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STATE OF ARIZONA FILED

FEB 23 2015

DEPT OF INSURANCE

# STATE OF ARIZONA

DEPARTMENT OF INSURANCE

In the Matter of:

No. 14A-111-INS

**ELLERTSON, AARON WINN** dba Eazy Bail Bonds (Arizona License No. 859991) (National Producer No. 8735278),

**ORDER** 

Respondent.

On February 19, 2015, the Office of Administrative Hearings, through Administrative Law Judge M. Douglas, issued an Administrative Law Judge Decision ("Recommended Decision"), received by the Director of the Department of Insurance ("Director") on February 20, 2015, 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
- 2. The Director revokes the Arizona resident bail bond agent license, No. 859991, of Aaron Winn Ellertson dba Eazy Bail Bonds 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 23 day of February, 2015.
6	
7	Jennaire L. Marks, Director
8	Arizona Department of Insurance
9	COPY of the foregoing mailed this 23rd day of February , 2015 to:
10	Aaron Winn Ellertson
11	118 N. Alma School Road Mesa, Arizona 85201
12	Respondent
13	Mary Kosinski, Executive Assistant for Regulatory Affairs Darren Ellingson, Deputy Director Catherine O'Neil, Consumer Legal Affairs Officer Yvonne Hunter, Consumer Affairs Assistant Director Steven Fromholtz, Licensing Director
14	
15	
16	Barbara Beltran, Business Office Arizona Department of Insurance 2910 North 44th Street, Suite 210
17	Phoenix, Arizona 85018
18	Liane Kido Assistant Attorney General
19	1275 West Washington Street Phoenix, Arizona 85007-2926
20	Office of Administrative Hearings
21	1400 West Washington, Suite 101 Phoenix, Arizona 85007
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23	Maidene Schemin
24	Maidene Scheiner
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FEB 2 0 2015

AZ DEPT. OF INSURANCE ADMINISTRATIVE SERVICES

## IN THE OFFICE OF ADMINISTRATIVE HEARINGS

In the Matter of the Insurance License of:

ELLERTSON, AARON WINN dba Eazy Bail Bonds (Arizona License No. 859991) (National Producer No. 8735278),

Respondent.

No. 14A-111-INS

ADMINISTRATIVE LAW JUDGE DECISION

HEARING: February 10, 2015.

<u>APPEARANCES</u>: Assistant Attorney General Liane C. Kido represented the Arizona Department of Insurance (hereinafter "Department"). Aaron Winn Ellertson dba Eazy Bail Bonds (Arizona License No. 859991) (National Producer No. 8735278) (hereinafter "Respondent," "Petitioner," or "Mr. Ellertson") did not appear.

**ADMINISTRATIVE LAW JUDGE: M. Douglas** 

## **FINDINGS OF FACT**

#### Background

- 1. On or about December 15, 2014, a Notice of Hearing was issued to the parties advising of hearing date and time of February 10, 2015, at 1:00 p.m., at the Office of Administrative Hearings located at 1400 West Washington, Suite 101, Phoenix, Arizona. On the date and at the time set for the hearing, Assistant Attorney General Liane Kido represented the Department. Mr. Ellertson did not appear. The Tribunal waited 15 minutes to convene the hearing in order to afford additional time for Mr. Ellertson to appear. Mr. Ellertson did not contact the Office of Administrative Hearings to advise of any reason for his absence or delay, nor did he request to appear telephonically or that the hearing be continued further. The hearing proceeded in Mr. Ellertson's absence
- At all times material to this matter, Respondent was and currently is licensed as an Arizona bail bond agent, Arizona license number 859991, by the Department.

Office of Administrative Hearings 1400 West Washington, Suite 101 Phoenix, Arizona 85007 (602) 542-9826

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- 4. On or about May 5, 2014, Respondent entered into a Consent Order with the Department, In the Matter of Ellertson, Aaron Wind dba Easy Bail Bonds, Docket Number 13A-123-INS (hereinafter "Consent Order").<sup>2</sup>
- 5. The Consent Order required Respondent to "establish a new office location that will be where Petitioner principally conducts transactions under the agent's license. Petitioner shall notify the Department of the new business address as soon as possible." The Consent Order also required that "Petitioner's principal place of business shall be open from 8:00 a.m. to 5:00 p.m., Monday through Friday."

# **Hearing Evidence**

- 6. Steven Fromholtz, Producer Licensing Administrator of the Licensing Section of the Department (hereinafter "Mr. Fromholtz"), testified that applicable Arizona law requires a bail bond agent to have an office that is accessible to the public Monday through Friday between 8:00 a.m. to 5:00 p.m. Mr. Fromholtz stated that the Department found that Respondent was not open at the appropriate times and not accessible to the public. Mr. Fromholtz said that the Respondent specifically agreed in the Consent Order to establish a new office location that would be where Respondent principally conducted transactions under Respondent's bail bond agent's license, that Respondent's new office would be open between 8:00 a.m. and 5:00 p.m., and that Respondent would notify the Department of the new business address as soon as possible.
- 7. Mr. Fromholtz testified that the renewal of Respondent's Arizona bail bond agent's license was conditioned upon Respondent's compliance with the terms and conditions of the Consent Order. Mr. Fromholtz stated Respondent failed to establish a new office location as required by the Consent Order and applicable

<sup>&</sup>lt;sup>1</sup> See the Department's Exhibit 1 (Printout of Respondent's Insurance License).

<sup>&</sup>lt;sup>2</sup> See the Department's Exhibit 2 (Consent Order for case number 13a-123-1NS).

<sup>&</sup>lt;sup>3</sup> See the Department's Exhibit 2 (Consent Order for case number 13a-123-INS).

statute. Mr. Fromholtz said that Respondent failed to comply with the terms of the Consent Order.

8. 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. Respondent's conduct, as set forth above, constitutes a violation of A.R.S. § 20-340.01(E) by falling to have and maintain a place of business in this State that is accessible to the public and where the bail bond agent principally conducts transactions under the agent's license.<sup>4</sup>
- Respondent's conduct, as set forth above, constitutes a violation of Title
   or any rule, subpoena or order of the Director, within the meaning of A.R.S. § 20-295(A)(2) as applied to bail bond agents pursuant to A.R.S. § 20-340.06.<sup>5</sup>
- 4. 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).

### <u>ORDER</u>

4 A.R.S. § 20-340.01( E) provides as follows:

Each bail bond agent shall have and maintain a place of business in this state that is accessible to the public and where the bail bond agent principally conducts transactions under the agent's license.

<sup>5</sup> A.R.S. § 20-295(A) provides, in relevant part, as follows:

The director may deny, suspend for not more than twelve months, revoke or refuse to renew an insurance producer's license or may impose a civil penalty in accordance with subsection F of this section or any combination of actions for any one or more of the following causes:

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

A.R.S. § 20-340.06 provides as follows:

To the extent not inconsistent with this article, sections 20-281, 20-284 and 20-285, section 20-286, subsections B, C and D, section 20-288, subsection B and sections 20-289, 20-289.01, 20-292, 20-295, 20-296, 20-297, 20-298, 20-299, 20-301 and 20-302 apply to bail bond agents.

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, February 19, 2015.

/s/ M. Douglas
Administrative Law Judge

Transmitted electronically to:

Darren Ellingson, Deputy Director Arizona Department of Insurance