATIONS

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


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

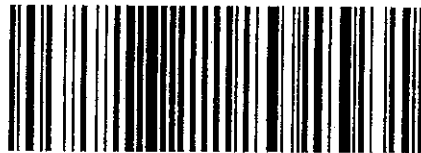
8. Respondent's conduct as described above constitutes the violation of any
provision of A.R.S. Title 20 or any rule, subpoena or order of the director within the meaning of
A.R.S. §20-295(A)(2).

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

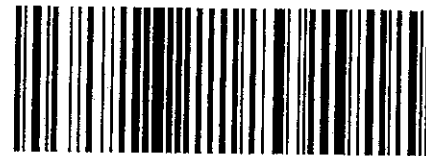
1 Mary Butterfield, Assistant Director
Catherine M. O'Neil, Consumer Legal Affairs Officer
2 Steven Fromholtz, Licensing Supervisor
Department of Insurance
3 2910 North 44th Street, Suite 210
Phoenix, Arizona 85018

4 Michael Wales
5 Administrative Law Judge
Office of Administrative Hearings
6 1400 West Washington, Suite 101
Phoenix, Arizona 885007

7 
8 Curvey Walters Burton



17 7007 1490 0002 0698 1279



22 7007 1490 0002 0698 1286

23