

AUG 3 2016

STATE OF ARIZONA
DEPARTMENT OF INSURANCE

DEPT OF INSURANCE
BY MS

In the Matter of:

JOHNSEN, TRICIA
(Arizona License # 1111041),
(National Producer # 17587841),

Respondent.

No. 16A-025-INS

**PROPOSED FINDINGS OF FACT,
CONCLUSIONS OF LAW AND ORDER**

On June 27, 2016, the Arizona Department of Insurance ("Department") issued a Notice of Hearing ("Notice") in the above-captioned matter, a copy of which is attached as Exhibit A and incorporated by this reference. The Notice required **Tricia Johnsen** ("Johnsen" or "Respondent") to provide a written answer to the allegations set forth in the Notice within twenty days of the issuance of the Notice. As of this date, Respondent has failed to file an answer. On July 25, 2016, counsel for the Department filed a Request for Default and Proposed Findings of Fact, Conclusions of Law and Order, a copy of which is attached as Exhibit B. As of this date, Respondent has not responded to the Department's request. Pursuant to A.A.C.R20-6-106(D), a party that fails to file an answer within the time provided shall be deemed to be in default and one or more of the allegations in the Notice of Hearing may be deemed to be admitted.

FINDINGS OF FACT

1. Notice was proper.
2. Respondent is in default.
3. The allegations in the Notice are deemed admitted.

//

1 **CONCLUSIONS OF LAW**

2 1. The conduct alleged in the Notice constitutes grounds for the Director to
3 suspend, revoke or refuse to renew Respondent's license to transact insurance in Arizona,
4 pursuant to A.R.S. §20-295(A).

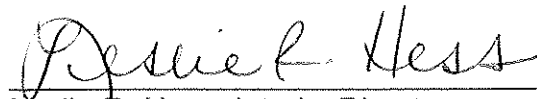
5 **ORDER**

6 IT IS ORDERED:

7 1. The insurance license held by Respondent is revoked effective upon the
8 issuance of this Order.

9 2. The hearing set for **August 17, 2016 at 1:00 p.m.** shall be vacated.

10 DATED this 2nd day of August
11 July, 2016.

12 
13 _____
14 Leslie R. Hess, Interim Director
15 Arizona Department of Insurance

16 **COPY** of the foregoing electronically filed this
17 3rd day of July, 2016 to:
18 AUGUST

19 Dorinda Lang, Administrative Law Judge
20 Office of Administrative Hearings

21 **COPY** of the foregoing delivered same date to:

22 Mary Kosinski, Executive Assistant for Regulatory Affairs
23 Steven Fromholtz, Assistant Director, Consumer Protection Division
24 Aqueelah Currie, Administrative Assistant
25 Arizona Department of Insurance
26 2910 North 44th Street, Suite 210
Phoenix, Arizona 85018

COPY of the foregoing emailed same date to:

Liane Kido
Liane.Kido@azag.gov and Teresa.Carranza@azag.gov
Attorney for the Arizona Department of Insurance

1 **COPY** mailed same date to:

2 Tricia Johnsen
3 One Norterra Drive
4 Phoenix, AZ 85085
5 Respondent

6 Tricia Johnsen
7 730 West Glenn Drive
8 Phoenix, AZ 85021
9 Respondent

10 *Maidene Schenier*
11 _____
12 5213643

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

29

STATE OF ARIZONA
FILED

STATE OF ARIZONA

JUN 27 2016

DEPARTMENT OF INSURANCE

DEPT OF INSURANCE
BY ML

In the Matter of:

Johnsen, Tricia
(Arizona License # 1111041),
(National Producer # 17587841),

Respondent.

Docket No. 16A-025-INS

NOTICE OF HEARING

(ALJ Dorinda Lang)

PLEASE TAKE NOTICE that the above-captioned matter will be heard before the Interim Director of Insurance of the State of Arizona (the "Interim Director") or her duly designated representative on **August 17, 2016 at 1:00 p.m., at the Office of Administrative Hearings, 1400 West Washington, Suite 101, Phoenix, Arizona 85007¹.**

If you wish to continue this hearing to another date, you must file a motion in writing with the Office of Administrative Hearings not less than **15** days before the scheduled hearing date. Please send it to the attention of the Administrative Law Judge ("ALJ") and include the docket number listed above. You must also mail or hand-deliver a copy of any motion to continue to the Department of Insurance on the same date you file it with the Office of Administrative Hearings.

