

SEP 7 2016

STATE OF ARIZONA
DEPARTMENT OF INSURANCE

DEPT OF INSURANCE
BY *MS*

In the Matter of:

M-POWER SOLUTIONS, LLC
(Arizona License No. 1125643)
(National Producer No. 17730626)

No. 16A-028-INS

ORDER

Respondent.

On August 17, 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 except to add the following statutory references to the following paragraphs because Respondent is a business entity:
 - a. Conclusion of Law, paragraph 2, should also reference A.R.S. § 20-285(D).
 - b. Conclusion of Law, paragraphs 3, 4 and 5, should also reference A.R.S. § 20-295(B).
2. The Interim Director revokes the Arizona resident insurance producer license, No. 1125643, of **M-Power Solutions, LLC** effective immediately.

1 **NOTIFICATION OF RIGHTS**

2 Pursuant to Arizona Revised Statutes ("A.R.S.") § 41-1092.09, Respondent may
3 request a rehearing with respect to this order by filing a written motion with the Interim
4 Director of the Department of Insurance within 30 days of the date of this Order, setting
5 forth the basis for relief under A.A.C. R20-6-114(B). Pursuant to A.R.S. § 41-1092.09, it is
6 not necessary to request a rehearing before filing an appeal to Superior Court.

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

11 DATED this 6th day of September, 2016.

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

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17 COPY of the foregoing mailed this
18 7th day of September, 2016 to:

19 M-Power Solutions, LLC
20 4566 N. 1st Ave., Suite 140
21 Tucson, Arizona 85718
22 Respondent

23 Zakery Harlow
24 931 W. Antelope Creek Way
25 Tucson, Arizona 85718

26 M-Power Solutions, LLC
c/o United States Corporation Agen
17470 N. Pacesetter Way
Scottsdale, Arizona 85255
Statutory Agent for Respondent

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

5 Liane Kido
Assistant Attorney General
6 1275 West Washington Street
Phoenix, Arizona 85007-2926

7 Office of Administrative Hearings
8 1400 West Washington, Suite 101
Phoenix, Arizona 85007

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Maidene Scheiner

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AUG 18 2016

DEPT. OF INSURANCE
BY: MSK

IN THE OFFICE OF ADMINISTRATIVE HEARINGS

In the Matter of:

M-POWER SOLUTIONS, LLC
(Arizona License #1125643),

Respondent.

No. 16A-028-INS

ADMINISTRATIVE LAW JUDGE
DECISION

HEARING: August 17, 2016

APPEARANCES: Respondent M-Power Solutions, LLC 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, M-Power Solutions, LLC ("Respondent") was and currently is licensed by the Arizona Department of Insurance ("Department").

2. On September 30, 2015, the Department issued Respondent a business entity license and a license as an accident/health and life producer, license number 1125643 ("License"), which expires on September 30, 2019. 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

1 FBI for national processing. In this case, fingerprints were submitted by Zakery Harlow,
2 who was listed as the sole member of the LLC.

3 4. On December 21, 2015, the Department issued a letter to Harlow and
4 Respondent by mail, informing them that Harlow's fingerprint card that was submitted
5 during the application process for the License could not be processed and was
6 returned by DPS as illegible. See Exhibit 3. In that letter, the Department requested
7 that Harlow submit a replacement set of fingerprints and enclosed a blank Illegible
8 Fingerprint Replacement Form. *Id.* The Department provided a deadline of January
9 22, 2016, for the return of the completed replacement fingerprint form. *Id.*

10 5. Because the Department did not receive the requested replacement
11 fingerprint form from Respondent as requested, the Department sent another letter to
12 Respondent dated February 4, 2016, giving Harlow a deadline of March 4, 2015, to file
13 with the Department an Illegible Fingerprint Replacement Form with a new set of
14 fingerprints or submit a Voluntary Surrender of Insurance License Form. See Exhibit 4.
15 The Department indicated that the failure to respond to the letter would result in the
16 initiation of disciplinary action being taken against the License. *Id.*

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

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

22 CONCLUSIONS OF LAW

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

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