

1 **CONCLUSIONS OF LAW**

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 **October 17, 2013**, at **1:00 p.m.** shall be vacated.

10 DATED this 19th day of September, 2013.

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12 
13 GERMAINE MARKS, Director
14 Arizona Department of Insurance

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16 **COPY** of the foregoing electronically filed this
17 19th day of September, 2013 to:

18 Tammy Eigenheer, Administrative Law Judge
19 oahnoticesofhearing@azoah.com
Office of Administrative Hearings

20 **COPY** of the foregoing mailed this
21 19th day of September, 2013 to:

22 Darren Ellingson, Deputy Director
23 Mary Kosinski, Executive Assistant for Regulatory Affairs
24 Catherine M. O'Neil, Consumer Legal Affairs Officer
25 Steven Fromholtz, Licensing Supervisor
26 Department of Insurance
2910 North 44th Street, Suite 210
Phoenix, Arizona 85018

1 **COPY** of the foregoing emailed this
2 19th day of September, 2013 to:


3 Shelby Cuevas
4 Shelby.Cuevas@azag.gov and Teresa.Carranza@azag.gov
Attorney for the Arizona Department of Insurance

5 **COPY** mailed same date to:

6 Marilee Carrillo
7 1231 Greenway Drive, Suite 600
8 Irving, Texas 75038
(Respondent)

9 Marilee Carrillo
10 706 E. Bell Road, Suite 215
11 Phoenix, Arizona 85022
(Respondent)

12 Marilee Carrillo
13 14413 N. 39th Way
Phoenix, Arizona 85032
(Respondent)

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16 Curvey Burton
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STATE OF ARIZONA

AUG 9 2013

DEPARTMENT OF INSURANCE

DEPT OF INSURANCE
BY 

In the Matter of:

CARRILLO, MARILEE,
(Arizona License # 1006410)
(NPN # 16453465)

Respondent.

Docket No. 13A-061-INS

NOTICE OF HEARING

(Administrative Law Judge
Tammy Eigenheer)

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 **October 17, 2013, at 1:00 p.m., at the Office of Administrative Hearings, 1400 West Washington, Suite 101, Phoenix, Arizona 85007¹.**

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).

A clear and accurate record of the proceedings will be made either by a court reporter

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 or by electronic means. A.R.S. §41-1092.07(E). If you want a copy of an electronic recording,
2 you must contact the Office of Administrative Hearings at (602) 542-9826. If the hearing was
3 transcribed by a court reporter and you want a copy of the transcript, you must pay the cost of
4 the transcript to the court reporter or other transcriber

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

8 **NOTICE OF APPLICABLE RULES**

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

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

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

23 **PERSONS WITH DISABILITIES**

24 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
OFFICE OF ADMINISTRATIVE HEARINGS AT (602) 542-9826.

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

2 1. Marilee Carrillo ("Respondent") is, and was at all material times licensed as a
3 resident personal lines (P&C) producer, Arizona license number 1006410, which expires
4 November 30, 2015.

5 2. Respondent's mailing, business and residence addresses of record with the
6 Department are: 1231 Greenway Dr, Ste 600, Irving, Texas 75038 (mailing); 706 E. Bell Rd,
7 Ste 215 Phoenix, Arizona 85022 (business); 14413 N. 39th Way Phoenix, Arizona 85032
(residence).

8 3. On or about November 4, 2011, the Department issued to Respondent an
9 insurance license as a resident personal lines (P&C) producer, Arizona license number
10 1006410.

11 4. On April 25, 2012 the Department notified Respondent by mail at her residence
12 address of record that her fingerprint card had been processed and returned by the Arizona
13 Department of Public Safety (DPS) as illegible. The Department requested a replacement set
14 of fingerprints along with a completed "Illegible Fingerprint Replacement Form" on or before
15 May 25, 2012.

16 5. On August 16, 2012, the Department notified Respondent a second time by mail
17 at her residence address of record that it was about to initiate an administrative action against
18 her license for failure to comply with the fingerprint requirement. The Department requested a
19 response by September 10, 2012.

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

22 VIOLATIONS

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

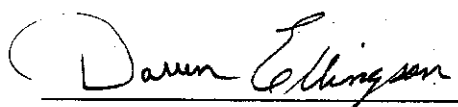
4 10. Grounds exist for the Director to suspend, revoke, or refuse to renew
5 Respondent's insurance license, impose a civil penalty and/or order restitution pursuant to
6 A.R.S. §§20-295(A) and (F).

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

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

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

19 DATED this 8th day of August, 2013.

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DARREN ELLINGSON, Deputy Director
Arizona Department of Insurance

1 COPY of the foregoing electronically filed this
2 9th day of August, 2013 to:

3 Tammy Eigenheer, Administrative Law Judge
4 oahnoticesofhearing@azoah.com
5 Office of Administrative Hearings

6 COPY of the foregoing mailed this
7 9th day of August, 2013 to:

8 Darren Ellingson, Deputy Director
9 Mary Kosinski, Executive Assistant for Regulatory Affairs
10 Catherine M. O'Neil, Consumer Legal Affairs Officer
11 Steven Fromholtz, Licensing Supervisor
12 Department of Insurance
13 2910 North 44th Street, Suite 210
14 Phoenix, Arizona 85018

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16 9th day of August, 2013 to:

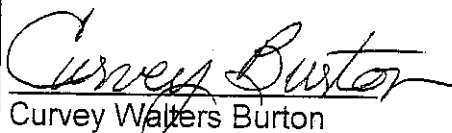
17 Lynette Evans
18 Lynette.Evans@azag.gov and Leah.Rossow@azag.gov
19 Attorney for the Arizona Department of Insurance

20 COPY mailed same date by
21 Certified Mail, Return Receipt Requested, to:

22 Marilee Carrillo
23 1231 Greenway Drive, Suite 600
24 Irving, Texas 75038
(Respondent)

Marilee Carrillo
706 E. Bell Road, Suite 215
Phoenix, Arizona 85022
(Respondent)

Marilee Carrillo
14413 N. 39th Way
Phoenix, Arizona 85032
(Respondent)


Curvey Walters Burton
#3486135

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OF THE RETURN ADDRESS, FOLD AT DOTTED LINE

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