You are not required to have an attorney represent you. However, if you are represented, your attorney must be licensed to practice law in the State of Arizona. An insurance company may be represented by a corporate officer. A.R.S. § 20-161(B).

You are entitled to be present during the giving of all evidence and you will have a reasonable opportunity to inspect all documentary evidence, examine witnesses, present evidence that supports your case and to request that the ALJ issue subpoenas to compel the attendance of witnesses and production of evidence. A.R.S. §20-164(B).

¹As authorized under Arizona Revised Statutes ("A.R.S.") §§ 20-161 through and including 20-165 and Title 41, Chapter 6, Article 10 (A.R.S. § 41-1092 *et seq.*).



1 A clear and accurate record of the proceedings will be made either by a court reporter
2 or by electronic means. A.R.S. § 41-1092.07(E). If you want a copy of an electronic recording,
3 you must contact the Office of Administrative Hearings at (602) 542-9826. If the hearing was
4 transcribed by a court reporter and you want a copy of the transcript, you must pay the cost of
5 the transcript to the court reporter or other transcriber.

6 Questions concerning issues raised in this Notice of Hearing should be directed to
7 Assistant Attorney General Liane C. Kido, telephone number (602) 542-8011, 1275 West
8 Washington Street, Phoenix, Arizona 85007-2926, Liane.Kido@azag.gov.

9 **NOTICE OF APPLICABLE RULES**

10 On January 23, 1992, we adopted the rules of practice and procedure applicable in
11 contested cases before the Director of Insurance. The hearing will be conducted pursuant to
12 these rules. A.A.C. R20-6-101 through R20-6-115.

13 YOU MUST FILE A WRITTEN RESPONSE (ANSWER) TO THE ALLEGATIONS IN
14 THIS NOTICE WITH US WITHIN **20 DAYS** AFTER WE ISSUE THIS NOTICE. A.A.C.
15 R20-6-106. YOUR RESPONSE SHOULD STATE YOUR POSITION OR DEFENSE AND
16 SHOULD SPECIFICALLY ADMIT OR DENY EACH ASSERTION IN THE NOTICE. IF YOU
17 DO NOT SPECIFICALLY DENY AN ASSERTION, WE WILL CONSIDER IT ADMITTED. ANY
18 DEFENSE YOU DO NOT RAISE WILL BE CONSIDERED WAIVED.

19 IF YOU DO NOT FILE YOUR RESPONSE ON TIME, WE WILL CONSIDER YOU IN
20 DEFAULT AND THE DIRECTOR MAY DEEM THE ALLEGATIONS IN THE NOTICE AS
21 TRUE. ACCORDINGLY, WE WILL TAKE WHATEVER ACTION IS APPROPRIATE
22 INCLUDING SUSPENSION, REVOCATION, IMPOSITION OF A CIVIL PENALTY AND
23 ORDERING RESTITUTION TO ANY INJURED PERSON.

24 **PERSONS WITH DISABILITIES**

PERSONS WITH DISABILITIES MAY REQUEST REASONABLE
ACCOMMODATIONS SUCH AS INTERPRETERS, ALTERNATIVE FORMATS, OR
ASSISTANCE WITH PHYSICAL ACCESSIBILITY. REQUESTS FOR ACCOMMODATIONS
SHOULD BE MADE AS EARLY AS POSSIBLE TO ALLOW TIME TO ARRANGE THE

1 ACCOMMODATIONS. IF YOU REQUIRE ACCOMMODATIONS, PLEASE CONTACT THE
2 OFFICE OF ADMINISTRATIVE HEARINGS AT (602) 542-9826.

3 The allegations supporting this Notice of Hearing are as follows:

4 1. Tricia Johnsen, ("Respondent") is and was at all material times licensed as a
5 Personal Lines (Property/Casualty) producer, Arizona license number 1111041, which expires
6 December 31, 2018.

7 2. Respondent's addresses of record with the Department are: One Norterra Drive,
8 Phoenix, AZ 85085 (business) and 730 West Glenn Drive, Phoenix, AZ 85021 (mailing and
9 residence).

10 3. On or about May 13, 2015, the Department issued to Respondent an insurance
11 license as a Personal Lines (Property/Casualty) producer, Arizona license number 1111041.

