

OCT 5 2016

STATE OF ARIZONA
DEPARTMENT OF INSURANCE

DEPT OF INSURANCE
BY ms

In the Matter of:

DIBLE, JODY LYNN
(Arizona License No. 1127805)
(National Producer No. 17750843)

No. 16A-052-INS

ORDER

Respondent.

On September 29, 2016, the Office of Administrative Hearings, through Administrative Law Judge Thomas Shedden, issued an Administrative Law Judge Decision ("Recommended Decision"), received by the Director of the Department of Insurance ("Director") on September 30, 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:

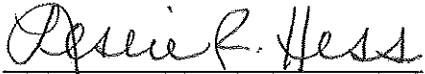
1. The Interim Director adopts the Recommended Findings of Fact and Conclusions of Law.
2. The Interim Director revokes the Arizona resident insurance producer license, No. 1127805, of **Jody Lynn Dible** effective immediately.

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 4th day of October, 2016.

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

9 COPY of the foregoing mailed this
10 5th day of October, 2016 to:

11 Jody Lynn Dible
12 4422 E. Capistrano Ave.
13 Phoenix, AZ 85044
Respondent

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

18 Liane Kido
19 Assistant Attorney General
1275 West Washington Street
Phoenix, Arizona 85007-2926

20 Office of Administrative Hearings
21 1400 West Washington, Suite 101
Phoenix, Arizona 85007

22 
23 Maidene Scheiner

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6. An applicant who submits illegible fingerprints is considered by the Department to have submitted an incomplete application.
7. In a letter dated December 21, 2015, the Department informed Respondent that on or before January 22, 2016, she was required to submit to the Department a replacement set of fingerprints.
8. The Department did not receive from Respondent any response to its December 21, 2015 letter.
9. In a letter dated February 4, 2016, the Department informed Respondent that it was preparing to initiate an administrative action against her license because she had failed to submit a full set of fingerprints.
10. The Department's February 4, 2016 letter also informed Respondent that on or before March 4, 2016, she was required to submit the replacement set of fingerprints, or in the alternative, she could surrender her license.
11. Respondent did not submit a replacement set of fingerprints and she did not surrender her license.
12. The Department requested that Respondent's license be revoked.

CONCLUSIONS OF LAW

1. The Department bears the burden of persuasion. ARIZ. REV. STAT. § 41-1092.07(G)(2).
2. The standard of proof on all issues is that of a preponderance of the evidence. Ariz. Admin. Code § R2-19-119.
3. A preponderance of the evidence is:

The greater weight of the evidence, not necessarily established by the greater number of witnesses testifying to a fact but by evidence that has the most convincing force; superior evidentiary weight that, though not sufficient to free the mind wholly from all reasonable doubt, is still sufficient to incline a fair and impartial mind to one side of the issue rather than the other. BLACK'S LAW DICTIONARY 1373 (10th ed. 2014).
4. With her application, Respondent was required to submit to the Department a complete set of fingerprints. Respondent's submission of fingerprints did not satisfy this requirement because the quality was not sufficient for DPS's use in conducting the required background check. See ARIZ. REV. STAT. § 20-285(E)(2).

5. Because Respondent did not submit fingerprints of sufficient quality, her application is incomplete, which is a violation of ARIZ. REV. STAT. section 20-295(A)(1).

6. Respondent's conduct constitutes a violation of ARIZ. REV. STAT., Title 20, which provides grounds for the Director of the Department to revoke Respondent's license. ARIZ. REV. STAT. § 20-295(A)(2).

RECOMMENDED ORDER

IT IS ORDERED that Respondent Jody Lynn Dible's License No. 1127805 is revoked.

In the event of certification of the Administrative Law Judge Decision by the Director of the Office of Administrative Hearings, the effective date of the Order will be the date of that certification.

Done this day, September 29, 2016.

/s/ Thomas Shedden
Thomas Shedden
Administrative Law Judge

Transmitted electronically to:

Leslie R. Hess, Interim Director
Arizona Department of Insurance