


MAR 22 2012

DEPT OF INSURANCE  
BY 

STATE OF ARIZONA  
DEPARTMENT OF INSURANCE

In the Matter of:

**GATLING, TONI MARIE,  
(Arizona License # 973979)  
(National Producer # 15946114)**

Respondent.

**No. 12A-020-INS**

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

On February 14, 2012, 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 **Toni Marie Gatling** ("Gatling" 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 March 16, 2012, 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).

**ORDER**

5  
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 March 26, 2012, at 8:00 a.m. shall be vacated.

10 DATED this 22<sup>nd</sup> day of March, 2012.

11  
12  
13 *for* *Hervie Mambas Deputy Director*  
14 CHRISTINA URIAS, Director  
Arizona Department of Insurance

15 COPY of the foregoing mailed this  
16 22<sup>nd</sup> day of March, 2012 to:

17 Sondra Vanella, 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


23 ...

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25 ...

1 Toni Marie Gatling  
8092 W. Paradise Lane, No. 2053  
2 Peoria, Arizona 85382  
Respondent

3 Toni Marie Gatling  
4 19440 Glenwood Rd., Apt. 309  
Chicago Heights, Illinois 60411  
5 Respondent

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7 Curvey Burton

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FEB 14 2012

STATE OF ARIZONA

DEPARTMENT OF INSURANCE

DEPT OF INSURANCE  
BY CB

In the Matter of: )

GATLING, TONI MARIE,  
(Arizona License # 973979)  
(NPN # 15946114)

Respondent.

) Docket No. 12A-020-INS

) NOTICE OF HEARING

) (Administrative Law Judge  
) Sondra Vanella

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 **March 26, 2012, 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**

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

1 ACCOMMODATIONS. IF YOU REQUIRE ACCOMMODATIONS, PLEASE CONTACT THE  
2 OFFICE OF ADMINISTRATIVE HEARINGS AT (602) 542-9826.

3 The allegations supporting this Notice of Hearing are as follows:

4 1. Toni Marie Gatling ("Respondent") is, and was at all material times licensed as a  
5 resident personal lines (P&C) producer, Arizona license number 973979, which expires  
6 November 30, 2013.

7 2. Respondent's mailing, business and residence addresses of record with the  
8 Department are: 6645 W. Bell Road, Suite A-105, Glendale, Arizona 85308 (business); 1231  
9 Greenway Drive, Suite 600, Irving, TX 75038 (mailing); and 8092 W. Paradise Lane, #2053,  
10 Peoria, Arizona 85382 (residence).

11 3. On or about September 14, 2010, the Department issued to Respondent an  
12 insurance license as a resident personal lines (P&C) producer, Arizona license number  
13 973979.

14 4. On March 22, 2011, the Department notified Respondent by mail at her mailing  
15 address of record that her fingerprint card had been processed and returned by the Arizona  
16 Department of Public Safety (DPS) as illegible. The Department requested a replacement set  
17 of fingerprints along with a completed "Illegible Fingerprint Replacement Form" on or before  
18 April 21, 2011.

19 5. On August 17, 2011, the Department notified Respondent a second time by mail  
20 at her residence address of record that it was about to initiate an administrative action against  
21 her license for failure to comply with the fingerprint requirement. The Department requested a  
22 response by September 15, 2011.

23 6. To date, Respondent has not submitted a full set of fingerprints to the  
24 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  
24 meaning of A.R.S. § 20-285(E)(2).

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

3 9. Respondent's conduct as described above constitutes the violation of any  
4 provision of A.R.S. Title 20 or any rule, subpoena or order of the director within the meaning of  
5 A.R.S. §20-295(A)(2).

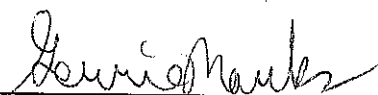
6 10. Grounds exist for the Director to suspend, revoke, or refuse to renew  
7 Respondent's insurance license, impose a civil penalty and/or order restitution pursuant to  
8 A.R.S. §§20-295(A) and (F).

