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STATE OF ARIZONA
DEPARTMENT OF INSURANCE

In the Matter of:

ROBERTS, CAROL SUE
(Arizona License No. 1081899)
(National Producer No. 17319410)

No. 15A-079-INS

ORDER

Respondent.

On November 2, 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 November 2, 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. 1081899, of **Carol Sue Roberts** 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 2nd day of November, 2015.

6
7 
8 Andy Tobin, Director
Arizona Department of Insurance

9
10 COPY of the foregoing mailed this
11 3rd day of November, 2015 to:

12 Carol Sue Roberts
13 4306 N. 19th Drive
14 Phoenix, Arizona 85015
Respondent

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

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

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

23 
24 Maidene Scheiner

25
26

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AZ DEPT. OF INSURANCE
ADMINISTRATIVE SERVICES

IN THE OFFICE OF ADMINISTRATIVE HEARINGS

In the Matter of:

ROBERTS, CAROL SUE
(Arizona License #1081899)
(National Producer #17319410)

Respondent

No. 15A-079-INS

ADMINISTRATIVE
LAW JUDGE DECISION

HEARING: October 29, 2015, at 1:00 p.m.

APPEARANCES: Carol Sue Roberts (hereinafter "Respondent") failed to appear. The Arizona Department of Insurance (hereinafter "Department") was represented by Assistant Attorney General Liane Kido, Esq.

ADMINISTRATIVE LAW JUDGE: M. Douglas

FINDINGS OF FACT

1. Respondent is, and was at all material times, licensed as resident life and accident/health insurance producer, Arizona license number 1081899 (National Producer number 17319410).

2. Respondent's address of record with the Department is: 4306 N. 19th Drive, Phoenix, Arizona 85015. The Department sent the Notice of Hearing to this address.

3. On July 15, 3025, the Department issued Respondent a resident life and accident/health insurance producer license, which expires on January 31, 2018.¹

4. 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

¹ See Exhibit 1.

1 completed fingerprint forms supplied by the applicant to DPS and DPS submits the
2 fingerprint forms to the FBI for national processing.

3 5. On February 9, 2015, the Department issued a letter to Respondent by
4 mail, informing the Respondent that the fingerprint card that she submitted during the
5 application process for the License could not be processed and was returned by DPS
6 as illegible. In that letter, the Department requested that Respondent submit a
7 replacement set of fingerprints and enclosed a blank Illegible Fingerprint Replacement
8 Form. The Department provided a deadline of March 11, 2015, for the return of the
9 completed replacement fingerprint form.²

10 6. Because the Department did not receive the requested replacement
11 fingerprint form from Respondent as requested, the Department sent another letter to
12 Respondent dated June 9, 2015, giving Respondent a deadline of July 9, 2015, to file
13 with the Department an Illegible Fingerprint Replacement Form with a new set of
14 fingerprints or submit a Voluntary Surrender of Insurance License Form. The
15 Department indicated that the failure to respond to the letter would result in the initiation
16 of disciplinary action being taken against the License.³

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

20 8. Respondent did not present any evidence to refute or rebut the evidence
21 presented by the Department.

22 CONCLUSIONS OF LAW

23 1. The Notice of Hearing that the Department mailed to Respondent at her
24 address of record was reasonable and she is deemed to have received notice of the
25 hearing.⁴

26 2. This matter is a disciplinary proceeding wherein the Department must
27 prove by a preponderance of the evidence that Respondent violated the State's
28 Insurance Laws.⁵

29 ² See Exhibit 2.

30 ³ See Exhibit 3

⁴ See A.R.S. §§ 41-1092.04; 41-1092.05(D).

