

JUN 21 2016

STATE OF ARIZONA
DEPARTMENT OF INSURANCE
DEPT OF INSURANCE
BY MS

In the Matter of:

No. 15A-103-INS

ROBB, JARED B.
(Arizona License Number 911256)
(National Producer Number 8196412)

**FINDINGS OF FACT, CONCLUSIONS OF
LAW AND ORDER RE: FRANK MICHAEL
MOSSUCCO AND FIRST PREFERRED
INS INC**

MOSSUCCO, FRANK MICHAEL
(Arizona License Number 863210)
(National Producer Number 611586)

(Assigned to ALJ Thomas Shedden)

and

FIRST PREFERRED INS INC
(Arizona License Number 1058887)
(National Producer Number 16517221)

Respondents.

On May 19, 2016, based on representations by attorney Kenneth W. Welsh, Jr. ("Welsh") that he represented Respondents, the Department filed and served Welsh with the Notice of Hearing and Complaint (the "Notice") via certified mail pursuant to A.R.S. § 41-1092.04. A copy of the Notice is attached as **Exhibit A**.

On May 23, 2016, the Department received the certified mail return receipt, No. 91 7199 9991 7034 3612 1133, showing that the Notice had been delivered and accepted at Welsh Law Group, PLC, 11811 N. Tatum Blvd., Suite 2650, Phoenix, AZ 85028 on that same date. A copy of the certified mail receipt is attached as **Exhibit B**.

The Notice required Respondents to file an Answer on or before 20 days of issuance or by June 8, 2016. Respondents never requested an extension for filing the Answer.

On June 13, 2016, because Respondents failed to file an Answer and had received proper service of the Notice, the Department filed a Request for Default and Proposed

1 Findings of Fact, Conclusions of Law and Order ("Default Request") pursuant to A.A.C.
2 R20-6-106(D). The Default Request is attached as **Exhibit C**.

3 On or about June 14, 2016, Welsh informed the Department that he did not
4 represent Respondent Jared B. Robb ("Robb"). The Department had reasonably relied on
5 a prior email by Welsh explicitly stating that he represented Robb in this matter. A copy of
6 this email is attached as **Exhibit D**.

7 On June 16, 2016, eight days beyond the required response date, Respondents
8 Frank Michael Mossucco ("Mossucco") and First Preferred Insurance Inc. ("First Preferred")
9 filed a Response to Notice of Hearing, through Welsh ("Mossucco and First Preferred
10 Answer"). The Mossucco and First Preferred Answer is attached as **Exhibit E**.

11 Based on this new information, Robb did not receive proper notice; therefore, the
12 Department is limiting the Order for Default to Respondents Mossucco and First Preferred,
13 who did receive proper notice.

14 FINDINGS OF FACT

- 15 1. Notice was proper as to Respondents Mossucco and First Preferred.
- 16 2. Respondents Mossucco and First Preferred are deemed in default pursuant
17 to A.A.C. R20-6-106(D).
- 18 3. The allegations in the Notice as to Mossucco and First Preferred are deemed
19 admitted pursuant to A.A.C. R20-6-106(D).

20 CONCLUSIONS OF LAW

- 21 1. Mossucco's conduct, as described above, constitutes presenting a written
22 statement to an insurer that contains untrue statements of material fact with respect to an
23 application for the issuance of an insurance policy, within the meaning of A.R.S. § 20-
24 463(A)(1).
25
26

1 **E-FILE** of the foregoing sent on this
21st day of June, 2016 to:

2 Thomas Shedden, Administrative Law Judge
3 Office of Administrative Hearings

4 **COPY** of the foregoing sent same date via U.S.
Regular mail and Certified mail return receipt requested to:
5 (Receipt No. 7009 2250 0004 1887 6867) to:


6 Kenneth W. Welsh, Jr.
7 Welsh Law Group, PLC
11811 N. Tatum Blvd., Suite 2650
8 Phoenix, AZ 85028
Attorney for Respondent Mossucco and First Preferred

9 **COPY** of the foregoing delivered same date to:

10 Mary Kosinski, Executive Assistant for Regulatory Affairs
11 Steven Fromholtz, Assistant Director, Consumer Protection Division
Arizona Department of Insurance
12 mkosinski@azinsurance.gov
13 sfromholtz@azinsurance.gov

