

JAN 5 2011

DEPT OF INSURANCE  
BY 

STATE OF ARIZONA  
DEPARTMENT OF INSURANCE

In the Matter of:

**VAN PARYS, JOSEPH JAMES,**  
(Arizona License # 941202)  
(National Producer # 13545615)

Respondent.

No. 10A-166-INS

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

On November 17, 2010, 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 **Joseph James Van Parys** ("Van Parys" 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 December 16, 2010, 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**

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).

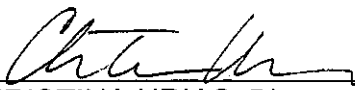
5 **ORDER**

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 February 8, 2011, at 8:00 a.m. shall be vacated.

10 DATED this 4<sup>th</sup> day of January, 2011.

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13 \_\_\_\_\_  
14 CHRISTINA URIAS, Director  
Arizona Department of Insurance

15 COPY of the foregoing mailed this  
16 5<sup>th</sup> day of January, 2011 to:

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

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

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Joseph James Van Parys  
1731 N. Deer Crossing  
Flagstaff, Arizona 86004  
Respondent

*Curvey Burton*  
Curvey Burton

NOV 17 2010

DEPT. OF INSURANCE  
BY 

STATE OF ARIZONA  
DEPARTMENT OF INSURANCE

In the Matter of: )

VAN PARYS, JOSEPH JAMES, )  
(Arizona License # 941202) )  
(NPN # 13545615) )

Respondent )

Docket No. 10A-166-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 **February 8, 2011, at 8:00 a.m., at the Office of Administrative Hearings, 1400 West Washington, Suite 101, Phoenix, Arizona 85007<sup>1</sup>.**

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).

<sup>1</sup>As 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 44<sup>th</sup> 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.

### 24 **PERSONS WITH DISABILITIES**

25 PERSONS WITH DISABILITIES MAY REQUEST REASONABLE  
26 ACCOMMODATIONS SUCH AS INTERPRETERS, ALTERNATIVE FORMATS, OR  
27 ASSISTANCE WITH PHYSICAL ACCESSIBILITY. REQUESTS FOR ACCOMMODATIONS  
28 SHOULD BE MADE AS EARLY AS POSSIBLE TO ALLOW TIME TO ARRANGE THE  
29 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. Joseph James Van Parys ("Respondent") is, and was at all material times  
4 licensed as a resident life producer, Arizona license number 941202 which expires June 30,  
5 2012.
- 5 2. Respondent's mailing, business and residence addresses of record with the  
6 Department are: 1731 N. Deer Crossing, Flagstaff, Arizona 86004 (business, mailing and  
7 residence).
- 8 3. On or about April 2, 2009, the Department issued to Respondent an insurance  
9 license as a resident life producer, Arizona license number 941202.
- 10 4. On September 1, 2009, the Department notified Respondent by mail at his  
11 address of record that his fingerprint card had been processed and returned by the Arizona  
12 Department of Public Safety (DPS) as illegible. The Department requested a replacement set  
13 of fingerprints along with a completed "Illegible Fingerprint Replacement Form" on or before  
14 October 2, 2009.
- 15 5. On December 28, 2009, the Department notified Respondent a second time by  
16 mail at his address of record that it was about to initiate an administrative action against his  
17 license for failure to comply with the fingerprint requirement. The Department requested a  
18 response by January 31, 2010.
- 19 6. To date, Respondent has not submitted a full set of fingerprints to the  
20 Department.

### 21 VIOLATIONS

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




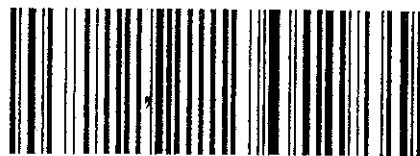
1 COPIES of the foregoing mailed/delivered  
this 17th day of November, 2010, to:

2 Joseph James Van Parys  
3 1731 N. Deer Crossing  
4 Flagstaff, Arizona 86004  
5 Respondent

6 Mary E. Kosinski, Exec. Assistant for Regulatory Affairs  
7 Mary Butterfield, Assistant Director  
8 Catherine M. O'Neil, Consumer Legal Affairs Officer  
9 Steven Fromholtz, Licensing Supervisor  
10 Department of Insurance  
11 2910 North 44<sup>th</sup> Street, Suite 210  
12 Phoenix, Arizona 85018

13 Lewis Kowal, Administrative Law Judge  
14 Office of Administrative Hearings  
15 1400 West Washington, Suite 101  
16 Phoenix, Arizona 885007

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18 Curvey Walters Burton



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