

NOV - 3 2015

DEPT OF INSURANCE  
BY MS

STATE OF ARIZONA  
DEPARTMENT OF INSURANCE

In the Matter of:

**SHAPARD, MICHAEELEE YVONNE**  
(Arizona License No. 1082739)  
(National Producer No. 17327961)

**No. 15A-080-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:

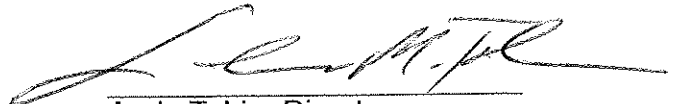
1. The Director adopts the Recommended Findings of Fact and Conclusions of Law.
2. The Director revokes the Arizona resident insurance producer license, No. 1082739, of **Michaelee Yvonne Shapard** effective immediately.

**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 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  
9 Arizona Department of Insurance

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

12 Michaelee Yvonne Shapard  
13 785 E. Christopher Street  
14 San Tan Valley, Arizona 85140  
15 Respondent

16 Mary Kosinski, Executive Assistant for Regulatory Affairs  
17 Catherine O'Neil, Consumer Legal Affairs Officer  
18 Yvonne Hunter, Consumer Affairs Assistant Director  
19 Steven Fromholtz, Licensing Director  
20 Arizona Department of Insurance  
21 2910 North 44th Street, Suite 210  
22 Phoenix, Arizona 85018

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

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

23 

24 Maidene Scheiner

RECEIVED

NOV 02 2015

AZ DEPT. OF INSURANCE  
ADMINISTRATIVE SERVICES

IN THE OFFICE OF ADMINISTRATIVE HEARINGS

In the Matter of:

SHAPARD, MICHAEELE YVONNE  
(Arizona License #1082739)  
(National Producer #17327961)

Respondent

No. 15A-080-INS

ADMINISTRATIVE  
LAW JUDGE DECISION

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

**APPEARANCES:** Michaelee Yvonne Shapard (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 1082739 (National Producer #17327961).

2. Respondent's address of record with the Department is: 785 E. Christopher Street, San Tan Valley, Arizona 85140. The Department sent the Notice of Hearing to this address.

3. On July 24, 3025, the Department issued Respondent a resident life and accident/health insurance producer license, which expires on April 30, 2018.<sup>1</sup>

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

<sup>1</sup> 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.<sup>2</sup>

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.<sup>3</sup>

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.<sup>4</sup>

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.<sup>5</sup>

29 <sup>2</sup> See Exhibit 2.

30 <sup>3</sup> See Exhibit 3

<sup>4</sup> See A.R.S. §§ 41-1092.04; 41-1092.05(D).

1 3. During the application process, the Director of the Department required  
2 Respondent to submit a full set of fingerprints and Respondent's illegible fingerprint  
3 submission did not satisfy that requirement.<sup>6</sup>

4 4. Respondent's conduct, as set forth above, constitutes a violation of A.R.S.  
5 § 20-295(A)(1) by having failed to provide complete information in the license  
6 application.

7 5. Respondent's conduct, as set forth above, constitutes the violation of a  
8 provision of A.R.S., Title 20, within the meaning of A.R.S. § 20-295(A)(2).

9 6. Grounds exist for the Director of the Department to suspend, revoke, or  
10 refuse to renew the License pursuant to A.R.S. § 20-295(A).

11 **ORDER**

12 Based upon the above, Respondent's License shall be revoked on the effective  
13 date of the Order entered in this matter.

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

17 Done this day, November 2, 2015.

18 /s/ M. Douglas  
19 Administrative Law Judge

20 Transmitted electronically to:

21 Andy Tobin, Director  
22 Arizona Department of Insurance  
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29

30 <sup>5</sup> See A.A.C. R2-19-119.

<sup>6</sup> See A.R.S. § 20-285(E)(2).