STATE OF ARIZONA FILED OCT 3 2014

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STATE OF ARIZONA

DEPARTMENT OF INSURANCE

In the Matter of:

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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:

Law.

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1.

The Director adopts the Recommended Findings of Fact and Conclusions of

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2. The Director modifies the Recommended Order and exercises her discretion
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18 to order a more appropriate penalty given the totality of the circumstances in this matter as
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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.

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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	0	
13	GERMAINE L. MARKS, Director	
14	Arizona Department of Insurance	
15	COPY of the foregoing mailed this	
16	00111	
17	Joshua Lynn Quick Gallagher Bassett Services, Inc.	
18	6399 S. Fiddlers Green Cir #250 Greenwood Village, CO 80111	
19	Respondent	
20	Joshua Lynn Quick 1164 Acoma St., #513	
21	Denver, CO 80210 Respondent	
22	Stephen M. Venezia	
23	Jardine, Baker, Hickman, Houston, P.L.L.C. 3300 N. Central Ave., Ste 2600	
24	Phoenix, AZ 85012 Attorney for Respondent	
25	Mary Kosinski, Executive Assistant for Regulatory Affairs Darren Ellingson, Deputy Director	
26	2	

Catherine O'Neil, Consumer Legal Affairs Officer 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 Office of Administrative Hearings 1400 West Washington, Suite 101 Phoenix, Arizona 85007 Curvey Walters

IN THE OFFICE OF ADM	MINISTRATIVE HEARINGS			
In the Matter of the Insurance License of:	No. 13A-151-INS ADMINISTRATIVE			
QUICK, JOSHUA LYNN (Arizona License #1039580) (National Producer #16888345)	LAW JUDGE DECISION			
Respondent.				
HEARING: September 9, 2014				
APPEARANCES: Respondent Joshua Lynn Quick did not appear. The Arizona				
Department of Insurance was represented by Assistant Attorney Genearl Liane Kido.				
ADMINISTRATIVE LAW JUDGE: Tammy L. Eigenheer				
FINDING	S OF FACT			
 At all times material to this matter, Joshua Lynn Quick ("Respondent") was and currently is licensed by the Arizona Department of Insurance ("Department"). On February 11, 2013, the Department issued Respondent an adjuster license, license number 1039580 ("License"), which expires on June 30, 2016. See Exhibit 1. 				
 3. Steven Fromholtz, Producer Licensing Administrator of the Licensing Section of the Department, testified that when an application for a 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 24, 2013, the Department issued a letter to Respondent by mail, informing him that his fingerprint card that was submitted during the application process for the License could not be processed and was returned by DPS as illegible. See Exhibit 3. In that letter, the Department requested that Respondent submit a 				
Exhibit 3. In that letter, the Departme	ent requested that Respondent submit a Office of Administrative Hearings			

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

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

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

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

CONCLUSIONS OF LAW

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

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

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

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

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

ORDER

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

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

Done this day, September 29, 2014.

/s/ Tammy L. Eigenheer Administrative Law Judge

Transmitted electronically to:

¹² Darren Ellingson, Deputy Director
 ¹³ Arizona Department of Insurance