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STATE OF ARIZONA
DEPARTMENT OF INSURANCE

In the Matter of:

QUICK, JOSHUA LYNN
(Arizona License No. 1039580)
(National Producer No. 16888345)

Petitioner.

No. 13A-151-INS

**ORDER DENYING REQUEST
FOR REHEARING**

FINDINGS OF FACT

1. On September 9, 2014, the Office of Administrative Hearings (“OAH”), through Administrative Law Judge (“ALJ”) Tammy L. Eigenheer, conducted a hearing on behalf of the Arizona Department of Insurance (“Department”) in the above-captioned matter.

2. On September 29, 2014, the ALJ issued an Administrative Law Judge Decision (“Decision”) received by the Director of the Department (“Director”) on that same date.

3. On October 3, 2014, the Director filed an Order in the above-captioned matter with the Department. The Director’s Order adopted the Recommended Findings of Fact and Conclusions of Law of the Decision but modified the Recommended Order. The Director ordered:

- a. Petitioner’s non-resident adjuster license, No. 1039580, shall be suspended for thirty (30) days, effective immediately; and

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b. Within 15 days of the filing date of this Order, Petitioner shall pay a \$500.00 civil penalty, update his business, mailing and residence addresses and submit a set of fingerprints with an Illegible Fingerprint Replacement Form.

4. Petitioner did not request a stay of the Director's Order.

5. On November 4, 2014, Petitioner filed a request for rehearing (attached) pursuant to A.R.S. § 41-1092.09 and A.A.C. R20-6-114.

6. The Department has informed the Director it will not be filing a response.

CONCLUSIONS OF LAW

1. Petitioner timely filed his request for rehearing.

2. The Department has not filed a response.

3. A.A.C. R20-6-114(B) authorizes the Director to grant a rehearing or review only if Petitioner establishes one or more of the following grounds which have materially affected Petitioner's rights:

- 1. Irregularity in the hearing proceedings, or any order or abuse of discretion whereby the party seeking rehearing or review was deprived of a fair hearing;
- 2. Misconduct by the Director, the hearing officer or any party to the hearing;
- 3. Accident or surprise which could not have been prevented by ordinary prudence;
- 4. Newly discovered material evidence which could not have been discovered with reasonable diligence and produced at the hearing;
- 5. Excessive or insufficient sanctions or penalties imposed;
- 6. Error in the admission or rejection of evidence, or errors of law occurring at the hearing or during the course of the hearing;
- 7. Bias or prejudice of the Director or hearing officer;

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8. That the order, decision, or findings of fact are not justified by the evidence or are contrary to law.

5. The Director has reviewed Petitioner's request for rehearing and finds that Petitioner has failed to establish a ground upon which to grant a rehearing or review pursuant to A.A.C. R20-6-114.

ORDER

1. Petitioner's request for rehearing is denied.

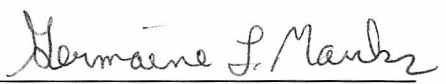
2. Petitioner shall immediately pay a \$500.00 civil penalty by check or money order made out to the Arizona Department of Insurance.

3. Petitioner shall immediately update his business, mailing and residence addresses with the Department. (See instructions on the Department's website at http://www.azinsurance.gov/producers/prod_remain_uptodate.html.)

4. The Department shall return Petitioner's fingerprint card to him.

5. Petitioner shall submit a set of fingerprints with the \$22.00 processing fee and a completed Illegible Fingerprint Replacement Form within 15 days of the filing date of this Order.

DATED this 7th day of November, 2014.


GERMAINE L. MARKS, Director
Arizona Department of Insurance

COPY of the foregoing mailed this 7th day of November, 2014 to:

Joshua Lynn Quick
Gallagher Bassett Services, Inc.
6399 S. Fiddlers Green Cir #250
Greenwood Village, CO 80111
Petitioner

1 Joshua Lynn Quick
1164 Acoma St., #513
2 Denver, CO 80210
Petitioner

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4 Stephen M. Venezia
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5 Phoenix, AZ 85012
Attorney for Peitioner