14 **COPY** of the foregoing sent same date via electronic mail to:

15 Liane Kido, Assistant Attorney General
Liane.Kido@azag.gov
16 Attorney for the Arizona Department of Insurance

17 
18 5141317 v2



7009 2250 0004 1887 6867

STATE OF ARIZONA
FILED

MAY 19 2016

STATE OF ARIZONA
DEPARTMENT OF INSURANCE

DEPARTMENT OF INSURANCE
BY McK

In the Matter of:

Docket No. 15A-103-INS

ROBB, JARED B.
(Arizona License Number 911256)
(National Producer Number 8196412),

NOTICE OF HEARING

(ALJ Thomas Shedden)

MOSSUCCO, FRANK MICHAEL
(Arizona License Number 863210)
(National Producer Number 611586),

and

FIRST PREFERRED INS INC
(Arizona License Number 1058887)
(National Producer Number 16517221),

Respondents.

PLEASE TAKE NOTICE that the above-captioned matter will be heard before the Interim Director of Insurance of the State of Arizona (the "Interim Director") or a duly designated representative on June 23, 2016 at 1:00 p.m., at the Office of Administrative Hearings, 1400 West Washington, Suite 101, Phoenix, Arizona 85007¹.

If you wish to continue this hearing to another date, you must file a motion in writing with the Office of Administrative Hearings not less than 15 days before the scheduled hearing date. Please send it to the attention of the Administrative Law Judge ("ALJ") and include the docket number listed above. You must also mail or hand-deliver a copy of any motion to continue to

¹ As authorized under Arizona Revised Statutes ("A.R.S.") §§ 20-161 through and including 20-165 and Title 41, Chapter 6, Article 10 (A.R.S. § 41-1092 *et seq.*).



1 the Department of Insurance on the same date you file it with the Office of Administrative
2 Hearings.

3 You are not required to have an attorney represent you. However, if you are
4 represented, your attorney must be licensed to practice law in the State of Arizona. An
5 insurance company may be represented by a corporate officer. A.R.S. § 20-161(B).

6 You are entitled to be present during the giving of all evidence and you will have a
7 reasonable opportunity to inspect all documentary evidence, examine witnesses, present
8 evidence that supports your case and to request that the ALJ issue subpoenas to compel the
9 attendance of witnesses and production of evidence. A.R.S. § 20-164(B).

10 A clear and accurate record of the proceedings will be made either by a court reporter
11 or by electronic means. A.R.S. § 41-1092.07(E). If you want a copy of an electronic recording,
12 you must contact the Office of Administrative Hearings at (602) 542-9826. If the hearing was
13 transcribed by a court reporter and you want a copy of the transcript, you must pay the cost of
14 the transcript to the court reporter or other transcriber.

15 Questions concerning issues raised in this Notice of Hearing should be directed to
16 Assistant Attorney General Liane Kido, telephone number (602) 542-8011, 1275 West
17 Washington Street, Phoenix, Arizona 85007-2926, Liane.Kido@azag.gov.

18 **NOTICE OF APPLICABLE RULES**

19 On January 23, 1992, we adopted the rules of practice and procedure applicable in
20 contested cases before the Interim Director of Insurance. The hearing will be conducted
21 pursuant to these rules. A.A.C. R20-6-101 through R20-6-115.

22 YOU MUST FILE A WRITTEN RESPONSE (ANSWER) TO THE ALLEGATIONS IN
23 THIS NOTICE WITH US WITHIN **20 DAYS** AFTER WE ISSUE THIS NOTICE. A.A.C.
24 R20-6-106. YOUR RESPONSE SHOULD STATE YOUR POSITION OR DEFENSE AND

1 SHOULD SPECIFICALLY ADMIT OR DENY EACH ASSERTION IN THE NOTICE. IF YOU
2 DO NOT SPECIFICALLY DENY AN ASSERTION, WE WILL CONSIDER IT ADMITTED. ANY
3 DEFENSE YOU DO NOT RAISE WILL BE CONSIDERED WAIVED.

4 IF YOU DO NOT FILE YOUR RESPONSE ON TIME, WE WILL CONSIDER YOU IN
5 DEFAULT AND THE DIRECTOR MAY DEEM THE ALLEGATIONS IN THE NOTICE AS
6 TRUE. ACCORDINGLY, WE WILL TAKE WHATEVER ACTION IS APPROPRIATE
7 INCLUDING SUSPENSION, REVOCATION, IMPOSITION OF A CIVIL PENALTY AND
8 ORDERING RESTITUTION TO ANY INJURED PERSON.

