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STATE OF ARIZONA
DEPARTMENT OF INSURANCE

In the Matter of:

PETERSON, JANET LYNN
(Arizona License No. 1103629)
(National Producer No. 17505099)

No. 15A-156-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. 1103629, of **Janet Lynn Peterson** 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 27 day of January, 2016.

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

10 COPY of the foregoing mailed this
11 1st day of February, 2016 to:

12 Janet Lynn Peterson
13 2451 N. Riley Road
14 Buckeye, AZ 85396
15 Respondent

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

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

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


Maidene Scheiner

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JAN 29 2015

AZ DEPT. OF INSURANCE
ADMINISTRATIVE SERVICES

IN THE OFFICE OF ADMINISTRATIVE HEARINGS

In the Matter of:

JANET LYNN PETERSON
(Arizona License #1103629),

Respondent.

No. 15A-156-INS

ADMINISTRATIVE LAW JUDGE

DECISION

HEARING: January 28, 2016

APPEARANCES: Respondent Janet Lynn Peterson 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, Janet Lynn Peterson ("Respondent") was and currently is licensed by the Arizona Department of Insurance ("Department").

2. On February 13, 2015, the Department issued Respondent a resident accident/health producer license, license number 1103629 ("License"), which expires on January 31, 2019. 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 June 12, 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

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

1 Exhibit 3. In that letter, the Department requested that Respondent submit a
2 replacement set of fingerprints and enclosed a blank Illegible Fingerprint Replacement
3 Form. *Id.* The Department provided a deadline of July 13, 2015, for the return of the
4 completed replacement fingerprint form. *Id.*

5 5. Because the Department did not receive the requested replacement
6 fingerprint form from Respondent as requested, the Department sent another letter to
7 Respondent dated July 31, 2015, giving Respondent a deadline of August 24, 2015, to
8 file with the Department an Illegible Fingerprint Replacement Form with a new set of
9 fingerprints or submit a Voluntary Surrender of Insurance License Form. See Exhibit 4.
10 The Department indicated that the failure to respond to the letter would result in the
11 initiation of disciplinary action being taken against the License. *Id.*

12 6. Mr. Fromholtz testified that to date, Respondent had not responded to the
13 above-mentioned letters and had not submitted to the Department a new set of
14 fingerprints.

15 7. Respondent did not present any evidence to refute or rebut the evidence
16 presented by the Department.

17 CONCLUSIONS OF LAW

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

21 2. During the application process, the Director of the Department required
22 Respondent to submit a full set of fingerprints and Respondent's illegible fingerprint
23 submission did not satisfy that requirement. See A.R.S. § 20-285(E)(2).

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

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

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

ORDER

1 Based upon the above, Respondent's License shall be revoked on the effective
2 date of the Order entered in this matter.
3

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

7 Done this day, January 29, 2016.
8

9 /s/ Suzanne Marwil
10 Administrative Law Judge

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12 Transmitted electronically to:

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14 Andy Tobin , Director
15 Arizona Department of Insurance
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