6
7 Mary Kosinski, Executive Assistant for Regulatory Affairs
Darren Ellingson, Deputy Director
Catherine O'Neil, Consumer Legal Affairs Officer
8 Maria Ailor, Acting Consumer Affairs Assistant Director
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9 Arizona Department of Insurance
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10 Phoenix, Arizona 85018

11 Liane Kido
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12 1275 West Washington Street
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13 Tammy L. Eigenheer, Administrative Law Judge
14 Office of Administrative Hearings
1400 West Washington, Suite 101
15 Phoenix, Arizona 85007

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17 Curvey Walters

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NOV 4 2014

In the Matter of:
Quick, Joshua Lynn
(Arizona License No. 1039580)
(National Producer No. 16888345)

No. 13A-151-INS

DIRECTOR'S OFFICE
INSURANCE DEPT.

Respondent.

Please consider this as an appeal to Order No. 13A-151-INS as well as a request for rehearing. I was not aware of a discrepancy with my finger print card or the hearing held as a result of this matter on September 9, 2014. If I was aware of this, I would have taken immediate action to resolve this matter.

1. I did not receive notice there was a discrepancy with my initial finger print card for my license issued on February 11, 2013. I did not receive subsequent notice of the hearing which was held on September 9, 2014, until after the conclusion of the hearing. Between the period when I submitted the finger print card for licensing, and when the notice of the discrepancy were sent out, I had changed employers as well as my residential address. My previous employer did not forward any notices to me. I understand it is my responsibility to inform the Industrial Commission of these changes and I failed to do so. I sincerely apologize for not immediately informing the Industrial Commission upon my change in residence as well as my change of employer. If I had known there was a discrepancy with my initial finger print card, or any subsequent hearing on the matter, I would have responded and acted immediately. Upon my knowledge of the hearing and order, I did immediately provide the industrial commission with my current address and employer information. To confirm these changes, please note below

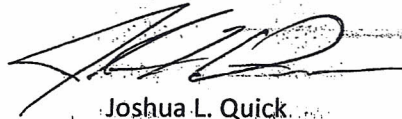
Employer: Gallagher Bassett Services, Inc
6399 S. Fiddlers Green Circle Ste 250
Greenwood Village, CO 80111

Residence: Joshua Quick
1164 S. Acoma #513
Denver, CO 80210

2. I have attached a new finger print card. It is not my intention to provide inaccurate or illegible finger print cards. Both submitted finger print cards were completed by a State Police Office and were signed by the official at the time of print. I do believe however that the condition of both cards and the legibility of the finger prints are identical. This is a result of my prior military service and techniques and exercises I participated in. I served active duty in the Marine Corps for almost seven years. While serving in a classified diplomatic post I participated in several identifiable mark removal techniques. I completed a confidentiality agreement upon my honorable discharge which was part of my separation as I held a Top Secret Clearance as part of my military occupation. While my finger print cards do show unique and accurate markings, they are simply as clear as they are going to be. Again, I am not attempting to hide or misrepresent my identity or markings in any way.

3. I'm requesting the fine of \$500 as part of the order be reconsidered and waived. I try to maintain a strict personal budget and not live beyond my means. During my service in the Marine Corps, I sustained injuries that still require medical treatment. At the time of my discharge I was rated over 50% disabled as a result of my combat injuries. I do have coverage through Veteran benefits for this treatment though I still incur out of pocket expenses. While I do have a great job with a salary and benefits, the fine of \$500 is beyond my financial means.

I sincerely apologize for my negligence in not changing my address with the industrial commission, and creating a further issue with my license and finger print card. It is my hope and intention to get this matter resolved and to continue working with the Industrial Commission. This is very important to me. My current position with my employer is predicated upon my experience and licensing with Industrial Commission in Arizona. If I cannot resolve this matter my employment may be in jeopardy. I'm willing to do anything within my means to rectify this matter. I thank you for your review and reconsideration in this matter.



Joshua L. Quick

Germaine L. Marks, Director

Arizona Department of Insurance

Mary Kosinski, Executive Assistant for Regulatory Affairs

Darren Ellingson, Deputy Director

Catherine O'Neill, Consumer Legal Affairs Officer

Maria Ailor, Acting Consumer Affairs Assistant Director

Steven Formholtz, Licensing Director

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