

FEB 17 2016

STATE OF ARIZONA
DEPARTMENT OF INSURANCE

DEPT OF INSURANCE
BY MS

In the Matter of:

DANKERS, TRACY MARIE
(Arizona License No. 1072605)
(National Producer No. 17224425)

No. 15A-133-INS

ORDER

Respondent.

On February 9, 2016, the Office of Administrative Hearings, through Administrative Law Judge Tammy L. Eigenheer, issued an Administrative Law Judge Decision ("Recommended Decision"), received by the Interim Director of the Department of Insurance ("Interim Director") on February 9, 2016, a copy of which is attached and incorporated by this reference. The Interim Director of the Department of Insurance has reviewed the Recommended Decision and enters the following Order:

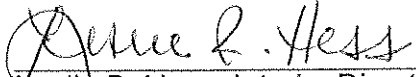
1. The Interim Director adopts the Recommended Findings of Fact and Conclusions of Law.
2. The Interim Director revokes the Arizona resident insurance producer license, No. 1072605, of **Tracy Marie Dankers** effective immediately.

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 Interim 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 Interim Director to the Superior
2 Court of Maricopa County for judicial review pursuant to A.R.S. § 20-166. A party filing an
3 appeal must notify the Office of Administrative Hearings of the appeal within ten days after
4 filing the complaint commencing the appeal, pursuant to A.R.S. § 12-904(B).

5 DATED this 12th day of February, 2016.

6
7 
8 Leslie R. Hess, Interim Director
Arizona Department of Insurance

9 COPY of the foregoing mailed this
10 17th day of February, 2016 to:

11 Tracy Marie Dankers
12 c/o AIL
13 3300 N. Central Ave.
Phoenix, Arizona 85012
Respondent

14 Tracy Marie Dankers
15 222 S. Windsor
16 Mesa, Arizona 85204
Respondent

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

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

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

25 
26 Maidene Scheiner

RECEIVED

FEB 09 2016

AZ DEPT. OF INSURANCE
ADMINISTRATIVE SERVICES

IN THE OFFICE OF ADMINISTRATIVE HEARINGS

In the Matter of:

No. 15A-133-INS

TRACY MARIE DANKERS
(Arizona License #1072605)
(National Producer # 17224425)
Respondent.

ADMINISTRATIVE
LAW JUDGE DECISION

HEARING: January 20, 2016

APPEARANCES: Respondent Tracy Marie Dankers did not appear. The Arizona Department of Insurance was represented by Assistant Attorney General Liane Kido.

ADMINISTRATIVE LAW JUDGE: Tammy L. Eigenheer

FINDINGS OF FACT

1. At all times material to this matter, Tracey Marie Dankers (Respondent) was licensed by the Arizona Department of Insurance (Department).

2. On March 24, 2014, the Department issued Respondent a life producer license, license number 1072605 (License), which expires on June 30, 2017. See Exhibit 2.

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 her that her fingerprint card that was submitted during the application process for the License could not be processed and was returned by DPS as illegible. See Exhibit 3. In that letter, the Department requested that Respondent submit a replacement set of fingerprints and enclosed a blank Illegible Fingerprint Replacement

1 Form. *Id.* The Department provided a deadline of March 11, 2015, for the return of the
2 completed replacement fingerprint form. *Id.*

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

10 6. Upon realizing the June 9, 2015 letter was sent to the same address as
11 the February 9, 2015 letter, the Department sent another letter to Respondent dated
12 July 31, 2015, giving Respondent a deadline of August 24, 2015, to file with the
13 Department an Illegible Fingerprint Replacement Form with a new set of fingerprints or
14 submit a Voluntary Surrender of Insurance License Form. See Exhibit 5. The
15 Department indicated that the failure to respond to the letter would result in the
16 initiation of disciplinary action being taken against the License. *Id.*

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

26 2. During the application process, the Director of the Department required
27 Respondent to submit a full set of fingerprints and Respondent's illegible fingerprint
28 submission did not satisfy that requirement. See A.R.S. § 20-285(E)(2).
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1 3. Respondent's conduct, as set forth above, constitutes a violation of
2 A.R.S. § 20-295(A)(1) by having failed to provide complete information in the license
3 application.

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

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

8 **ORDER**

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

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

14 Done this day, February 9, 2016.

15 /s/ Tammy L. Eigenheer
16 Administrative Law Judge

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19 Transmitted electronically to:

20 Andy Tobin, Director
21 Arizona Department of Insurance
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