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STATE OF ARIZONA
DEPARTMENT OF INSURANCE

In the Matter of:

FISHER, MELITA LOCKWOOD
(Arizona License No. 1025078)
(National Producer 16749383)

Respondent.

No. 13A-148-INS

ORDER

On March 19, 2014, the Office of Administrative Hearings, through Administrative Law Judge Sondra J. Vanella, issued an Administrative Law Judge Decision ("Recommended Decision"), received by the Director of the Department of Insurance ("Director") on March 19, 2014, a copy of which is attached and incorporated by this reference. The Director of the Department of Insurance has reviewed the Recommended Decision and enters the following Order:


1. The Director adopts the Recommended Findings of Fact and Conclusions of Law.
2. The Director revokes the Arizona resident producer license, No. 1025078, of **Melita Lockwood Fisher** effective immediately.

NOTIFICATION OF RIGHTS

Pursuant to Arizona Revised Statutes ("A.R.S.") § 41-1092.09, Respondent may request a rehearing with respect to this order by filling a written motion with the Director of the Department of Insurance within 30 days of the date of this Order, setting forth the basis for relief under A.A.C. R20-6-114(B). Pursuant to A.R.S. § 41-1092.09, it is not necessary to request a rehearing before filing an appeal to Superior Court.

1 Respondent may appeal the final decision of the Director to the Superior Court of
2 Maricopa County for judicial review pursuant to A.R.S. § 20-166. A party filing an appeal
3 must notify the Office of Administrative Hearings of the appeal within ten days after filing
4 the complaint commencing the appeal, pursuant to A.R.S. § 12-904(B).

5 DATED this 24th day of March, 2014.

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8 GERMAINE L. MARKS, Director
9 Arizona Department of Insurance
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12 COPY of the foregoing mailed this
13 24th day of March, 2014 to:

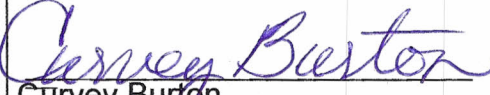
14 Melita Lockwood Fisher
15 c/o Bankers Life & Casualty
16 432 S. Williams Blvd., #100
17 Tucson, Arizona 85711
18 Respondent

19 Melita Lockwood Fisher
20 14026 E. Race Horse Pl.
21 Vail, Arizona 85691
22 Respondent

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

Liane Kido
Assistant Attorney General
1275 West Washington Street
Phoenix, Arizona 85007-2926

1 Office of Administrative Hearings
1400 West Washington, Suite 101
2 Phoenix, Arizona 85007

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Curvey Burton

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MAR 19 2014

DIRECTOR'S OFFICE
INSURANCE DEPT.

IN THE OFFICE OF ADMINISTRATIVE HEARINGS

In the Matter of:

No. 13A-148-INS

FISHER, MELITA LOCKWOOD
(Arizona License # 1025078)

ADMINISTRATIVE LAW JUDGE

DECISION

Respondent.

HEARING: March 12, 2014

APPEARANCES: Assistant Attorney General Liane Kido represented the Arizona Department of Insurance. Respondent Melita Lockwood Fisher did not appear.

ADMINISTRATIVE LAW JUDGE: Sondra J. Vanella

FINDINGS OF FACT

1. At all times material to this matter, Melita Lockwood Fisher ("Respondent") was and currently is licensed by the Arizona Department of Insurance ("Department").
2. On August 9, 2012, the Department issued Respondent a life and accident/health producer license, license number 1025078 ("License"), which expires on July 31, 2016. See Exhibit 1.
3. Steven Fromholtz ("Mr. Fromholtz"), Producer Licensing Administrator of the Licensing Section of the Department, testified that when an application for a producer's license is received and processed, it is forwarded to the Arizona Department of Public Safety ("DPS") for processing, which includes processing by the Federal Bureau of Investigation ("FBI") for a criminal history background check to be conducted. The Department submits the completed fingerprint forms supplied by the applicant to DPS and DPS submits the fingerprint forms to the FBI for national processing.
4. On April 3, 2013, the Department issued a letter to Respondent by mail, informing her that her fingerprint card that was submitted during the application process

1 for the License could not be processed and was returned by DPS as illegible. See
2 Exhibit 3. In that letter, the Department requested that Respondent submit a
3 replacement set of fingerprints and enclosed a blank Illegible Fingerprint Replacement
4 Form. *Id.* The Department provided a deadline of May 3, 2013, for the return of the
5 completed replacement fingerprint form. *Id.*

6 5. Because the Department did not receive the requested replacement fingerprint
7 form from Respondent as requested, the Department sent another letter to Respondent
8 dated August 14, 2013, giving Respondent a deadline of August 30, 2013, to file with
9 the Department an Illegible Fingerprint Replacement Form with a new set of
10 fingerprints or submit a Voluntary Surrender of Insurance License Form. See Exhibit 4.
11 The Department indicated that the failure to respond to the letter would result in the
12 initiation of disciplinary action being taken against the License. *Id.*

13 6. Mr. Fromholtz testified that to date, Respondent has not responded to the
14 above-mentioned letters and has not submitted to the Department a new set of
15 fingerprints.

16 7. Respondent did not present any evidence to refute or rebut the evidence
17 presented by the Department.

18 **CONCLUSIONS OF LAW**

19 1. This matter is a disciplinary proceeding wherein the Department must prove by a
20 preponderance of the evidence that Respondent violated the State's Insurance Laws.
21 See A.A.C. R2-19-119.

22 2. During the application process, the Director of the Department required
23 Respondent to submit a full set of fingerprints and Respondent's illegible fingerprint
24 submission did not satisfy that requirement. See A.R.S. § 20-285(E)(2).

25 3. Respondent's conduct, as set forth above, constitutes a violation of A.R.S. § 20-
26 295(A)(1) by having failed to provide complete information in the license application.

27 4. Respondent's conduct, as set forth above, constitutes the violation of any
28 provision of A.R.S., Title 20, within the meaning of A.R.S. § 20-295(A)(2).

29 5. Grounds exist for the Director of the Department to suspend, revoke, or refuse to
30 renew the License pursuant to A.R.S. § 20-295(A).

ORDER

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2 Based upon the above, Respondent's License shall be revoked on the effective
3 date of the Order entered in this matter.

4 *In the event of certification of the Administrative Law Judge Decision by the*
5 *Director of the Office of Administrative Hearings, the effective date of the Order will be*
6 *five (5) days from the date of that certification.*

7
8 Done this day, March 19, 2014.

9
10 /s/ Sondra J. Vanella
11 Administrative Law Judge

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13 Transmitted electronically to:

14 Germaine L. Marks, Director
15 Department of Insurance
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