

DEC 3 2008

DEPT OF INSURANCE
BY 

STATE OF ARIZONA
DEPARTMENT OF INSURANCE

In the Matter of:

RACHEL SARAH BRADSHAW,

Respondent.

No. 08A-139-INS

ORDER

On November 18, 2008, the Office of Administrative Hearings, through Administrative Law Judge ("ALJ") Lewis D. Kowal, issued an Administrative Law Judge Decision ("Recommended Decision"), received by the Director of the Department of Insurance ("Director") on November 20, 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 Director adopts the Recommended Findings of Fact and Conclusions of Law of the Recommended Decision.
2. The Director revokes Respondent's Arizona producer's license, effective 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 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.

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 25th day of November, 2008.

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5 
6 CHRISTINA URIAS, Director
7 Arizona Department of Insurance

8 COPY of the foregoing mailed this
9 3rd day of December, 2008 to:

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

13 Mary Butterfield, Assistant Director
14 Catherine O'Neil, Consumer Legal Affairs Officer
15 Steve Ferguson, Assistant Director
16 Kelly Stephens, Compliance Section Manager
17 Arizona Department of Insurance
18 2910 North 44th Street, Suite 210
19 Phoenix, Arizona 85018

20 Rachel Sarah Bradshaw
21 c/o Wells Fargo Financial
22 2700 Woodlands Village Blvd., Suite 360
23 Flagstaff, Arizona 86001
24 Respondent

25 Rachel Sarah Bradshaw
26 4343 E. Soliere Ave., #1037
Flagstaff, Arizona 86004
Respondent

27 
28 Curvey Burton

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IN THE OFFICE OF ADMINISTRATIVE HEARINGS

STATE OF ARIZONA
RECEIVED

NOV 20 2008

DIRECTOR'S OFFICE
INSURANCE DEPT.

In the Matter of:

No. 08A-139-INS

Rachel Sarah Bradshaw
(License Number 908267),

ADMINISTRATIVE
LAW JUDGE DECISION

Respondent.

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HEARING: November 4, 2008

APPEARANCES: Mary Kosinski, Special Assistant Attorney General for the Arizona Department of Insurance; Rachel Sarah Bradshaw did not appear at the hearing.

ADMINISTRATIVE LAW JUDGE: Lewis D. Kowal

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FINDINGS OF FACT

1. At all times material to this matter, Rachel Sarah Bradshaw ("Respondent") was and currently is licensed by the Arizona Department of Insurance ("Department") as a credit insurance producer.
2. On December 12, 2007, the Department issued Respondent a resident credit insurance producer license, license number 908267 ("License"), which expires on December 31, 2011.
3. Steven Fromholtz ("Mr. Fromholtz"), Producer Licensing Administrator of the Licensing Section of the Department, testified that when an application for a producer's license is received and processed, it is forwarded to the Department of Public Safety ("DPS") for processing, which includes processing by the Federal Bureau of Investigation for a criminal history background check to be conducted.
4. Mr. Fromholtz testified that the Department received notification from DPS that the fingerprints of Respondent were illegible indicating that a criminal history background check could not be performed.
5. On February 27, 2008, the Department issued a letter to Respondent that was

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

1 mailed to her address of record, informing her that her fingerprint card could not be
2 processed and was returned by DPS as illegible. In that letter, the Department
3 requested that Respondent submit a replacement set of fingerprints and enclosed a
4 blank Illegible Replacement Fingerprint Form. The Department provided a deadline of
5 April 1, 2008 for the return of the completed replacement fingerprint form.

6 6. Because the Department did not receive the requested replacement fingerprint
7 form from Respondent as requested, the Department sent another letter to Respondent
8 on June 26, 2008 at Respondent's residential address listed in her application that was
9 filed with the Department, giving Respondent a deadline of July 28, 2008 to file an
10 Illegible Replacement Fingerprint Form or a Voluntary Surrender of License Form with
11 the Department. The Department indicated that the failure to respond to the letter
12 would result in the initiation of disciplinary action being taken against Respondent's
13 license.

14 7. Mr. Fromholtz testified that to date, the Respondent has not responded to the
15 above-mentioned letters and has not submitted to the Department a new set of
16 fingerprints.

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

20 9. Respondent did not present any evidence to refute or rebut the evidence that the
21 Department presented.

22 CONCLUSIONS OF LAW

23 1. This matter is a disciplinary proceeding wherein the Department must prove by a
24 preponderance of the evidence that Respondent violated the State's Insurance Laws.
25 See A.AC. R2-19-119.

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

29 3. Respondent's conduct, as set forth above, constitutes a violation of A.R.S. § 20-
30 295(A)(1), by having failed to provide complete information in the license application.

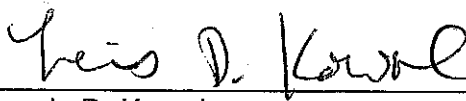
1 4. Respondent's conduct, as set forth above, constitutes the violation of any
2 provision of A.R.S., Title 20, within the meaning of A.R.S. § 20-295(A)(2).

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

5 **ORDER**

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

8 Done this day, November 18, 2008.

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11 _____
12 Lewis D. Kowal
13 Administrative Law Judge

14 Original transmitted by mail this
15 19 day of November, 2008, to:

16
17 Department of Insurance
18 Christina Urias, Director
19 2910 North 44th Street, Ste. 210
20 Phoenix, AZ 85018

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22
23 By  _____
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