9 **PERSONS WITH DISABILITIES**

10 PERSONS WITH DISABILITIES MAY REQUEST REASONABLE
11 ACCOMMODATIONS SUCH AS INTERPRETERS, ALTERNATIVE FORMATS, OR
12 ASSISTANCE WITH PHYSICAL ACCESSIBILITY. REQUESTS FOR ACCOMMODATIONS
13 SHOULD BE MADE AS EARLY AS POSSIBLE TO ALLOW TIME TO ARRANGE THE
14 ACCOMMODATIONS. IF YOU REQUIRE ACCOMMODATIONS, PLEASE CONTACT THE
15 OFFICE OF ADMINISTRATIVE HEARINGS AT (602) 542-9826.

16 The allegations supporting this Notice of Hearing are as follows:

17 1. Jared B. Robb ("Robb") was licensed as an Arizona non-resident accident/health
18 and life insurance producer, license number 911256, at all material times. Robb's license
19 expired on August 31, 2015.

20 2. Frank Michael Mossucco ("Mossucco") is, and was at all material times, licensed
21 as an Arizona non-resident accident/health and life insurance producer, Arizona license
22 number 863210, which expires on November 30, 2017.

1 3. First Preferred Ins Inc ("First Preferred") is, and was at all material times,
2 licensed as an Arizona non-resident business entity (business authority = individual authority),
3 Arizona license number 1058887, which expires October 31, 2017.

4 4. Mossucco is the CEO and Designated Responsible Licensed Producer of First
5 Preferred.

6 5. On or about August 22, 2014, the Department received a letter of referral from
7 the Office of Constituent Services for U.S. Representative Raul M. Grijalva. The referral letter
8 included a copy of a complaint letter received from Arizona consumer Santa Rundell
9 ("Rundell"). Rundell alleged that she called for information on the Health Insurance
10 Marketplace and was sold a policy with Core Health Insurance ("Core"). Rundell explained
11 that she did not sign and return the enrollment form however despite this, Core issued to her a
12 limited benefit health policy and charged her two premium payments totaling \$745.54. Rundell
13 requested cancellation of the policy along with a full refund of the premium paid.

14 6. On or about March 31, 2014, Robb contacted Rundell via telephone to assist her
15 with creating an online account to apply for health insurance coverage through the Health
16 Insurance Marketplace ("Marketplace").

17 7. Robb was not registered with the Marketplace at the time he assisted Rundell in
18 attempting to secure coverage through the Marketplace.

19 8. Robb informed Rundell that the Marketplace website was down therefore, he was
20 unable to obtain coverage for her through the Marketplace.

21 9. Robb provided Rundell a premium quote for a Limited Benefit Medical Plan
22 ("Plan") which Robb referred to as a "Fixed Indemnity Plan" and "Platinum Plan". The plan
23 was an off-Marketplace plan.

24

1 19. Robb failed to inform the Department about the Letter of Reprimand.

2 **CONCLUSIONS OF LAW**

3 1. The Interim Director has jurisdiction over this matter.

4 2. Robb's conduct, as described above, constitutes intentionally misrepresenting
5 the terms of an actual or proposed insurance contract or application for insurance, within the
6 meaning of A.R.S. § 20-295(A)(5).

7 3. Mossucco's conduct, as described above, constitutes presenting a written
8 statement to an insurer that contains untrue statements of material fact with respect to an
9 application for the issuance of an insurance policy, within the meaning of A.R.S. § 20-
10 463(A)(1).

11 4. First Preferred's conduct, as described above, constitutes failing to inform the
12 Director, within thirty days, of any change in the licensee's officers, within the meaning of
13 A.R.S. § 20-286(C)(2).

14 5. Respondents' conduct, as described above, constitutes a violation of any
15 provision of Title 20, any rule, subpoena or order of the Director, within the meaning of A.R.S.
16 § 20-295(A)(2).

17 6. Respondents' conduct, as described above, constitutes using fraudulent,
18 coercive or dishonest practices, or demonstrating incompetence, untrustworthiness or financial
19 irresponsibility in the conduct of business in this State, within the meaning of A.R.S. § 20-
20 295(A)(8).

