


JUN 9 2009

DEPT OF INSURANCE
BY 

STATE OF ARIZONA
DEPARTMENT OF INSURANCE

In the Matter of:

No. 09A-047-INS

**JAMES JONATHON FRASER
BUCHANAN,**

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

Respondent.

On May 5, 2009, the Arizona Department of Insurance ("Department") issued a Notice of Hearing ("Notice") in the above-captioned matter. On May 12, 2009, the Department issued a First Amended Notice of Hearing ("Amended Notice") in the above-captioned matter. (The factual allegations in both the Notice and Amended Notice remained the same.) A copy of the Notice and Amended Notice are attached and incorporated by this reference. The Notice and Amended Notice required Respondent to provide a written answer to the allegations set forth in the Notice and Amended Notice within twenty (20) days of the issuance. The twenty (20) day deadline for the filing of Respondent's answer to the Notice elapsed on May 25, 2009. The twenty (20) day deadline for the filing of Respondent's answer to the Amended Notice elapsed on June 1, 2009. As of this date, Respondent has failed to file an answer to either the Notice or Amended Notice. On June 3, 2009, counsel for the Department filed a Request for Default. 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.

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FINDINGS OF FACT

- 1. Notice was proper.
- 2. Respondent is in default.
- 3. The allegations in the Notice and Amended Notice are deemed admitted.

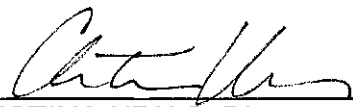
CONCLUSIONS OF LAW

- 1. Respondent's conduct, as described above, constitutes using fraudulent, coercive or dishonest practices, or demonstrating incompetence, untrustworthiness or financial irresponsibility in the conduct of business in this state or elsewhere, in violation of A.R.S. § 20-295(A)(8).
- 2. Respondent's conduct, as described above, constitutes having an insurance producer license, or its equivalent, denied, suspended or revoked in any state, province, district or territory, in violation of A.R.S. § 20-295(A)(9).
- 3. Grounds exist for the Director to revoke, or refuse to renew Buchanan's insurance license, impose a civil penalty and/or order restitution pursuant to A.R.S. § 20-295(A) and (F).

ORDER

- 1. Respondent's insurance producer license is revoked, effective upon the issuance of this Order.
- 2. The hearing set for June 16, 2009, at 1:30 p.m. before Administrative Law Judge, Lewis Kowal shall be vacated.

DATED this 9th day of June, 2009.


CHRISTINA URIAS, Director
Arizona Department of Insurance

1 COPY of the foregoing mailed this
2 9th day of June, 2009 to:

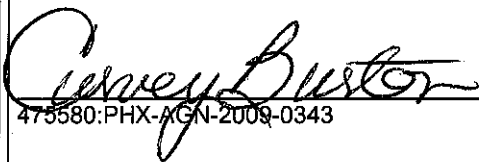
3 Lewis Kowal, Administrative Law Judge
4 Office of Administrative Hearings
5 1400 West Washington, Suite 101
6 Phoenix, Arizona 85007

7 Kelly LaPrade
8 Assistant Attorney General
9 1275 West Washington, Suite 101
10 Phoenix, Arizona 85007

11 Mary Kosinski, Executive Assistant for Regulatory Affairs
12 Arnold Sniegowski, Investigator
13 Steven Fromholtz, Licensing Director
14 Arizona Department of Insurance
15 2910 North 44th Street, Suite 210
16 Phoenix, Arizona 85018

17 James Jonathon Fraser Buchanan
18 12754 E. Garcia Street
19 Dewey, AZ 86327
20 Respondent

21 James Jonathon Fraser Buchanan
22 722 E. Windmere Drive
23 Phoenix, AZ 85048
24 Respondent

25 
26 478580:PHX-ACN-2009-0343

ATTACHMENT NOTICE OF HEARING -

REDACTED. The document contains personal information that may be inappropriate for public disclosure, including names, addresses, contract numbers, amount requested by claimant, final determinations of claim amounts and calculated distribution amounts.

ATTACHMENT FIRST AMENDED NOTICE OF HEARING - REDACTED. The document contains personal information that may be inappropriate for public disclosure, including names, addresses, contract numbers, amount requested by claimant, final determinations of claim amounts and calculated distribution amounts.