

SEP 8 2016

STATE OF ARIZONA
DEPARTMENT OF INSURANCE DEPT OF INSURANCE
BY MS

In the Matter of:

FIGUEROA, KARLA G.
(Arizona License No. 1106118)
(National Producer No. 17578900)

No. 15A-186-INS

ORDER

Respondent.

On August 22, 2016, the Office of Administrative Hearings, through Administrative Law Judge Dorinda Lang, issued an Administrative Law Judge Decision ("Recommended Decision"), received by the Director of the Department of Insurance ("Director") on August 22, 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:

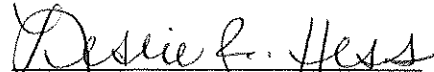
1. The Interim Director adopts the Recommended Findings of Fact and Conclusions of Law.
2. The Interim Director revokes the Arizona resident insurance producer license, No. 1106118, of **Karla G. Figueroa** effective immediately.

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 6th day of September, 2016.

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

9
10 COPY of the foregoing mailed this
8th day of September 2016 to:

11 Karla G. Figueroa
12 c/o Chiricahua Community Health Centers
13 1140 Freemont St.
Willcox, AZ 85643
Respondent

14 Mary Kosinski, Executive Assistant for Regulatory Affairs
15 Catherine O'Neil, Consumer Legal Affairs Officer
16 Steven Fromholtz, Assistant Director – Consumer Protection Division
17 Aqueelah Currie, Administrative Assistant
Arizona Department of Insurance
2910 North 44th Street, Suite 210
Phoenix, Arizona 85018

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

20
21 Office of Administrative Hearings
1400 West Washington, Suite 101
Phoenix, Arizona 85007

22
23 
24 Maidene Scheiner

1 in connection with the Application were true, correct, and complete to the best of
2 Respondent's knowledge and belief.²

3 4. According to the Department's witness's testimony at hearing, the license
4 was issued pending the results of a background investigation.³ However, the
5 background investigation in this matter revealed that Respondent had been convicted
6 of a felony with a judgment date of December 8, 2014.⁴ The judgment itself states that
7 the crime for which Respondent was found guilty was a felony.⁵

8 5. Although the beginning of the hearing in this matter was delayed to afford
9 Respondent additional time to appear, no one appeared on her behalf. Therefore, the
10 evidence summarized above was uncontested. Notably, Respondent's judgment date
11 predated the date of the Application, so Respondent was aware of it at the time of the
12 Application. Unfortunately, by failing to appear, Respondent could offer no evidence
13 against which to weigh the appropriateness of imposing revocation of the license in the
14 Department's disciplinary action.

15 CONCLUSIONS OF LAW

16 1. This matter is a disciplinary action in which the Department bears the
17 burden of proof, and the standard of proof on all issues is by a preponderance of the
18 evidence. A.A.C. R2-19-119.

19 2. A preponderance of the evidence is "[e]vidence of greater weight or more
20 convincing than the evidence which is offered in opposition to it; that is, evidence which
21 as a whole shows that the fact sought to be proved is more probable than not."
22 BLACK'S LAW DICTIONARY 1182 (6th ed. 1990).

23 3. The Director has the authority to revoke Respondent's license for
24 providing incorrect, misleading or materially untrue information in the Application. See
25 A.R.S. § 20-295(A)(1).

26 4. The uncontroverted evidence at hearing established that Respondent did
27 not answer the question at issue in the Application correctly and thereby provided false

28
29 ² See Exhibit 1, third page from top.

³ See Exhibit 2.

⁴ See Exhibit 3.

30 ⁵ Exhibit 3, second paragraph of the text following the heading.

1 information. With no other factors to consider in this matter, it must be recommended
2 that Respondent's license be revoked.

3 **ORDER**

4 Based on the above, the determination made by the Department to revoke
5 Respondent's license is sustained.

6
7 *In the event of certification of the Administrative Law Judge Decision by the*
8 *Director of the Office of Administrative Hearings, the effective date of the Order will be*
9 *the date of that certification unless otherwise stated thereon.*

10 Done this day, August 22, 2016.

11
12 /s/ Dorinda M. Lang
13 Administrative Law Judge
14

15 Transmitted electronically to:

16 Leslie R. Hess, Interim Director
17 Arizona Department of Insurance
18
19
20
21
22
23
24
25
26
27
28
29
30