21 7. Robb's conduct, as described above, constitutes failing to inform the director of
22 any administrative action taken against the producer in another jurisdiction within thirty days
23 after the final disposition, within the meaning of A.R.S. § 20-301(A).

24

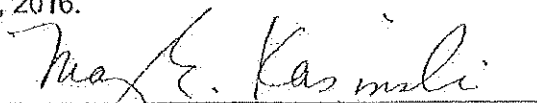
1 8. Grounds exist for the Interim Director to deny, suspend, revoke, or refuse to
2 renew Respondents' insurance licenses, impose a civil penalty and/or order restitution pursuant
3 to A.R.S. § 20-295(A), (B) and (F).

4 WHEREFORE, if after hearing, the Interim Director finds the grounds alleged above, the
5 Interim Director may deny, suspend, or revoke Respondents' insurance licenses and impose a
6 civil penalty. A.R.S. § 20-295(A), (B) and (F).

7 The Interim Director delegates the authority vested in her to the Director of the Office of
8 Administrative Hearings or his designee to preside over the hearing of this matter as the
9 Administrative Law Judge, to make written recommendations to the Interim Director consisting
10 of proposed findings of fact, proposed conclusions of law, and a proposed order. This
11 delegation does not include delegation of the authority of the Interim Director to make an order
12 on the hearing or any other final decision in this matter. A.R.S. § 20-150.

13 Pursuant to A.R.S. § 41-1092.01, your hearing will be conducted through the Office of
14 Administrative Hearings, an independent agency. Further hearing information may be found at
15 the Office of Administrative Hearings website: www.azoah.com.

16 DATED this 19th day of May, 2016.

17 
18 Mary Kosinski, Regulatory Affairs
19 Arizona Department of Insurance

20 E-FILE of the foregoing delivered electronically
21 this 19th day of May, 2016, to:

22 ALJ Thomas Shedden
23 Office of Administrative Hearings

24 //

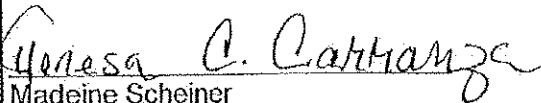
1 COPY of the foregoing delivered same date to:
2 Mary Kosinski, Executive Assistant for Regulatory Affairs
3 Steven Fromholtz, Assistant Director
4 Consumer Protection Division
5 Arizona Department of Insurance
6 2910 North 44th Street, Suite 210
7 Phoenix, Arizona 85018

8 COPY mailed same date by Regular Mail
9 and Certified Mail, Return Receipt Requested, to:

10 Kenneth W. Welsh, Jr. 91 7199 9991 7034 3612 1133
11 Welsh Law Group, PLC
12 11811 Tatum Blvd., Suite 2650
13 Phoenix, Arizona 85028
14 Attorney for Respondents

15 COPY sent same date via electronic mail to:

16 Liane Kido
17 Assistant Attorney General
18 Consumer@azag.gov
19 Attorney for the Department of Insurance

20 
21 Madeline Scheiner
22 5094694

23
24

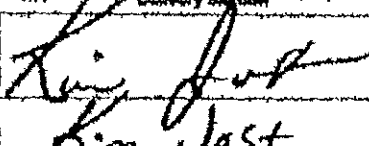


Date: June 10, 2016

Teresa Carranza:

The following is in response to your June 10, 2016 request for delivery information on your Certified Mail™ item number 9171999991703436121133. The delivery record shows that this item was delivered on May 23, 2016 at 1:55 pm in PHOENIX, AZ 85028. The scanned image of the recipient information is provided below.

Signature of Recipient :

Signature	
Printed Name	Kim Jost

Address of Recipient :

Delivery Address	11211 N. TATUM #2650
------------------	----------------------

Thank you for selecting the Postal Service for your mailing needs.

If you require additional assistance, please contact your local Post Office or postal representative.

