

SEP 6 2016

STATE OF ARIZONA
DEPARTMENT OF INSURANCE

DEPT OF INSURANCE
BY MS

In the Matter of:

BALLEY, ASHLEY MARIE
(Arizona License No. 1103927)
(National Producer No. 17509568)

No. 16A-018-INS

ORDER

Respondent.

On August 18, 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 August 18, 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. 1103927, of **Ashley Marie Balley** 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
6th day of September 2016 to:

11 Ashley Marie Balley
12 4920 W. Thunderbird Rd., #105
13 Glendale, AZ 85304
Respondent

14 Ashley Marie Balley
15 2830 E. Waltann Lane, #2
Phoenix, AZ 85032
Respondent

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

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

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

25 
26 Maidene Scheiner

AUG 18 2016

DEPT. OF INSURANCE
BY: MEB

IN THE OFFICE OF ADMINISTRATIVE HEARINGS

In the Matter of:

ASHLEY MARIE BALLEY
(Arizona License #1103927)

No. 16A-018-INS-res

ADMINISTRATIVE LAW JUDGE
DECISION

Respondent.

HEARING: August 17, 2016

APPEARANCES: Respondent Ashley Marie Bailey 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, Ashley Marie Bailey ("Respondent") was and currently is licensed by the Arizona Department of Insurance ("Department").

2. On February 19, 2015, the Department issued Respondent casualty and property producer license, license number 1103927 ("License"), which expires on October 31, 2018. See Exhibit 2.

3. Aqueelah Currie, Administrative Services Officer I for 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.

1 4. On November 10, 2015, the Department issued a letter to Respondent by
2 mail, informing her that her fingerprint card that was submitted during the application
3 process for the License could not be processed and was returned by DPS as illegible.
4 See Exhibit 3. In that letter, the Department requested that Respondent submit a
5 replacement set of fingerprints and enclosed a blank Illegible Fingerprint Replacement
6 Form. *Id.* The Department provided a deadline of December 9, 2015, for the return of
7 the completed replacement fingerprint form. *Id.*

8 5. Because the Department did not receive the requested replacement
9 fingerprint form from Respondent as requested, the Department sent another letter to
10 Respondent dated December 16, 2015¹, giving Respondent a deadline of January 15,
11 2016, to file with the Department an Illegible Fingerprint Replacement Form with a new
12 set of fingerprints or submit a Voluntary Surrender of Insurance License Form. See
13 Exhibit 4. The Department indicated that the failure to respond to the letter would
14 result in the initiation of disciplinary action being taken against the License. *Id.*

15 6. Ms. Currie testified that to date, Respondent had not responded to the
16 above-mentioned letters and had not submitted to the Department a new set of
17 fingerprints.

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

20 CONCLUSIONS OF LAW

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

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

27 3. Respondent's conduct, as set forth above, constitutes a violation of
28 A.R.S. § 20-295(A)(1) by having failed to provide complete information in the license
29 application.
30

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

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

5 **ORDER**

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

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

11
12 Done this day, August 18, 2016.

13
14 /s/ Suzanne Marwil
15 Administrative Law Judge

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17 Transmitted electronically to:

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19 Leslie R. Hess, Interim Director
20 Arizona Department of Insurance
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30 ¹ The stated date of December 16, 2016 was an obvious typographical error.