12 4. On October 26, 2015, the Department notified Respondent by mail at her
13 address of record that her fingerprint card had been processed and returned by the Arizona
14 Department of Public Safety (DPS) as illegible. The Department requested a replacement set
15 of fingerprints along with a completed "Illegible Fingerprint Replacement Form" on or before
16 December November 22, 2015. Respondent did not reply to the Department's request.

17 5. On November 25, 2015, the Department notified Respondent a second time by
18 mail at her address of record that her fingerprints had been returned by DPS as illegible and
19 that the Department was about to initiate an administrative action against her license for failure
20 to comply with the fingerprint requirement. The Department requested a response by
21 December 24, 2015.

22 6. To date, Respondent has not submitted a full set of fingerprints to the
23 Department.

24 VIOLATIONS

7. Respondent's conduct as described above constitutes the violation of the
requirement that an applicant submit a full set of fingerprints to the Department within the
meaning of A.R.S. § 20-285(E)(2).

1 8. Respondent's conduct as described above constitutes providing incomplete
2 information in the license application within the meaning of A.R.S. § 20-295(A)(1).

3 9. Respondent's conduct as described above constitutes the violation of any
4 provision of A.R.S. Title 20 or any rule, subpoena or order of the director within the meaning of
5 A.R.S. § 20-295(A)(2).

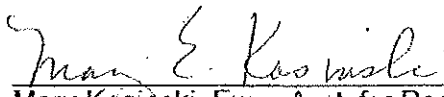
6 10. Grounds exist for the Interim Director to suspend, revoke, or refuse to renew
7 Respondent's insurance license, impose a civil penalty and/or order restitution pursuant to
8 A.R.S. §§ 20-295(A) and (F).

9 WHEREFORE, if after hearing, the Interim Director finds the grounds alleged above, the
10 Interim Director may deny, suspend, or revoke Respondent's insurance producer's license and
11 impose a civil penalty. A.R.S. §§ 20-295(A) and (F).

12 The Interim Director delegates the authority vested in her to the Director of the Office of
13 Administrative Hearings or his designee to preside over the hearing of this matter as the
14 Administrative Law Judge, to make written recommendations to the Interim Director consisting
15 of proposed findings of fact, proposed conclusions of law, and a proposed order. This
16 delegation does not include delegation of the authority of the Director to make an order on the
17 hearing or any other final decision in this matter. A.R.S. § 20-150.

18 Pursuant to A.R.S. § 41-1092.01, your hearing will be conducted through the Office of
19 Administrative Hearings, an independent agency. Further hearing information may be found at
20 the Office of Administrative Hearings website: www.azoah.com.

21 DATED this 24th day of June, 2016.

22 
23 Mary Kosinski, Exec. Asst. for Regulatory Affairs
24 Arizona Department of Insurance

25 **E-FILE** of the foregoing delivered electronically
26 this 27th day of June, 2016, to:

27 ALJ Dorinda Lang
28 Office of Administrative Hearings

1 **COPY** of the foregoing delivered this

2 27th day of June, 2016 to:

3 Mary Kosinski, Executive Assistant for Regulatory Affairs
4 Steven Fromholtz, Asst. Director, Consumer Protection Div.
5 Arizona Department of Insurance
6 2910 North 44th Street, Suite 210
7 Phoenix, Arizona 85018

8 **COPY** mailed same date by Regular Mail
9 and Certified Mail, Return Receipt Requested, to:

10 Tricia Johnsen
11 One Norterra Drive
12 Phoenix, AZ 85085
13 Respondent

14 Tricia Johnsen
15 730 West Glenn Drive
16 Phoenix, AZ 85021
17 Respondent

18 **COPY** sent same date via electronic mail to:

19 Liane Kido
20 Assistant Attorney General
21 Liane.Kido@azag.gov and Teresa.Carranza@azag.gov
22 Attorney for the Department of Insurance

23 Maidene Scheiner
24 Maidene Scheiner
5133307



7009 2250 0004 1887 6966



7009 2250 0004 1887 6973

1 MARK BRNOVICH
Attorney General
2 Firm Bar No. 14000

3 Liane Kido
State Bar No. 023696
4 Assistant Attorney General
Consumer Protection & Advocacy Section
5 1275 West Washington Street
Phoenix, Arizona 85007-2926
6 Telephone: (602) 542-8011
Facsimile: (602) 542-4377
7 E-mail: Liane.Kido@azag.gov
8 Attorneys for the Arizona Department of Insurance

