

MAR 20 2017

STATE OF ARIZONA
DEPARTMENT OF INSURANCE

DEPT OF INSURANCE
BY MS

In the Matter of:

BUNDRICK, CANDICE ALICIA
(Arizona License No. 1062733)
(National Producer No. 17110645)

No. 16A-085-INS

ORDER

Respondent.

On March 13, 2017, the Office of Administrative Hearings, through Administrative Law Judge Velva Moses-Thompson, issued an Administrative Law Judge Decision ("Recommended Decision"), received by the Director of the Department of Insurance ("Director") on March 14, 2017, 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 including specifically paragraph 7 of the Recommended Conclusions of Law.
2. The Interim Director revokes the Arizona resident insurance producer license, No. 1062733, of **Candice Alicia Bundrick**, effective immediately.
3. Additionally, the Interim Director modifies the Recommended Order based on her authority under A.R.S. § 20-295(F) and orders Respondent to immediately pay restitution to Farmers Insurance in the amount of \$3,292.33.

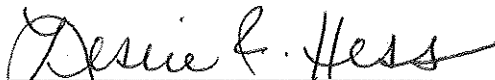
NOTIFICATION OF RIGHTS

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

1 Director of the Department of Insurance within 30 days of the date of this Order, setting
2 forth the basis for relief under A.A.C. R20-6-114(B). Pursuant to A.R.S. § 41-1092.09, it is
3 not necessary to request a rehearing before filing an appeal to Superior Court.

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

8 DATED this 16th day of March, 2017.

9
10 
11 Leslie R. Hess, Interim Director
Arizona Department of Insurance

12 COPY of the foregoing mailed this
13 20th day of March, 2017, to:

14 Candice Alicia Bundrick
15 1 W. Deer Valley Road, #204
Phoenix, Arizona 85027
Respondent

16 Mary Kosinski, Regulatory Legal Affairs Officer
17 Catherine O'Neil, Consumer Legal Affairs Officer
Steven Fromholtz, Assistant Director – Consumer Protection Division
18 Wendy Greenwood, Investigator
Arizona Department of Insurance
2910 North 44th Street, Suite 210
19 Phoenix, Arizona 85018

20 Liane Kido
Assistant Attorney General
21 1275 West Washington Street
Phoenix, Arizona 85007-2926

22 Office of Administrative Hearings
23 1400 West Washington, Suite 101
Phoenix, Arizona 85007

24
25 
26 Maidene Scheiner

MAR 14 2017

DEPT. OF INSURANCE
BY: MEK

IN THE OFFICE OF ADMINISTRATIVE HEARINGS

In the Matter of:

No. 16A-085-INS

BUNDRICK, CANDICE ALICIA,
(Arizona License # 1062733
(National Producer # 17110645),

ADMINISTRATIVE LAW JUDGE
DECISION

Respondent.

HEARING: February 22, 2017

APPEARANCES: Assistant Attorney General Liane C. Kido appeared on behalf of the Arizona Department of Insurance. Respondent did not appear.

ADMINISTRATIVE LAW JUDGE: Velva Moses-Thompson

FINDINGS OF FACT

1. Respondent Candice Alicia Bundrick is and was, at all times material, an Arizona resident life, accident/health, casualty and property insurance producer, license number 1062733. The license expires on November 30, 2017.

2. Respondent's address of record with the Arizona Department of Insurance (hereinafter "Department), was 1 W. Deer Valley Rd., #204, Phoenix, AZ 85027 (business and mailing).

3. On or about July 22, 2015, Farmers Insurance issued a letter to the Department stating that Respondent's appointments with the following companies had been terminated due to Respondent's "mishandle[ing] of premiums belonging to the Companies": Farmers Insurance Exchange, Farmers New World Life, Mid Century Insurance Exchange, Truck Insurance Exchange, Fire Exchange, Farmers Insurance Company of Arizona, Foremost Insurance Company and Coast National Insurance Company.

