

AUG 29 2014

DEPT OF INSURANCE
BY 

STATE OF ARIZONA
DEPARTMENT OF INSURANCE

In the Matter of:

AGRAZSANCHEZ, ROGELIO
(Arizona License No. 1064318)
(National Producer No. 17125111)

Respondent.

No. 14A-059-INS

ORDER

On August 26, 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") also on August 26, 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 personal lines producer license, No. 1064318, held by Rogelio Agrazsanchez, 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 filing a written motion with the Director 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.

Respondent may appeal the final decision of the Director to the Superior Court of

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

4 DATED this 29th day of August, 2014.

5 
6 GERMAINE L. MARKS, Director
7 Arizona Department of Insurance

8
9 **COPY** of the foregoing delivered this
10 29th day of August, 2014 to:

11 Darren Ellingson, Deputy Director
12 Mary Kosinski, Executive Assistant for Regulatory Affairs
13 Steve Fromholtz, Licensing Supervisor
14 Arizona Department of Insurance
15 2910 North 44th Street, Suite 210
16 Phoenix, Arizona 85018


17 **COPY** mailed same date, by Regular Mail, to:

18 Rogelio Agrazsanchez
19 P. O. Box 7506
20 Tempe, Arizona 85281
21 Respondent

22 Rogelio Agrazsanchez
23 3550 W. Glendale Avenue
24 Mesa, Arizona 85051
25 Respondent.

26 **COPY** sent same date, via electronic mail, to:

27 Liane Kido
28 Assistant Attorney General
29 Liane.Kido@azag.gov and Teresa.Carranza@azag.gov
30 Attorney for the Department of Insurance

31 
32 Curvey Walters

1 **IN THE OFFICE OF ADMINISTRATIVE HEARINGS**

2
3 In the Matter of the Insurance License of:

No. 14A-059-INS

4 AGRAZSANCHEZ, ROGELIO
5 (Arizona License No. 1064318)
6 (National Producer No. 17125111)

**ADMINISTRATIVE
LAW JUDGE DECISION**

7 Respondent.

8
9 **HEARING:** August 6, 2014

10 **APPEARANCES:** Respondent Rogelio Agrazsanchez appeared on his own
11 behalf. The Arizona Department of Insurance was represented by Assistant Attorney
12 General Liane Kido.

13 **ADMINISTRATIVE LAW JUDGE:** Tammy L. Eigenheer

14
15
16 The sole issue in this matter is whether Respondent Rogelio Agrazsanchez’s
17 personal lines producer’s license should be disciplined. Based on the evidence
18 presented by the Arizona Department of Insurance (Department), the Administrative
19 Law Judge recommends that the Director of the Department revoke Respondent’s
20 license for the reasons set forth in the following Findings of Fact and Conclusions of
21 Law.

22 **FINDINGS OF FACT**

23 1. On November 26, 2013, Rogelio Agrazsanchez (Respondent) submitted
24 an Application for an Individual Insurance License (Application) with the Arizona
25 Department of Insurance (Department). Exhibit 2.

26 2. Respondent answered “No” to subparts 1 of Question C in Section V,
27 Additional Information on the Application. Exhibit 2. Question C asked: “Have you
28 EVER been found guilty of, have you had a judgment made against you for, or have
29 you admitted to, any of the following.” Respondent answered no to subpart 1, “A felony
30 (of any kind).” *Id.*

1 3. On November 26, 2013, the Department issued Respondent a personal
2 lines producer license, license number 1064318 (License), which expires on December
3 31, 2016. See Exhibit 1.

4 4. On April 9, 2007, Respondent entered a guilty plea in the Superior Court
5 of Arizona in Maricopa County to one count of Armed Robbery, a Class 2 felony. As a
6 result of his guilty plea, Respondent was placed on probation for a term of seven years.
7 Exhibit 3.

8 5. On June 23, 2014, the Department issued a Notice of Hearing on its
9 intent to discipline Respondent's personal lines producer's license under A.R.S. § 20-
10 295(A)(3) and A.R.S. § 20-295(A)(6).

11 6. Respondent testified that when he was 18 years old, he was driving home
12 after a fight with his girlfriend. Respondent saw a group of people outside a house
13 having a party. Respondent stopped and asked for a beer. When someone refused
14 his request, Respondent returned to his car and grabbed a child's toy gun. After
15 Respondent brandished the toy gun, a man gave Respondent \$50.00.

16 7. Respondent stated that he regretted his actions and that the conviction
17 had affected his employment and housing. Respondent testified that he had been told
18 by his probation officer and attorney that he did not have to report his conviction after
19 seven years.¹

20 CONCLUSIONS OF LAW

21 1. This matter lies within the jurisdiction of the Department. See A.R.S. §§
22 20-281 to 302.

23 2. The Department bears the burden of proof and must establish cause to
24 revoke or otherwise penalize Respondent's license by a preponderance of the
25 evidence. See A.R.S. § 41-1092.07(G)(2); A.A.C. R2-19-119; see also *Vazanno v.*
26 *Superior Court*, 74 Ariz. 369, 372, 249 P.2d 837 (1952).

27 3. "A preponderance of the evidence is such proof as convinces the trier of
28 fact that the contention is more probably true than not." MORRIS K. UDALL, ARIZONA LAW

29 _____
30 ¹ It is noted that Respondent submitted the Application less than seven years after his guilty plea was entered.

1 OF EVIDENCE § 5 (1960). A preponderance of the evidence is “[t]he greater weight of
2 the evidence, not necessarily established by the greater number of witnesses testifying
3 to a fact but by evidence that has the most convincing force; superior evidentiary
4 weight that, though not sufficient to free the mind wholly from all reasonable doubt, is
5 still sufficient to incline a fair and impartial mind to one side of the issue rather than the
6 other.” BLACK’S LAW DICTIONARY 1220 (8th ed. 2004).

7 4. Respondent’s false answer on the Application constitutes obtaining a
8 license through misrepresentation or fraud in violation of A.R.S. § 20-295(A)(3).

9 5. Respondent’s 2007 conviction constitutes having been convicted of a
10 felony in violation of A.R.S. § 20-295(A)(6).

11 6. Grounds exist for the Director of the Department to revoke Respondent’s
12 insurance license pursuant to A.R.S. §§ 20-295(A).

13 **ORDER**

14 Based on the above, on the effective date of the Order entered in this matter,
15 Respondent’s Arizona personal lines producer’s license shall be revoked.

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

19 Done this day, August 26, 2014.

20
21 /s/ Tammy L. Eigenheer
22 Administrative Law Judge
23

24 Transmitted electronically to:

25 Darren Ellingson, Deputy Director
26 Arizona Department of Insurance
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