9 STATE OF ARIZONA
10 DEPARTMENT OF INSURANCE

11 In the Matter of:

No. 16A-025-INS

12 **JOHNSEN, TRICIA**
13 (Arizona License # 1111041),
(National Producer # 17587841),

**REQUEST FOR DEFAULT AND
PROPOSED FINDINGS OF FACT,
CONCLUSIONS OF LAW AND ORDER**

14 Respondent.
15

16
17 The Arizona Department of Insurance ("Department"), by and through undersigned
18 counsel, hereby requests that the Findings of Fact and Conclusions of Law set forth in the
19 Notice of Hearing and incorporated herein by reference be entered in this matter, deeming
20 **Tricia Johnsen** ("Johnsen" or "Respondent"), in default, deeming the allegations set forth
21 in the Notice as true, and ordering that Respondent's insurance license be revoked.

22 On June 27, 2016, a Notice of Hearing ("Notice") was filed in this matter and served
23 upon Tricia Johnsen at her address of record via certified mail pursuant to A.R.S. § 41-
24 1092.04. On July 1, 2016, the Department received the certified mail return receipt, No.
25 7009 2250 0004 1887 6966, showing that the Notice had been delivered and accepted at
26



1 Tricia Johnsen's business address of record: One Norterra Drive, Phoenix, AZ 85021. A
2 copy of the certified mail receipt is attached to this request as **Exhibit A**.

3 Respondent had twenty (20) days from the date of issuance of the Notice to file a
4 written answer to the allegations contained therein pursuant to Arizona Administrative Code
5 ("A.A.C") R20-6-106. As of the date of this Request, Respondent has not filed an answer
6 nor has she appeared through counsel. Rule 20-6-106(D) of the Arizona Administrative
7 Code provides that if an answer is not timely filed, the Respondent shall be deemed in
8 default and the Director may deem the allegations set forth in the Notice of Hearing as true
9 and take whatever action is appropriate including revoking the license.

10 The allegations supporting the Notice of Hearing are as follows:

11 1. Respondent is and was at all material times licensed as a Personal Lines
12 (Property/Casualty) producer, Arizona license number 1111041, which expires December
13 31, 2018.

14 2. Respondent's addresses of record with the Department are: One Norterra
15 Drive, Phoenix, AZ 85085 (business) and 730 West Glenn Drive, Phoenix, AZ 85021
16 (mailing and residence).

17 3. On or about May 13, 2015, the Department issued to Respondent an
18 insurance license as a Personal Lines (Property/Casualty) producer, Arizona license
19 number 1111041.

20 4. On October 26, 2015, the Department notified Respondent by mail at her
21 address of record that her fingerprint card had been processed and returned by the Arizona
22 Department of Public Safety (DPS) as illegible. The Department requested a replacement
23 set of fingerprints along with a completed "Illegible Fingerprint Replacement Form" on or
24 before December November 22, 2015. Respondent did not reply to the Department's
25 request.

26 5. On November 25, 2015, the Department notified Respondent a second time
by mail at her address of record that her fingerprints had been returned by DPS as illegible

1 and that the Department was about to initiate an administrative action against her license
2 for failure to comply with the fingerprint requirement. The Department requested a
3 response by December 24, 2015.

4 6. To date, Respondent has not submitted a full set of fingerprints to the
5 Department.

6 Based upon the foregoing, the Department respectfully requests that the allegations
7 set forth in the June 27, 2016 Notice of Hearing be deemed admitted and that
8 Respondent's insurance license be revoked.

9 RESPECTFULLY SUBMITTED this 25th day of July, 2016.

10 MARK BRNOVICH, Attorney General

11 By

Liane Kido
12 Liane Kido, Assistant Attorney General
13 Consumer Protection & Advocacy Section
14 Attorneys for the Arizona Department of Insurance

15 **COPY** of the foregoing electronically filed this
16 25th day of July, 2016 to:

17 Dorinda Lang, Administrative Law Judge
18 Office of Administrative Hearings

19 **COPY** of the foregoing electronically sent same date to:

20 Mary Kosinski, Executive Assistant for Regulatory Affairs
21 Steven Fromholtz, Assistant Director, Consumer Protection Division
22 Arizona Department of Insurance

23 **COPY** mailed same date to:

24 Tricia Johnsen
25 One Norterra Drive
26 Phoenix, AZ 85085
Respondent

Tricia Johnsen
730 West Glenn Drive
Phoenix, AZ 85021
Respondent

Honora Carranza
4866947