9 WHEREFORE, if after hearing, the Director finds the grounds alleged above, the  
10 Director may deny, suspend, or revoke Respondent's insurance producer's license and impose  
11 a civil penalty. A.R.S. § 20-295(A) and (F).

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

18 The Office of Administrative Hearings is an independent agency. A.R.S §41-1092.01.  
19 Please find enclosed a copy of the procedures to be followed. Further hearing information  
20 may also be found at the Office of Administrative Hearings website: [www.azoah.com](http://www.azoah.com).

21 DATED this 14<sup>th</sup> day of February, 2012.

22   
23 \_\_\_\_\_  
24 GERRIE MARKS, Deputy Director  
Arizona Department of Insurance

25 COPIES of the foregoing mailed/delivered,  
26 return receipt requested,  
27 this 14<sup>th</sup> day of February, 2012, to:

28 Toni Marie Gatling  
29 8092 W. Paradise Lane, #2053

1 Peoria, Arizona 85382  
Respondent

2 COPIES of the foregoing mailed/delivered  
3 this 14th day of February, 2012, to:


4 Toni Marie Gatling  
8092 W. Paradise Lane, #2053  
5 Peoria, Arizona 85382  
Respondent

6 Toni Marie Gatling  
7 6645 W. Bell Road, Suite A-105  
Glendale, Arizona 85308  
8 Respondent

9 Toni Marie Gatling  
1231 Greenway Drive, Suite 600  
10 Irving, Texas 75038  
Respondent

11 Mary E. Kosinski, Exec. Assistant for Regulatory Affairs  
12 Mary Butterfield, Assistant Director  
Catherine M. O'Neil, Consumer Legal Affairs Officer  
13 Steven Fromholtz, Licensing Supervisor  
Department of Insurance  
14 2910 North 44<sup>th</sup> Street, Suite 210  
Phoenix, Arizona 85018

15 Sondra Vanella, Administrative Law Judge  
16 Office of Administrative Hearings  
1400 West Washington, Suite 101  
17 Phoenix, Arizona 885007

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19 Curvey Walters Burton




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APR 27 2012

STATE OF ARIZONA

DEPARTMENT OF INSURANCE

DEPT OF INSURANCE  
BY 

In the Matter of:

**GATLING, TONI MARIE,**  
**(Arizona License # 973979)**  
**(National Producer # 15946114)**

Respondent.

No. 12A-020-INS

PROCEDURAL ORDER

On February 22, 2012, the State of Arizona Department of Insurance ("Department") offered a Consent Order to Respondent in the above-captioned matter ("Consent Order"). The Consent Order allowed Respondent to surrender her producer license.

On March 22, 2012, the Department filed a Proposed Findings of Fact, Conclusions of Law and Order in the above-captioned matter ("Default Order") because it had not received a signed Consent Order from Respondent. The Default Order revoked Respondent's license.

On or about April 17, 2012, the Department discovered that Respondent had returned the signed Consent Order and completed a Voluntary Surrender of Insurance License form which the Department received on March 1, 2012.

THEREFORE, IT IS ORDERED that Respondent's Arizona license, number 973979, is surrendered not revoked.

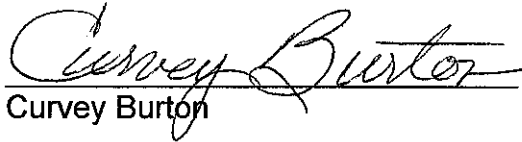
DATED AND EFFECTIVE this 27<sup>th</sup> day of April, 2012.

