

FEB 1 2016

DEPT OF INSURANCE
BY ML

STATE OF ARIZONA
DEPARTMENT OF INSURANCE

In the Matter of:

CRUZ, JOHN PAUL
(Arizona License No. 1087550)
(National Producer No. 17365745)

No. 15A-132-INS

ORDER

Respondent.

On January 29, 2016, the Office of Administrative Hearings, through Administrative Law Judge Suzanne Marwil, issued an Administrative Law Judge Decision ("Recommended Decision"), received by the Director of the Department of Insurance ("Director") on January 29, 2016, 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. 1087550, of **John Paul Cruz** 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 29 day of January, 2016.

6
7 
8 Andrew M. Tobin, Director
Arizona Department of Insurance

9 COPY of the foregoing mailed this
10 1st day of February, 2016 to:

11 John Paul Cruz
2334 E. Meadow Land Drive
12 San Tan Valley, AZ 85140
Respondent

13
14 John Paul Cruz
Bankers Life and Casualty
1839 S. Alma School Rd., #141
15 Mesa, AZ 85210
Respondent

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

20 Liane Kido
Assistant Attorney General
21 1275 West Washington Street
Phoenix, Arizona 85007-2926

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

25 
26 Maidene Scheiner

RECEIVED

JAN 29 2015

AZ DEPT. OF INSURANCE
ADMINISTRATIVE SERVICES

IN THE OFFICE OF ADMINISTRATIVE HEARINGS

In the Matter of:

JOHN PAUL CRUZ
(Arizona License #1087550)

Respondent.

No. 15A-132-INS

ADMINISTRATIVE LAW JUDGE

DECISION

HEARING: January 28, 2016

APPEARANCES: Respondent John Paul Cruz did not appear. The Arizona Department of Insurance was represented by Assistant Attorney General Liane Kido.

ADMINISTRATIVE LAW JUDGE: Suzanne Marwil

FINDINGS OF FACT

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

2. On September 9 2014, the Department issued Respondent a resident life and accident/health producer license, license number 1087550 ("License"), which expires on November 30, 2017. See Exhibit 1.

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

4. On February 9, 2015, the Department issued a letter to Respondent by mail, informing him that his fingerprint card that was submitted during the application

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

1 process for the License could not be processed and was returned by DPS as illegible.
2 See Exhibit 3. In that letter, the Department requested that Respondent submit a
3 replacement set of fingerprints and enclosed a blank Illegible Fingerprint Replacement
4 Form. *Id.* The Department provided a deadline of March 11, 2015, for the return of the
5 completed replacement fingerprint form. *Id.*

6 5. Because the Department did not receive the requested replacement
7 fingerprint form from Respondent as requested, the Department sent another letter to
8 Respondent dated June 9, 2015, giving Respondent a deadline of July 9, 2015, to file
9 with the Department an Illegible Fingerprint Replacement Form with a new set of
10 fingerprints or submit a Voluntary Surrender of Insurance License Form. See Exhibit 4.
11 The Department indicated that the failure to respond to the letter would result in the
12 initiation of disciplinary action being taken against the License. *Id.*

13 6. The June 9, 2015 letter to Respondent was returned to the Department
14 labeled by the U.S. Postal Service as "Return to Sender, Attempted - Not Known -
15 Unable to Forward."

16 7. On July 31, 2015, the Department notified Respondent a third time by
17 mail at her address of record that her fingerprints had been returned by DPS as
18 illegible and that the Department was about to initiate an administrative action against
19 his license for failure to comply with the fingerprint requirement.

20 8. The July 31, 2015 letter to Respondent was returned to the Department
21 labeled by the U.S. Postal Service as "Return to Sender, Attempted - Not Known -
22 Unable to Forward."

23 9. Mr. Fromholtz testified that to date, Respondent had not responded to the
24 above-mentioned letters and had not submitted to the Department a new set of
25 fingerprints.

26 10. Respondent did not present any evidence to refute or rebut the evidence
27 presented by the Department.

28 **CONCLUSIONS OF LAW**

