

STATE OF ARIZONA
FILED

OCT 30 2015

STATE OF ARIZONA
DEPARTMENT OF INSURANCE

DEPT OF INSURANCE
BY MS

In the Matter of:

BURTON, DIANNE CAMPOS
(Arizona License No. 1072559)
(National Producer No. 17224427)

No. 15A-070-INS

ORDER

Respondent.

On October 28, 2015, the Office of Administrative Hearings, through Administrative Law Judge Dorinda M. Lang, issued an Administrative Law Judge Decision ("Recommended Decision"), received by the Director of the Department of Insurance ("Director") on October 29, 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:

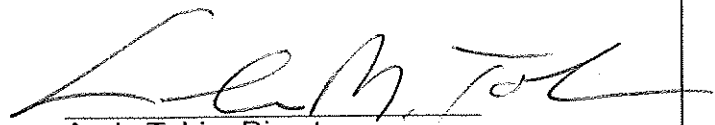
1. The Director adopts the Recommended Findings of Fact and Conclusions of Law.
2. The Director revokes the Arizona resident insurance producer license, No. 1072559, of **Dianne Campos Burton** effective immediately.

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 30 day of October, 2015.

6
7 
8 Andy Tobin, Director
Arizona Department of Insurance

9
10 COPY of the foregoing mailed this
11 30 day of October, 2015 to:

12 Dianne Campos Burton
1155 W. Grove Parkway, #183
13 Tempe, Arizona 85283
Respondent

14 Mary Kosinski, Executive Assistant for Regulatory Affairs
15 Catherine O'Neil, Consumer Legal Affairs Officer
16 Yvonne Hunter, Consumer Affairs Assistant Director
Steven Fromholtz, Licensing Director
Arizona Department of Insurance
17 2910 North 44th Street, Suite 210
Phoenix, Arizona 85018

18 Liane Kido
19 Assistant Attorney General
1275 West Washington Street
20 Phoenix, Arizona 85007-2926

21 Office of Administrative Hearings
1400 West Washington, Suite 101
22 Phoenix, Arizona 85007

23 
24 Maidene Scheiner

25
26

RECEIVED

OCT 29 2015

AZ DEPT. OF INSURANCE
ADMINISTRATIVE SERVICES

IN THE OFFICE OF ADMINISTRATIVE HEARINGS

In the Matter of:

No. 15A-070-INS

BURTON, DIANNE CAMPOS
(Arizona license #1072559)

ADMINISTRATIVE
LAW JUDGE DECISION

Respondent

HEARING: October 28, 2015

APPEARANCES: Liane Kido, Attorney for the Arizona Department of Insurance;
Steven Fromholtz, witness

ADMINISTRATIVE LAW JUDGE: Dorinda M. Lang

In a hearing set to consider the proposed revocation of a license to sell insurance in the State of Arizona, The Arizona Department of Insurance established by the greater weight of the evidence that it is appropriate to revoke Respondent's license.

FINDINGS OF FACT

1. At all times material to this matter, Dianne Campos Burton ("Respondent") was and currently is licensed by the Arizona Department of Insurance ("Department").

2. On March 24, 2014, the Department issued Respondent a life and accident/health insurance license, license number 1072559 ("License"), which expires on October 31, 2017. See Exhibit 1.

3. According to testimony adduced at the hearing in his matter, 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

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Phoenix, Arizona 85007
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1 processing. In the meantime, the Department issues the license assuming that the
2 fingerprints will be valid.

3 4. On February 9, 2015, the Department issued a letter to Respondent by
4 mail, informing her that her fingerprint card that was submitted during the application
5 process for the License could not be processed and was returned by DPS as illegible.
6 See Exhibit 2. In that letter, the Department requested that Respondent submit a
7 replacement set of fingerprints. *Id.*

8 5. When the Respondent failed to respond to the notice, the Department
9 sent a final notice to Respondent dated June 9, 2015, giving Respondent a deadline to
10 submit a new set of fingerprints or submit a Voluntary Surrender of Insurance License
11 Form. See Exhibit 3. The Department indicated that the failure to respond to the letter
12 would result in the initiation of disciplinary action being taken against the License. *Id.*

13 6. According to the testimony at hearing, Respondent had not responded to
14 the above-mentioned letters and had not submitted to the Department a new set of
15 fingerprints.

16 7. Respondent failed to appear at the hearing and did not present any
17 evidence to refute or rebut the evidence presented by the Department.

18 **CONCLUSIONS OF LAW**

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

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

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

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

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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, October 28, 2015.

/s/ Dorinda M. Lang
Administrative Law Judge

Transmitted electronically to:

Darren Ellingson, Deputy Director
Arizona Department of Insurance