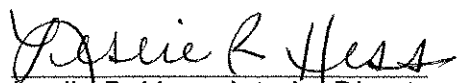




1 Respondent may appeal the final decision of the Interim Director to the Superior  
2 Court of Maricopa County for judicial review pursuant to A.R.S. § 20-166. A party filing an  
3 appeal must notify the Office of Administrative Hearings of the appeal within ten days after  
4 filing the complaint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

5 DATED this 18<sup>th</sup> day of August, 2016.

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

9 COPY of the foregoing mailed this  
10 23<sup>rd</sup> day of August, 2016 to:

11 Rosemary Gonzalez  
12 4400 E. Broadway Blvd., Ste. 108  
13 Tucson, AZ 85711  
Respondent

14 Rosemary Gonzalez  
15 3680 N. Four Winds Dr.  
Tucson, AZ 85750  
Respondent

16 Mary Kosinski, Executive Assistant for Regulatory Affairs  
17 Catherine O'Neil, Consumer Legal Affairs Officer  
18 Steven Fromholtz, Assistant Director – Consumer Protection Division  
19 Aqueelah Currie, Administrative Assistant  
Arizona Department of Insurance  
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 17 2016

DEPT. OF INSURANCE  
BY: MEK

IN THE OFFICE OF ADMINISTRATIVE HEARINGS

In the Matter of:

ROSEMARY GONZALEZ  
(Arizona License #1109507)

Respondent.

No. 16A-019-INS-res

ADMINISTRATIVE LAW JUDGE  
DECISION

**HEARING:** August 17, 2016

**APPEARANCES:** Respondent Rosemary Gonzalez 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, Rosemary Gonzalez ("Respondent") was and currently is licensed by the Arizona Department of Insurance ("Department").

2. On April 24, 2015, the Department issued Respondent an accident/health producer, life producer, variable life/variable annuities license, license number 1109507 ("License"), which expires on November 30, 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.

4. On October 29, 2015, the Department issued a letter to Respondent by mail, informing her that her fingerprint card that was submitted during the application

1 process for the License could not be processed and was returned by DPS as illegible.  
2 See Exhibit 3. In that letter, the Department requested that Respondent submit a  
3 replacement set of fingerprints and enclosed a blank Illegible Fingerprint Replacement  
4 Form. *Id.* The Department provided a deadline of November 30, 2015, for the return of  
5 the completed replacement fingerprint form. *Id.*

6 5. Because the Department did not receive the requested replacement  
7 fingerprint form from Respondent as requested, the Department sent another letter to  
8 Respondent dated November 30, 2015, giving Respondent a deadline of December 30,  
9 2015, to file with the Department an Illegible Fingerprint Replacement Form with a new  
10 set of fingerprints or submit a Voluntary Surrender of Insurance License Form. See  
11 Exhibit 4. The Department indicated that the failure to respond to the letter would  
12 result in the initiation of disciplinary action being taken against the License. *Id.*

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

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

#### 18 CONCLUSIONS OF LAW

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

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

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

28 4. Respondent's conduct, as set forth above, constitutes the violation of any  
29 provision of A.R.S., Title 20, within the meaning of A.R.S. § 20-295(A)(2).  
30

