

STATE OF ARIZONA  
FILED

JUL 8 2014

STATE OF ARIZONA  
DEPARTMENT OF INSURANCE

DEPT OF INSURANCE  
BY ms

In the Matter of:

**EZZELL, KARA J.**  
(Arizona License No. 915715)  
(National Producer No. 8494638)

Respondent.

**No. 14A-052-INS**

**ORDER**

On July 2, 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 July 2, 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:

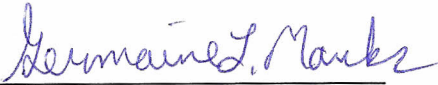
1. The Director adopts the Recommended Findings of Fact and Conclusions of Law.
2. The Director revokes the Arizona resident producer license, No. 915715, of **Kara J. Ezzell** effective immediately.

**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 7<sup>th</sup> day of July, 2014.

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8 GERMAINE L. MARKS, Director  
Arizona Department of Insurance

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12  
13 COPY of the foregoing mailed this  
14 8<sup>th</sup> day of July, 2014 to:

15 Kara J. Ezzell  
16 One N. Central, Suite 850  
Phoenix, Arizona 85004  
Respondent

17 Kara J. Ezzell  
18 3120 W. Carefree Hwy., Suite 1-522  
Phoenix, Arizona 85086  
19 Respondent

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

24 Liane Kido  
25 Assistant Attorney General  
1275 West Washington Street  
Phoenix, Arizona 85007-2926  
26

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

3 *Maidere Schemin for*  
4 Curvey Walters

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IN THE OFFICE OF ADMINISTRATIVE HEARINGS

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In the Matter of:

No. 14A-052-INS

**EZZELL, KARA J.**  
(Arizona License No. 915715)  
(National Producer License No. 8494638)

**ADMINISTRATIVE LAW JUDGE**  
**DECISION**

**Respondent.**

**HEARING:** June 24, 2014

**APPEARANCES:** Assistant Attorney General Liane C. Kido represented the Arizona Department of Insurance. Respondent Kara J. Ezzell failed to appear.

**ADMINISTRATIVE LAW JUDGE:** Sondra J. Vanella

**FINDINGS OF FACT**

1. On May 9, 2014, the Arizona Department of Insurance (“Department”) issued a Notice of Hearing and Complaint regarding this matter and set an administrative hearing to be held with the Office of Administrative Hearings on June 24, 2014, at 1:00 p.m. On the date of the hearing, the Administrative Law Judge convened the hearing at 1:15 p.m., which provided additional time for Respondent Kara J. Ezzell to appear. After expiration of the additional time, Respondent failed to appear and the hearing proceeded.

2. On March 27, 2008 the Department issued a resident accident/health and life insurance producer license number 915715 to Respondent.<sup>1</sup> That license was renewed on February 28, 2012.<sup>2</sup> That license is active and will expire on December 31, 2015.<sup>3</sup>

<sup>1</sup> See Exhibit 1.  
<sup>2</sup> *Id.*  
<sup>3</sup> *Id.*

1 3. On January 10, 2013, Respondent had an initial Pretrial Conference in a criminal  
2 matter in Case No. CR2012-146040-001 DT in Maricopa County Superior Court.<sup>4</sup>

3 4. On September 23, 2013, in Maricopa County Superior Court Case No. CR2012-  
4 146040-001 DT, Respondent was found guilty of Criminal Impersonation, a Class 6  
5 felony.<sup>5</sup> The Department was notified of the conviction via the Clerk of Court  
6 Certification Desk.<sup>6</sup>

7 5. Respondent failed to report the criminal prosecution to the Department within  
8 thirty days after the initial pretrial hearing date of January 10, 2013.

### 9 CONCLUSIONS OF LAW

10 1. The Department bears the burden to establish by a preponderance of the  
11 evidence that Respondent's license should be disciplined.<sup>7</sup> "A preponderance of the  
12 evidence is such proof as convinces the trier of fact that the contention is more  
13 probably true than not."<sup>8</sup> A preponderance of the evidence is "[t]he greater weight of  
14 the evidence, not necessarily established by the greater number of witnesses testifying  
15 to a fact but by evidence that has the most convincing force; superior evidentiary weight  
16 that, though not sufficient to free the mind wholly from all reasonable doubt, is still  
17 sufficient to incline a fair and impartial mind to one side of the issue rather than the  
18 other."<sup>9</sup>

19 2. A.R.S. § 20-295(A) and (F) provide the Director of the Department with the  
20 discretion to deny, suspend, or revoke an insurance producer's license, and/or impose  
21 a civil penalty, and/or order restitution.

22 3. Pursuant to A.R.S. § 20-301(B), "[w]ithin thirty days after the initial pretrial  
23 hearing date, an insurance producer shall report to the director any criminal prosecution  
24 of the producer taken in any jurisdiction. The report shall include a copy of the initial  
25

26 <sup>4</sup> See Exhibit 4.

27 <sup>5</sup> See Exhibit 3.

28 <sup>6</sup> *Id.*

29 <sup>7</sup> See A.R.S. § 41-1092.07(G)(2); A.A.C. R2-19-119; see also *Vazanno v. Superior Court*, 74 Ariz. 369,  
30 372, 249 P.2d 837 (1952).

<sup>8</sup> MORRIS K. UDALL, ARIZONA LAW OF EVIDENCE § 5 (1960).

<sup>9</sup> BLACK'S LAW DICTIONARY at 1220 (8<sup>th</sup> ed. 1999).

1 complaint filed, the order resulting from the hearing and all other relevant legal  
2 documents.” Respondent failed to report the criminal prosecution to the Department  
3 within thirty days after the initial pretrial hearing date, thereby violating A.R.S. § 20-  
4 301(B).

5 4. Pursuant to A.R.S. § 20-295(A) “[t]he director may deny, suspend for not more  
6 than twelve months, revoke or refuse to renew an insurance producer's license or may  
7 impose a civil penalty in accordance with subsection F of this section or any  
8 combination of actions for any one or more of the following causes:

9 . . .

10 2. Violating any provision of this title or any rule, subpoena or order of the  
11 director.

12 . . .

13 6. Having been convicted of a felony.

14 . . .

15 5. Respondent’s failure to report the criminal prosecution to the Department within  
16 thirty days after the initial pretrial hearing date resulted in a violation of A.R.S. § 20-  
17 301(B). Further, Respondent was convicted of Criminal Impersonation, a Class 6  
18 felony. Therefore, Respondent provided cause under A.R.S. § 20-295(A)(2) and (6) for  
19 the Director of the Department to revoke her accident/health and life insurance  
20 producer’s license.

21 6. The Department proved by a preponderance of the evidence that pursuant to  
22 A.R.S. § 20-295(A)(2) and (6), grounds exist for the Director of the Department to  
23 revoke Respondent’s accident/health and life insurance producer’s license.

24 **RECOMMENDED ORDER**

25 Based on the foregoing, it is ordered revoking Respondent’s accident/health and  
26 life insurance producer’s license number 915715.

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

Done this day, July 2, 2014.

/s/ Sondra J. Vanella  
Administrative Law Judge

Transmitted electronically to:

Darren Ellingson, Deputy Director  
Arizona Department of Insurance

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