

OCT 3 2014

DEPT OF INSURANCE
BY

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

STATE OF ARIZONA
DEPARTMENT OF INSURANCE

In the Matter of:

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

Respondent.

No. 13A-151-INS

ORDER

On September 29, 2014, the Office of Administrative Hearings, through Administrative Law Judge Tammy L. Eigenheer, issued an Administrative Law Judge Decision ("Recommended Decision"), received by the Director of the Department of Insurance ("Director") on September 29, 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 modifies the Recommended Order and exercises her discretion to order a more appropriate penalty given the totality of the circumstances in this matter as follows:
 - a. Respondent's non-resident adjuster license, No. 1039580, shall be suspended for thirty (30) days, effective immediately;
 - b. Within 15 days of the filing date of this Order, Respondent 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.

1 **NOTIFICATION OF RIGHTS**

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

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

11 DATED this 3rd day of October, 2014.

12
13 
14 GERMAINE L. MARKS, Director
Arizona Department of Insurance

15 COPY of the foregoing mailed this
16 3rd day of October, 2014 to:

17 Joshua Lynn Quick
18 Gallagher Bassett Services, Inc.
19 6399 S. Fiddlers Green Cir #250
Greenwood Village, CO 80111
Respondent

20 Joshua Lynn Quick
21 1164 Acoma St., #513
22 Denver, CO 80210
Respondent

23 Stephen M. Venezia
24 Jardine, Baker, Hickman, Houston, P.L.L.C.
3300 N. Central Ave., Ste 2600
Phoenix, AZ 85012
Attorney for Respondent

25 Mary Kosinski, Executive Assistant for Regulatory Affairs
26 Darren Ellingson, Deputy Director

1 Catherine O'Neil, Consumer Legal Affairs Officer
Maria Ailor, Acting Consumer Affairs Assistant Director
2 Steven Fromholtz, Licensing Director
Arizona Department of Insurance
3 2910 North 44th Street, Suite 210
Phoenix, Arizona 85018

4 Liane Kido
Assistant Attorney General
5 1275 West Washington Street
Phoenix, Arizona 85007-2926

6 Office of Administrative Hearings
7 1400 West Washington, Suite 101
Phoenix, Arizona 85007

8

9 
10 Curvey Walters

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

1 replacement set of fingerprints and enclosed a blank Illegible Fingerprint Replacement
2 Form. *Id.* The Department provided a deadline of May 22, 2013, for the return of the
3 completed replacement fingerprint form. *Id.*

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

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

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

16 **CONCLUSIONS OF LAW**

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

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

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

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

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

30 **ORDER**

