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STATE OF ARIZONA
DEPARTMENT OF INSURANCE

In the Matter of:

No. 08A-065-INS

LINDA MAY RATHBUN
(License number 899437),

Respondent.

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

On April 30, 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 Linda May Rathbun ("Rathbun" 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 June 11, 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.

///

CONCLUSIONS OF LAW

1
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 July 1, 2008 at 9:00 a.m. is vacated.

10 DATED this 17th day of June, 2008.

11 

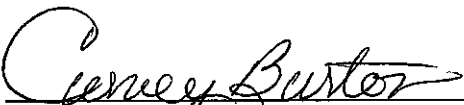
12 _____
13 CHRISTINA URIAS, Director
14 Arizona Department of Insurance

14 COPY of the foregoing mailed this
15 18th day of June, 2008 to:

16 Lewis Kowal, Administrative Law Judge
17 Office of Administrative Hearings
18 1400 West Washington, Suite 101
19 Phoenix, Arizona 85007

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

26 Linda May Rathbun
4839 S. Darrow Drive, No. F 149
Tempe, Arizona 85282
Respondent

27 
28 _____
29 Curvey Burton

APR 30 2008

STATE OF ARIZONA

DEPARTMENT OF INSURANCE

DEPT OF INSURANCE
BY CB

In the Matter of:)
)
LINDA MAY RATHBUN)
(License number 899437))
)
Respondent)
)
)

Docket No. 08A-065-INS

NOTICE OF HEARING

(Administrative Law Judge
Lewis 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 July 1, 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.

NOTICE OF APPLICABLE RULES

8 On January 23, 1992, we adopted the rules of practice and procedure applicable in
9 contested cases before the Director of Insurance. The hearing will be conducted pursuant to
10 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
16 DEFENSE YOU DO NOT RAISE WILL BE CONSIDERED WAIVED.

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

PERSONS WITH DISABILITIES

22 PERSONS WITH DISABILITIES MAY REQUEST REASONABLE
23 ACCOMMODATIONS SUCH AS INTERPRETERS, ALTERNATIVE FORMATS, OR
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. Linda May Rathbun ("Respondent") is, and was at all material times licensed as
4 a resident credit producer, Arizona license number 899437 which expires May 31, 2011.

5 2. Respondent's mailing, business and residence addresses of record with the
6 Department are: c/o Wells Fargo, 925 E. Ocotillo Rd., Chandler, Arizona 85249 (business);
7 4839 S. Darrow Dr., #F149, Tempe, Arizona 85282 (residence).

8 3. On or about August 23, 2007, the Department issued to Respondent an
9 insurance license as a resident credit producer, Arizona license number 899437.

10 4. On December 31, 2007, the Department notified Respondent by mail at her
11 mailing/residence address of record that her fingerprint card had been processed and returned
12 by the Federal Bureau of Investigation ("FBI") as illegible. The Department requested a
13 replacement set of fingerprints along with a completed "Illegible Fingerprint Replacement
14 Form" on or before February 4, 2008.

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

17 VIOLATIONS

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

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

23 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).

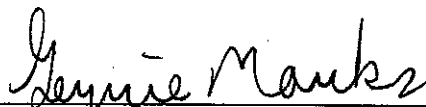
WHEREFORE, if after hearing, the Director finds the grounds alleged above, the

1 Director may deny, suspend, or revoke Respondent's insurance producer's license. A.R.S. §
2 20-295 (A).

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

8 The Office of Administrative Hearings is an independent agency. A.R.S §41-1092.01.
9 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.azoah.com.

10 DATED this 4th day of April, 2008.

11 
12 _____
GERRIE MARKS, Deputy Director
13 Arizona Department of Insurance

14 COPIES of the foregoing mailed/delivered,
return receipt requested,
15 this 30th day of April, 2008, to:

16 Linda May Rathbun
c/o Wells Fargo
925 E. Ocotillo Rd.
17 Chandler, Arizona 85249
Respondent

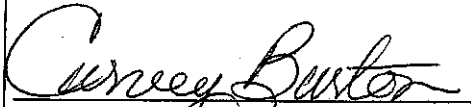
18 Linda May Rathbun
19 4839 S. Darrow Dr., #F149
Tempe, Arizona 85282
20 Respondent

21 COPIES of the foregoing mailed/delivered
22 this 30th day of April, 2008, to:

23 Mary E. Kosinski, Exec. Assistant for Regulatory Affairs
Mary Butterfield, Assistant Director

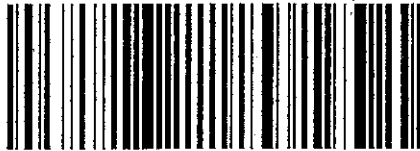
1 Catherine M. O'Neil, Consumer Legal Affairs Officer
Steven Fromholtz, Licensing Supervisor
2 Department of Insurance
2910 North 44th Street, Suite 210
3 Phoenix, Arizona 85018

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

7 
8 Curvey Walters Burton

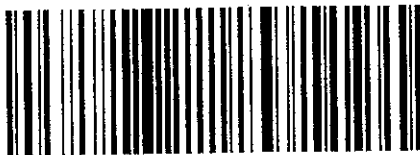
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PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT
OF THE RETURN ADDRESS. FOLD AT DOTTED LINE
CERTIFIED MAIL™



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