Sincerely,
United States Postal Service



1 MARK BRNOVICH
Attorney General
2 Firm Bar No. 14000

3 Liane Kido
State Bar No. 023696
4 Assistant Attorney General
Consumer Protection & Advocacy Section
5 1275 West Washington Street
Phoenix, Arizona 85007-2926
6 Telephone: (602) 542-8011
Facsimile: (602) 542-4377
7 E-mail: Liane.Kido@azag.gov
8 Attorneys for the Arizona Department of Insurance

9 STATE OF ARIZONA

10 DEPARTMENT OF INSURANCE

11 In the Matter of:

12
13 **ROBB, JARED B.**
(Arizona License Number 911256)
14 (National Producer Number 8196412)

15 **MOSSUCCO, FRANK MICHAEL**
(Arizona License Number 863210)
16 (National Producer Number 611586)

17 and

18 **FIRST PREFERRED INS INC**
(Arizona License Number 1058887)
19 (National Producer Number 16517221)

20 Respondents.
21

No. 15A-103-INS

**REQUEST FOR DEFAULT AND
PROPOSED FINDINGS OF FACT,
CONCLUSIONS OF LAW AND ORDER**

(Assigned to ALJ Thomas Shedden)

(Hearing: **June 23, 2016 at 1:00 p.m.**)

22
23 The Arizona Department of Insurance ("Department"), by and through undersigned
24 counsel, hereby requests that the Findings of Fact and Conclusions of Law set forth in the
25 Notice of Hearing and Complaint and incorporated herein by reference be entered in this
26



1 matter, deeming Jared B. Robb ("Robb"), Frank Michael Mossucco ("Mossucco"), and First
2 Preferred Ins Inc. ("First Preferred") in default, deeming the allegations set forth in the
3 Notice as true, and ordering that Respondents' insurance licenses be revoked.

4 On May 19, 2016, a Notice of Hearing and Complaint ("Notice") was filed in this
5 matter and served upon Kenneth W. Welsh, Jr., attorney for Respondents, via certified mail
6 pursuant to A.R.S. § 41-1092.04. On May 23, 2016, the Department received the certified
7 mail return receipt, No. 91 7199 9991 7034 3612 1133, showing that the Notice had been
8 delivered and accepted at Welsh Law Group, PLC, 11811 N. Tatum Blvd., Suite 2650,
9 Phoenix, AZ 85028. A copy of the certified mail receipt is attached to this request as

10 Exhibit A.

11 Respondents had twenty (20) days from the date of issuance of the Notice to file a
12 written answer to the allegations contained therein pursuant to Arizona Administrative Code
13 ("A.A.C") R20-6-106. As of the date of this Request, Respondents have not filed an answer
14 nor have they appeared through counsel. Rule 20-6-106(D) of the Arizona Administrative
15 Code provides that if an answer is not timely filed, the Respondents shall be deemed in
16 default and the Director may deem the allegations set forth in the Notice as true and take
17 whatever action is appropriate including revoking the license.

18 The allegations supporting the Notice are as follows:

19 1. Jared B. Robb ("Robb") was licensed as an Arizona non-resident
20 accident/health and life insurance producer, license number 911256, at all material times.
21 Robb's license expired on August 31, 2015.

22 2. Frank Michael Mossucco ("Mossucco") is, and was at all material times,
23 licensed as an Arizona non-resident accident/health and life insurance producer, Arizona
24 license number 863210, which expires on November 30, 2017.

25
26

1 3. First Preferred Ins Inc ("First Preferred") is, and was at all material times,
2 licensed as an Arizona non-resident business entity (business authority = individual
3 authority), Arizona license number 1058887, which expires October 31, 2017.

4 4. Mossucco is the CEO and Designated Responsible Licensed Producer of
5 First Preferred.

6 5. On or about August 22, 2014, the Department received a letter of referral
7 from the Office of Constituent Services for U.S. Representative Raul M. Grijalva. The
8 referral letter included a copy of a complaint letter received from Arizona consumer Santa
9 Rundell ("Rundell"). Rundell alleged that she called for information on the Health Insurance
10 Marketplace and was sold a policy with Core Health Insurance ("Core"). Rundell explained
11 that she did not sign and return the enrollment form however despite this, Core issued to
12 her a limited benefit health policy and charged her two premium payments totaling \$745.54.
13 Rundell requested cancellation of the policy along with a full refund of the premium paid.

14 6. On or about March 31, 2014, Robb contacted Rundell via telephone to assist
15 her with creating an online account to apply for health insurance coverage through the
16 Health Insurance Marketplace ("Marketplace").

17 7. Robb was not registered with the Marketplace at the time he assisted Rundell
18 in attempting to secure coverage through the Marketplace.

