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STATE OF ARIZONA
DEPARTMENT OF INSURANCE

In the Matter of:

HARPER, JASON JOHN,

Petitioner.

No. 16A-003-INS

ORDER

On March 8, 2016, the Office of Administrative Hearings, through Administrative Law Judge Diane Mihalsky, issued an Administrative Law Judge Decision ("Recommended Decision"), received by the Interim Director of the Department of Insurance ("Interim Director") on March 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 denies Jason John Harper's application for an Arizona insurance producer license.

NOTIFICATION OF RIGHTS

Pursuant to Arizona Revised Statutes ("A.R.S.") § 41-1092.09, Petitioner may request a rehearing with respect to this order by filling 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.

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MAR 09 2016

AZ DEPT. OF INSURANCE
ADMINISTRATIVE SERVICES

IN THE OFFICE OF ADMINISTRATIVE HEARINGS

In the Matter of the Application for
Insurance License of:

No. 16A-003-INS

HARPER, JASON JOHN,

ADMINISTRATIVE LAW JUDGE

Petitioner.

DECISION

HEARING: March 8, 2016, at 1:00 p.m.

APPEARANCES: Jason John Harper ("Petitioner") failed to appear; the Arizona Department of Insurance ("the Department") was represented by Liane Kido, Esq., Assistant Attorney General.

ADMINISTRATIVE LAW JUDGE: Diane Mihalsky

FINDINGS OF FACT

1. On December 7, 2015, Petitioner submitted to the Department an Application for an Insurance License for an Individual. On the application, Petitioner answered "yes" to the question, "Have you EVER been found guilty of, have you had a judgment made against you for, or have you admitted to . . . a felony (of any kind)?"¹ Petitioner provided the address of 20003 N. 20th Way, Phoenix, AZ 85024 ("address of record") on the application.

2. On December 11, 2015, the Department sent Petitioner a letter to his address of record, informing him that the Department had determined to deny his application under A.R.S. §§ 20-295(A)(6) and (8) and notifying him of his appeal rights.²

3. On January 8, 2016, the Department received Petitioner's request for a hearing.³ Petitioner's request showed his address of record.

¹ The Department's Exhibit 1 at 2.

² See the Department's Exhibit 4.

³ See the Department's Exhibit 5.

1 4. The Department referred the matter to the Office of Administrative Hearings
2 ("OAH"), an independent state agency, for an evidentiary hearing on Petitioner's
3 appeal.

4 5. On January 28, 2016, the Department issued a Notice of Hearing, setting a
5 hearing on March 8, 2016, at 1:00 p.m. at OAH. The Department sent the Notice of
6 Hearing to Petitioner at his address of record.

7 6. A hearing was held on March 8, 2016. The Department submitted five
8 exhibits into evidence and presented the testimony of Aqueelah Currie, its Licensing
9 Administrative Assistant.

10 7. Petitioner did not request to appear telephonically at the hearing and did not
11 request that the hearing be continued. Although the start of the duly noticed hearing
12 was delayed twenty minutes to allow Petitioner additional travel time, he did not
13 appear, personally or through an attorney, and did not contact OAH to request that the
14 start of the hearing be further delayed. Consequently, Petitioner did not present any
15 evidence to prosecute his appeal of the Department's denial of his license application.

16 8. Ms. Currie testified to establish foundation for the Department's exhibits that
17 established Petitioner's criminal background, in relevant part as follows:

18 8.1 On or about December 1, 2004, Petitioner was charged by a Direct
19 Complaint in Maricopa County Superior Court Case No. CR2004-043507-001 SE with
20 theft, a Class 2 felony. The Release Questionnaire attached to the Direct Complaint
21 stated as follows:

22 BETWEEN 06/11/01 AND 06/01/04 SUSPECT HARPER
23 EMBEZZLED \$79,184.09 BY FALSIFYING COMPANY
24 INVOICES AND TURNING THESE INVOICES IN WITH A
25 COMPANY EMPLOYEE EXPENSE REPORT FOR
26 REPAYMENT OR BY TURNING IN EXPENSE REPORTS
AFTER CHARGING A WELLS FARGO BANK
CORPORATE CREDIT CARD.

27 SUSPECT HARPER ADMITTED TO COMMITTING
28 SEVERAL OF THE FRAUDULENT TRANSACTIONS.⁴

29
30 ⁴ The Department's Exhibit 6 at 4.

