

OCT 15 2008

DEPT OF INSURANCE
BY MS

STATE OF ARIZONA
DEPARTMENT OF INSURANCE

In the Matter of:

No. 08A-142-INS

HAMMED H. MAYAHI
(License number 898219),

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

Respondent.

On September 11, 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 Hammed H. Mayahi ("Mayahi" 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 October 3, 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.

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CONCLUSIONS OF LAW

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

ORDER

IT IS ORDERED:

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

2. The hearing set for November 4, 2008 at 9:00 a.m. is vacated.

DATED this 14th day of October, 2008.



CHRISTINA URIAS, Director
Arizona Department of Insurance

COPY of the foregoing mailed this 15th day of October, 2008 to:


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

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

Hammed H. Mayahi
c/o Wells Fargo
550 E. Tangerine Rd.
Oro Valley, Arizona 85737
Respondent


Curvey Burton

SEP 11 2008

DEPT OF INSURANCE
BY 

STATE OF ARIZONA

DEPARTMENT OF INSURANCE

In the Matter of:)

HAMMED H. MAYAHI)
(License number 898219))

Respondent)

Docket No. 08A-142-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 **November 4, 2008, at 9:00 a.m., at the Office of Administrative Hearings, 1400 West Washington, Suite 101, Phoenix, Arizona 85007**¹.

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
5 the transcript to the court reporter or other transcriber

6 If you have questions concerning this Notice of Hearing please direct them to Mary
7 Kosinski, Arizona Department of Insurance, (602) 364-3471, 2910 North 44th Street, Suite 210,
8 Phoenix, Arizona 85018.

9 **NOTICE OF APPLICABLE RULES**

10 On January 23, 1992, we adopted the rules of practice and procedure applicable in
11 contested cases before the Director of Insurance. The hearing will be conducted pursuant to
12 these rules. A.A.C. R20-6-101 through R20-6-115.

13 YOU MUST FILE A WRITTEN RESPONSE (ANSWER) TO THE ALLEGATIONS IN
14 THIS NOTICE WITH US WITHIN **20** DAYS AFTER WE ISSUE THIS NOTICE. A.A.C.
15 R20-6-106. YOUR RESPONSE SHOULD STATE YOUR POSITION OR DEFENSE AND
16 SHOULD SPECIFICALLY ADMIT OR DENY EACH ASSERTION IN THE NOTICE. IF YOU
17 DO NOT SPECIFICALLY DENY AN ASSERTION, WE WILL CONSIDER IT ADMITTED. ANY
18 DEFENSE YOU DO NOT RAISE WILL BE CONSIDERED WAIVED.

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

PERSONS WITH DISABILITIES

PERSONS WITH DISABILITIES MAY REQUEST REASONABLE
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. Hammed H. Mayahi ("Respondent") is, and was at all material times licensed as
4 a resident credit producer, Arizona license number 898219 which expires June 30, 2011.

5 2. Respondent's mailing, business and residence addresses of record with the
6 Department are: c/o Wells Fargo, 550 E. Tangerine Rd., Oro Valley, Arizona 85737
(business); 60 W. Stone Loop, Apt. 1227, Tucson, Arizona 85704 (mailing and residence).

7 3. On or about August 08, 2007, the Department issued to Respondent an
8 insurance license as a resident credit producer, Arizona license number 898219.

9 4. On December 31, 2007 and March 6, 2008, the Department notified Respondent
10 by mail at his mailing/residence address of record that his fingerprint card had been processed
11 and returned by the Federal Bureau of Investigation ("FBI") as illegible. The Department
12 requested a replacement set of fingerprints along with a completed "Illegible Fingerprint
13 Replacement Form" on or before February 4, 2008.

14 5. On June 26, 2008, the Department notified Respondent by mail at his mailing/
15 residence address of record that it was about to initiate an administrative action against his
16 license for failure to comply with the fingerprint requirement. The Department requested a
17 response by July 28, 2008.

18 6. To date, Respondent has not submitted a full set of fingerprints to the
19 Department.

20 VIOLATIONS

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

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

9. 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).

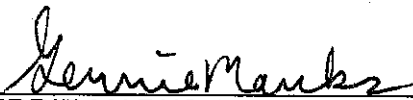
1 10. Grounds exist for the Director to suspend, revoke, or refuse to renew
2 Respondent's insurance license, impose a civil penalty and/or order restitution pursuant to
3 A.R.S. §§20-295(A) and (F).

4 WHEREFORE, if after hearing, the Director finds the grounds alleged above, the
5 Director may deny, suspend, or revoke Respondent's insurance producer's license. A.R.S. §
6 20-295 (A).

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

13 The Office of Administrative Hearings is an independent agency. A.R.S §41-1092.01.
14 Please find enclosed a copy of the procedures to be followed. Further hearing information
15 may also be found at the Office of Administrative Hearings website: www.azoah.com.

16 DATED this 8th day of September, 2008.

17 
18 _____
19 GERRIE MARKS, Deputy Director
20 Arizona Department of Insurance

21 COPIES of the foregoing mailed/delivered,
22 return receipt requested,
23 this 11th day of September, 2008, to:

24 Hammed H. Mayahi
25 c/o Wells Fargo
26 550 E. Tangerine Rd.
27 Oro Valley, Arizona 85737
28 Respondent

29 Hammed H. Mayahi
30 60 W. Stone Loop, Apt. 1227
31 Tucson, Arizona 85704
32 Respondent

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COPIES of the foregoing mailed/delivered
this 11th day of September, 2008, to:

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

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

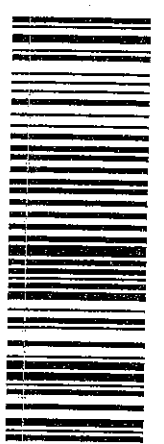

Curvey Walters Burton

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PLACE STICKER AT TOP OF ENVELOPE FOR THE RIGHT
OF THE RETURN ADDRESS TO BE AT POSTED LINE
CERTIFIED MAIL

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