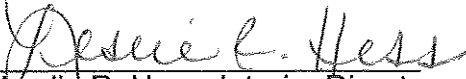




1 Respondent may appeal the final decision of the Interim Director to the Superior  
2 Court of Maricopa County for judicial review pursuant to A.R.S. § 20-166. A party filing an  
3 appeal must notify the Office of Administrative Hearings of the appeal within ten days after  
4 filing the complaint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

5 DATED this 22<sup>nd</sup> day of August, 2017.

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, 2017, to:

11 Paulino Lamar Broncho  
70 Querio Drive, #3  
12 Lake Havasu City, Arizona 86403  
Respondent

13  
14 Mary Kosinski, Regulatory Legal Affairs Officer  
Catherine O'Neil, Consumer Legal Affairs Officer  
Steven Fromholtz, Assistant Director – Consumer Protection Division  
15 Aqueelah Currie, Licensing Supervisor  
Sharyn Kerr, Consumer Protection Division  
16 Arizona Department of Insurance  
2910 North 44th Street, Suite 210  
17 Phoenix, Arizona 85018

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

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

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23   
Maidene Scheiner

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26

AUG 21 2017

DEPT. OF INSURANCE  
BY: MEK

IN THE OFFICE OF ADMINISTRATIVE HEARINGS

In the Matter of:

No. 16A-083-INS-RES

BRONCHO, PAULINO LAMAR  
(National Producer Number 17712007)  
(Arizona/Legacy License ID 1123119)  
Respondent.

ADMINISTRATIVE LAW JUDGE  
DECISION

**HEARING:** August 1, 2017

**APPEARANCES:** Paulino Lamar Broncho ("Mr. Broncho") failed to appear; the Arizona Department of Insurance ("the Department") was represented by Liane Kido, Esq., Assistant Attorney General.

**ADMINISTRATIVE LAW JUDGE:** Kay Abramsohn

**FINDINGS OF FACT**

1. On September 11, 2015, Mr. Broncho submitted to the Department an application ("Application") for an Insurance License for an Individual. Mr. Broncho provided the address of 70 Querio Dr. #3, Lake Havasu City, AZ 86403 ("address of record") on the application.<sup>1</sup>

2. The Department licensed Mr. Broncho as an Arizona resident insurance producer with an accident and health or sickness line of authority, under Arizona License No. 1123119, on September 11, 2015.<sup>2</sup> The license expires on April 30, 2019.

3. On the application, Mr. Broncho answered "no" to the question, "Have you EVER been found guilty of, have you had a judgment made against you for, or have you admitted to . . . a felony (of any kind)?"<sup>3</sup>

4. The Application provides an attestation that states as follows:

By signing and submitting this application, you agree to all the following:

You attest that you have read and understand the foregoing. You certify, under penalty of denial, suspension or revocation of the license and under other penalties that may apply that the answers, statements and information furnished in connection with this license application are true, correct and complete to the best of your knowledge and belief.

<sup>1</sup> Exhibit 2.

<sup>2</sup> The Department has converted its Arizona license numbers to the National Producer licensing system, and Mr. Broncho's National Producer License No. is 17712007.

<sup>3</sup> Id.



1 3. A.R.S. § 20-295(A) provides in pertinent part that:

2 The director may deny, suspend for not more than twelve months,  
3 revoke or refuse to renew an insurance producer's license or may  
4 impose a civil penalty in accordance with subsection F of this section  
5 or any combination of actions for any one or more of the following  
6 causes:

7 1. Providing incorrect, misleading, incomplete or materially untrue  
8 information in the license application.

9 \* \* \*

10 6. Having been convicted of a felony.

11 4. Mr. Broncho has been convicted, in the past, of two felonies. Therefore,  
12 grounds exists, under A.R.S. § 20-295(A)(6), for the Director of the Department to  
13 revoke Mr. Broncho's insurance license.

14 5. In addition, Mr. Broncho failed to disclose his convictions and answered "No,"  
15 when asked if he had ever been convicted of a felony. The failure to disclose his  
16 convictions constitutes providing incomplete, misleading or materially untrue information  
17 on an insure application pursuant to A.R.S. § 20-295(A)(1). This failure to disclose also  
18 provides the Department with additional grounds to revoke Mr. Broncho's insurance  
19 license.

20 6. Mr. Broncho bears the burden of proof to establish that he is rehabilitated and  
21 qualified to receive an insurance license by a preponderance of the evidence.<sup>8</sup> "A  
22 preponderance of the evidence is such proof as convinces the trier of fact that the  
23 contention is more probably true than not."<sup>9</sup>

24 7. By failing to appear or to present any evidence that he is rehabilitated or  
25 qualified to hold an insurance license, Mr. Broncho failed to carry his burden to establish  
26 that the Department erred in deciding to revoke his insurance license.

27 **RECOMMENDED ORDER**

28  
29 <sup>8</sup> See A.R.S. § 41-1092.07(G)(1); A.A.C. R2-19-119; see also *Vazanno v. Superior Court*, 74 Ariz. 369, 372,  
30 249 P.2d 837 (1952).

<sup>9</sup> MORRIS K. UDALL, ARIZONA LAW OF EVIDENCE § 5 (1960).

1 Based on the foregoing, it is recommended that the Director of the Department  
2 revoke Mr. Broncho's insurance license.

3 *In the event of certification of the Administrative Law Judge Decision by the*  
4 *Director of the Office of Administrative Hearings, the effective date of the Order will be*  
5 *five days from the date of that certification.*

6 Done this day, August 21, 2017.

7 /s/ Kay Abramsohn  
8 Administrative Law Judge

9  
10 Transmitted electronically to:

11  
12 Leslie R. Hess, Interim Director  
13 Arizona Department of Insurance  
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