19 8. Robb informed Rundell that the Marketplace website was down, therefore, he
20 was unable to obtain coverage for her through the Marketplace.

21 9. Robb provided Rundell a premium quote for a Limited Benefit Medical Plan
22 ("Plan") which Robb referred to as a "Fixed Indemnity Plan" and "Platinum Plan". The plan
23 was an off-Marketplace plan.

24
25
26

1 19. Robb failed to inform the Department about the Letter of Reprimand.

2 **CONCLUSIONS OF LAW**

3 1. Respondents' conduct, as described above, constitutes violating any
4 provision of this title or any rule, subpoena or order of the Director, within the meaning of
5 A.R.S. § 20-295 (A)(2).

6 2. Robb's conduct, as described above, constitutes intentionally misrepresenting
7 the terms of an actual or proposed insurance contract or application for insurance, within
8 the meaning of A.R.S. § 20-295(A)(5).

9 3. Mossucco's conduct, as described above, constitutes presenting a written
10 statement to an insurer that contains untrue statements of material fact with respect to an
11 application for the issuance of an insurance policy, within the meaning of A.R.S. § 20-
12 463(A)(1).

13 4. First Preferred's conduct, as described above, constitutes failing to inform the
14 Director, within thirty days, of any change in the licensee's officers, within the meaning of
15 A.R.S. § 20-286(C)(2).

16 5. Respondents' conduct, as described above, constitutes a violation of any
17 provision of Title 20, any rule, subpoena or order of the Director, within the meaning of
18 A.R.S. § 20-295(A)(2).

19 6. Respondents' conduct, as described above, constitutes using fraudulent,
20 coercive or dishonest practices, or demonstrating incompetence, untrustworthiness or
21 financial irresponsibility in the conduct of business in this State, within the meaning of
22 A.R.S. § 20-295(A)(8).

23 7. Robb's conduct, as described above, constitutes failing to inform the director
24 of any administrative action taken against the producer in another jurisdiction within thirty
25 days after the final disposition, within the meaning of A.R.S. § 20-301(A).

26

Hack, Susan

From: Mary Kosinski <mkosinski@azinsurance.gov>
Sent: Monday, August 10, 2015 10:47 AM
To: Gloria Barnes-Jackson
Subject: FW: Arizona Department of Insurance

FYI.

Mary E. Kosinski
Executive Assistant for Regulatory Affairs
Arizona Department of Insurance
2910 N. 44th Street, Suite 210
Phoenix, Arizona 85018-7269
Ph: 602.364.3471
Fax: 602.364.3470
mkosinski@azinsurance.gov

From: Ken Welsh [<mailto:kwelsh@welshlawgroup.com>]
Sent: Monday, August 10, 2015 10:22 AM
To: Mary Kosinski <mkosinski@azinsurance.gov>
Subject: RE: Arizona Department of Insurance

Good Morning Mary.

I represent First Preferred and Frank Mossucco. Mr. Robb is no longer employed by First Preferred, but to the extent any of the activities/complaints arose during Mr. Robb's employment with the company, we would represent him.

Thanks.

Ken Welsh
Kenneth W. Welsh, Jr.
WELSH LAW GROUP, PLC
11811 N. Tatum Boulevard, Suite 2650
Phoenix, Arizona 85028
602-569-0698- Main
602-595-0682- Fax
877-569-0698- Toll Free
kwelsh@welshlawgroup.com
www.welshlawgroup.com



The information contained in this message may be protected by the attorney-client privilege. If you believe that it has been sent to you in error, do not read it. Please immediately reply to the sender that you have received the message in error. Then delete it. Thank you.



From: Mary Kosinski [<mailto:mkosinski@azinsurance.gov>]
Sent: Friday, August 07, 2015 9:58 AM
To: Ken Welsh
Cc: Gloria Barnes-Jackson
Subject: Arizona Department of Insurance

CONFIDENTIALITY NOTICE: This e-mail message, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message.