1 4. On or about October 29, 2015, Farmers Insurance issued a letter to the
2 Department with additional information regarding the termination. The October 29,
3 2015 letter provides, in relevant part, as follows:

4 Bundrick manipulated her personal Auto and Fire policies by processing phony
5 premium payments to keep her policies in force, to avoid paying premium and to
6 provide coverage for five claims.

7 The financial impact to Farmers is \$3,292.33, which consists of \$2,018.99 in
8 unpaid earned premium and \$1,273.34 in payments on claims that would not
9 have otherwise been covered but for the phony payments, which kept the
10 policies in force.

11 5. Farmers Insurance provided a statement to the Department from
12 Respondent dated June 15, 2015. The June 15, 2015 statement provides, in relevant
13 part, as follows:

14 I have voided receipts in order to put policies in force and collect the payment at
15 a later date...I don't want to go into the reason that I hadn't made the premium
16 payments on own [sic] policy and reinstated the policy with an incorrect bank
17 account number. I understand that it's a misrepresentation to tell the company
18 that a payment has been collected when it has not.

19 6. On May 26, 2016, the Department issued a Subpoena Duces Tecum
20 ordering Respondent to appear at the Department on June 13, 2016 at 9:00 a.m. and
21 provide certain documents.

22 7. Respondent failed to appear at the Department on June 13, 2016.
23 Respondent failed to provide any of the requested documents to the Department.

24 8. The Department mailed the Notice of Hearing to Respondent at her
25 business and mailing address of record.

26 9. Although the beginning of the duly noticed hearing was delayed 20
27 minutes to allow Respondent additional travel time, she did not appear personally or
28 through a duly authorized representative, contact the Office of Administrative Hearings
29 to request a continuance or that the time for the hearing be further delayed, or present
30 any evidence at the hearing to defend her life, accident/health, casualty and property
insurance producer license.

 10. The Department appeared through its attorney and presented the testimony
of Wendy Greenwood.

CONCLUSIONS OF LAW

1 1. This matter lies within the Department's jurisdiction.¹

2 2. The Notice of Hearing that the Department mailed to Respondent at her
3 address of record was reasonable, and Respondent is deemed to have received notice
4 of the hearing.²

5 3. This matter is a disciplinary proceeding wherein the Department must prove
6 by a preponderance of the evidence that Respondent violated the State's Insurance
7 Laws.³

8 4. The Department has established by a preponderance of the evidence that
9 Respondent violated Title 20 and a subpoena within the meaning of A.R.S. § 20-
10 295(A)(2).

11 5. The Department has established by a preponderance of the evidence that
12 Respondent misappropriated and converted monies or properties received in the course
13 of doing insurance business, within the meaning of A.R.S. § 20-295(A)(4).

14 6. The Department has established by a preponderance of the evidence that
15 Respondent engaged in fraudulent and dishonest practices and demonstrated
16 untrustworthiness and financial irresponsibility in the conduct of business, within the
17 meaning of A.R.S. § 20-295(A)(8).⁴

18 7. Grounds exist for the Director of the Department to suspend, revoke, or
19 refuse to renew the License, impose a civil penalty and/or order restitution pursuant to
20 A.R.S. § 20-295(A) and (F).

ORDER

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22 Based upon the above, Respondent's License shall be revoked on the effective
23 date of the Order entered in this matter.
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27 _____
¹ See A.R.S. §§ 20-281 to 20-302.

28 ² See A.R.S. §§ 41-1092.04; 41-1092.05(D).

29 ³ See A.A.C. R2-19-119.

30 ⁴ Although the Department alleged in its notice of hearing that Respondent violated A.R.S. §20-286(C)(1) by failing to notify the director within thirty days of a change of business or mailing address, the Department's representative stated at the hearing that the Department was no longer pursuing the allegation.

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

4 Done this day, March 13, 2017.

5
6 /s/ Velva Moses-Thompson
7 Administrative Law Judge

8 Transmitted electronically to:

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