

DEC 1 2008

DEPT OF INSURANCE  
BY MS

STATE OF ARIZONA  
DEPARTMENT OF INSURANCE

In the Matter of:

**NICOLE DANIELLE FETTER,**

Respondent.

**No. 08A-140-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 filing 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 25<sup>th</sup> day of November, 2008.


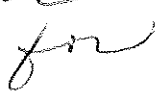
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5   
6 CHRISTINA URIAS, Director  
Arizona Department of Insurance

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8 COPY of the foregoing mailed this  
9 1st day of December, 2008 to:

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

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

16 Nicole Danielle Fetter  
17 5150 N. 99<sup>th</sup> Ave., #3098  
Glendale, Arizona 85305  
Respondent

18  
19   
20 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:

Nicole Danielle Fetter  
(License Number 908315) ,

Respondent.

No. 08A-140-INS

ADMINISTRATIVE  
LAW JUDGE DECISION

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**HEARING:** November 4, 2008

**APPEARANCES:** Mary Kosinski, Special Assistant Attorney General for the  
Arizona Department of Insurance Nicole Danielle Fetter 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, Nicole Danielle Fetter ("Respondent") was and currently is licensed by the Arizona Department of Insurance ("Department") as a life and accident/health producer.

2. On December 12, 2007, the Department issued Respondent an accident/health and life producer license, license number 908315 ("License"), which expires on October 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 Arizona 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. On February 6, 2008, the Department issued a letter to Respondent that was mailed to her address of record, informing her that her fingerprint card could not be processed and was returned by DPS as illegible. In that letter, the Department requested that Respondent submit a replacement set of fingerprints and enclosed a blank Illegible Replacement Fingerprint Form. The Department provided a deadline of

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

1 April 1, 2008 for the return of the completed replacement fingerprint form.

2 5. Because the Department did not receive the requested replacement fingerprint  
3 form from Respondent as requested, the Department sent another letter to Respondent  
4 on June 26, 2008, giving Respondent a deadline of July 28, 2008 to file an Illegible  
5 Replacement Fingerprint Form with the Department or a Voluntary Surrender of License  
6 Form with the Department. The Department indicated that the failure to respond to the  
7 letter would result in the initiation of disciplinary action being taken against  
8 Respondent's license.

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

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

#### 15 CONCLUSIONS OF LAW

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

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

22 3. Respondent's conduct, as set forth above, constitutes a violation of A.R.S. § 20-  
23 295(A)(1), by having failed to provide complete information in the license application.

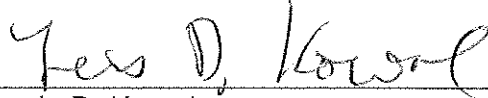
24 4. Respondent's conduct, as set forth above, constitutes the violation of any  
25 provision of A.R.S., Title 20, within the meaning of A.R.S. § 20-295(A)(2).

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

1  
2 **ORDER**

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

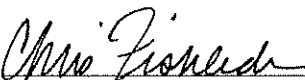
5 Done this day, November 18, 2008.

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8  
9 Lewis D. Kowal  
10 Administrative Law Judge

11  
12 Original transmitted by mail this  
13 19 day of November, 2008, to:

14  
15 Department of Insurance  
16 Christina Urias, Director  
17 2910 North 44th Street, Ste. 210  
18 Phoenix, AZ 85018

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21 By  \_\_\_\_\_  
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