Mr. Welsh,
I will be overseeing the administrative action you've requested in your 8/6/15 letter.
Can you please confirm that you do not represent Jared Robb?
Sincerely,
Mary E. Kosinski

Mary E. Kosinski
Executive Assistant for Regulatory Affairs
Arizona Department of Insurance
2910 N. 44th Street, Suite 210
Phoenix, Arizona 85018-7269
Ph: 602.364.3471
Fax: 602.364.3470
mkosinski@azinsurance.gov

NOTICE: This communication may contain privileged or other confidential information. If you have received it in error, please advise the sender by reply e-mail and immediately delete the message and any attachments without copying or disclosing the contents. Thank you.

Scanned on receipt by Cisco IronPort at 08/10/15 10:22:26

1 Kenneth W. Welsh, State Bar No. 020953
2 **WELSH LAW GROUP, PLC**
3 11811 N. Tatum Blvd., Suite 2650
4 Phoenix, Arizona 85028
5 Telephone: (602) 569-0698
6 Facsimile: (602) 595-0682
7 minuteentries@welshlawgroup.com
8 kwelsh@welshlawgroup.com kverstegen@welshlawgroup.com
9 Attorneys for Respondents Mossucco and First Preferred Insurance
10 Inc.

11 **DEPARTMENT OF INSURANCE**

12 **STATE OF ARIZONA**

13 **In the Matter of:**

14 ROBB, JARED B.,

15 MOSSUCCO, FRANK MICHAEL

16 FIRST PREFERRED INSURANCE INC.

17 **Respondents.**

Docket No. 15A-103-INS

**RESPONSE TO NOTICE OF
HEARING**

(Assigned to ALJ Thomas Shedden)

18 Comes now, Respondents Frank Michael Mossucco and First Preferred Insurance,
19 Inc. ("Respondents") and provide their written response to the Notice of Hearing.
20 Respondents' hereby admit, deny and allege as follows:

21 1. Answering Allegations 1 through 3 of the Notice of Hearing, the
22 Respondents admit the allegations as contained therein.

23 2. Answering Allegation 4 of the Notice of Hearing, Respondent Mossucco is
24 no longer the CEO of Respondent First Preferred.

25 3. Answering Allegations 5 through 12 of the Notice of Hearing, Respondents
26 are without sufficient information to admit or deny the allegations and therefore deny the
same.

//



WELSH LAW GROUP, PLC

1 Ms. Rundell suffered any injury or damages, any such injury or damage was proximately
2 and legally caused and contributed to by the negligence and fault of non-party Robb.

3 13. For an additional affirmative defense, Respondents affirmatively allege that
4 the Department's claims fail, in whole or in part, because Respondents acted in good faith
5 with respect to the conduct at issue.

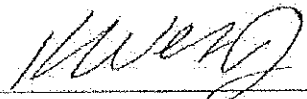
6 14. For an additional affirmative defense, Respondents affirmatively allege that
7 the Department's claims fail, in whole or in part, because Respondents did not breach any
8 duty owed to the Department.

9 15. For an additional affirmative defense, Respondents affirmatively allege that
10 the Department's claims fail, in whole or in part, because the Department has suffered no
11 damages or actual losses.

12 16. Respondents reserve the right to plead further affirmative defenses
13 including, but not limited to, those affirmative defenses set forth in Rules 8(c) and 12(b),
14 Arizona Rules of Civil Procedure, or under any other applicable Administrative Laws, as
15 may be justified by the facts determined during discovery.

16 RESPECTFULLY SUBMITTED this 16th day of June, 2016.

17 WELSH LAW GROUP, PLC

18
19 By 
20 Kenneth W. Welsh, Jr.
21 *Attorneys for Respondents Mossucco and First
Preferred Insurance Inc.*

22 **ORIGINAL** hand-delivered
23 June 16, 2016, to:

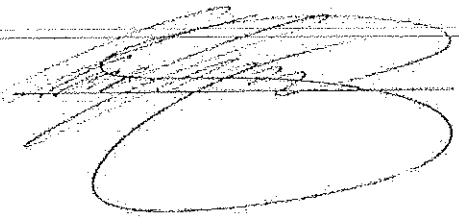
24 ALJ Thomas Shedden
25 Office of Administrative Hearings

26 //

WELSH LAW GROUP, PLC

1 **COPY** electronically emailed and mailed
2 this same date to:

3 Liane Kido, Esq.
4 Assistant Attorney General
5 1275 W. Washington Street
6 Phoenix, Arizona 85007-2926
7 Liane.Kido@azag.gov
8 Attorney for the Department of Insurance

9 
10

11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26