  
CHRISTINA URIAS, Director  
Arizona Department of Insurance

1 COPY of the foregoing mailed/delivered  
2 this 27th day of April, 2012 to:

3 Toni Marie Gatling  
4 19440 Glenwood Rd., #309  
5 Chicago Heights, IL 60411  
6 Respondent

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

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Curvey Burton

APR 27 2012

STATE OF ARIZONA

DEPARTMENT OF INSURANCE

DEPT OF INSURANCE  
BY 

In the Matter of: )  
)  
**GATLING, TONI MARIE,** )  
**(License number # 973979)** )  
**(NPN # 15946114)** )  
)  
Respondent )  
\_\_\_\_\_ )

No. 12A-020-INS

CONSENT ORDER

Hearing 03/26/12, 8:00 a.m.  
ALJ Sondra Vanella

The State of Arizona Department of Insurance ("Department") has received evidence that **Toni Marie Gatling** has violated provisions of Title 20, Arizona Revised Statutes ("A.R.S."). Respondent wishes to resolve this matter without the commencement of formal proceedings, and admits the following Findings of Fact are true and consents to entry of the following Conclusions of Law and Order.

**FINDINGS OF FACT**

1. Toni Marie Gatling ("Respondent") is, and was at all material times licensed as a resident personal lines (P&C) producer, Arizona license number 973979, which expires November 30, 2013.

2. Respondent's mailing, business and residence addresses of record with the Department are: 6645 W. Bell Road, Suite A-105, Glendale, Arizona 85308 (business); 1231 Greenway Drive, Suite 600, Irving, TX 75038 (mailing); and 8092 W. Paradise Lane, #2053, Peoria, Arizona 85382 (residence).

3. On or about September 14, 2010, the Department issued to Respondent an insurance license as a resident personal lines (P&C) producer, Arizona license number 973979.

4. On March 22, 2011, the Department notified Respondent by mail at her mailing address of record that her fingerprint card had been processed and returned by the Arizona Department of Public Safety (DPS) as illegible. The Department requested a replacement set

1 of fingerprints along with a completed "Illegible Fingerprint Replacement Form" on or before  
2 April 21, 2011.

3 5. On August 17, 2011, the Department notified Respondent a second time by mail  
4 at her residence address of record that it was about to initiate an administrative action against  
5 her license for failure to comply with the fingerprint requirement. The Department requested a  
6 response by September 15, 2011.

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

### 9 CONCLUSIONS OF LAW

10 1. The Director has jurisdiction over this matter.

11 2. Respondent's conduct as described above constitutes the violation of the  
12 requirement that an applicant submit a full set of fingerprints to the Department within the  
13 meaning of A.R.S. § 20-285(E)(2).

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

16 4. Respondent's conduct as described above constitutes the violation of any  
17 provision of A.R.S. Title 20 or any rule, subpoena or order of the director within the meaning of  
18 A.R.S. §20-295(A)(2).

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

### 22 ORDER

23 IT IS HEREBY ORDERED THAT:

1. Respondent may surrender her insurance producer license, Arizona license  
number **973979**.

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1           6.       Respondent acknowledges that this Consent Order is an administrative action  
2 that the Department will report to the National Association of Insurance Commissioners  
3 (NAIC). Respondent further acknowledges that she must report this administrative action to  
4 any and all states in which she holds an insurance license and must disclose this  
5 administrative action on any license application.

6           2/29/2012  
7           Date

  
8           Toni Marie Gatling, Arizona License # 973979

9 COPIES of the foregoing mailed/delivered  
10 this 27th day of April, 2012, to:

11 Toni Marie Gatling  
12 19440 Glenwood Rd., Apt. 309  
13 Chicago Heights, IL 60411  
14 Respondent

15 Mary E. Kosinski, Exec. Assistant for Regulatory Affairs  
16 Mary Butterfield, Assistant Director  
17 Catherine M. O'Neil, Consumer Legal Affairs Officer  
18 Steven Fromholtz, Licensing Supervisor  
19 Department of Insurance  
20 2910 North 44<sup>th</sup> Street, Suite 210  
21 Phoenix, Arizona 85018

~~22 Sondra Vanella, Administrative Law Judge~~  
~~23 Office of Administrative Hearings~~  
~~1400 West Washington, Suite 101~~  
~~Phoenix, AZ 85007~~

  
20 Curvey Walters Burton