

APR 17 2017

STATE OF ARIZONA
DEPARTMENT OF INSURANCE

DEPT OF INSURANCE
BY JMS

In the Matter of:

MCDONALD-MEYER, KELSEY
(Arizona License No. 1133317)
(National Producer No. 17796327)

No. 16A-097-INS

ORDER

Respondent.

On April 10, 2017, the Office of Administrative Hearings, through Administrative Law Judge Velva Moses-Thompson, issued an Administrative Law Judge Decision ("Recommended Decision"), received by the Interim Director of the Department of Insurance ("Interim Director") on April 12, 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.
2. The Interim Director revokes the Arizona resident insurance producer license, No. 1133317, of **Kelsey McDonald-Meyer** 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 13th day of April, 2017.

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

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10 COPY of the foregoing mailed this
17th day of April, 2017, to:

11 Kelsey McDonald-Meyer
12 4301 N. Scottsdale Rd., R-C#150
13 Scottsdale, Arizona 85251
Respondent

14 Kelsey McDonald-Meyer
15 4262 N. 82nd St.
16 Scottsdale, AZ 85251
Respondent

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

20 Liane Kido
21 Assistant Attorney General
22 1275 West Washington Street
Phoenix, Arizona 85007-2926

23 Office of Administrative Hearings
24 1400 West Washington, Suite 101
Phoenix, Arizona 85007

25 
26 Maidene Scheiner

APR 12 2017

DEPT. OF INSURANCE
BY: MEK

IN THE OFFICE OF ADMINISTRATIVE HEARINGS

In the Matter of:

No. 16A-097-INS

Kelsey McDonald-Meyer
(Arizona License # 1133317,
(National Producer # 17796327),

ADMINISTRATIVE LAW JUDGE
DECISION

Respondent.

HEARING: March 23, 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. On September 23, 2016, the Arizona Department of Insurance, (hereinafter, "Department"), issued a Notice of Hearing setting the above-captioned matter for hearing at 1:00 p.m. on November 3, 2016.¹
2. On February 28, 2017, the tribunal mailed a notice of continued hearing for March 23, 2017 at 9:00 a.m. to the parties.
3. Respondent's business address of record with the Department is 4301 N. Scottsdale Rd., R-C#150, Scottsdale, AZ 85251. Respondent's mailing address of record with the Department is 4262 N. 82nd Street, Scottsdale, AZ 85251.
4. No representative for Respondent appeared at the scheduled time and the matter was convened in her absence at about 9:20 a.m.
5. On December 7, 2015, the Department issued a resident

¹ At the hearing on November 3, 2016, the Department moved to continue the hearing to allow the parties additional time to resolve the matter. The motion was granted and the matter was set for a status update for December 6, 2016. On December 6, 2016, the Department informed the tribunal that the parties had not reached an agreement and requested that the matter be set for hearing.

1 accident/health and life insurance producer license to Respondent, Arizona license
2 number 1133317. The license expires on June 30, 2019.

3 6. On February 4, 2016, the Department notified Respondent
4 that her fingerprint card had been processed and returned to the Department by the
5 Arizona Department of Public Safety, (hereinafter "DPS"). The February 4, 2016 notice
6 provides, in relevant part, as follows:

7 DPS returned the fingerprint card because it was determined to be "illegible,"
8 meaning that the prints were unclear/smeared and could not be read by either
9 the FBI or DPS as required as part of Arizona's licensing process.

10 **By or before 3/4/2016**, the Department must receive a replacement set of
11 fingerprints on a completed fingerprint card (Form FD-258) along with a
12 completed ILLEGIBLE FINGERPRINT REPLACEMENT FORM for the above-
13 captioned individual.

14 You must use a professional fingerprint technician to apply your fingerprints to
15 the card. Enclosed is a list of some of the locations where professional
16 fingerprint technicians may be available. The professional fingerprint technician
17 will date and sign the card in the appropriate location, **and needs to complete**
18 **PART ONE of the enclosed ILLEGIBLE FINGERPRINT REPLACEMENT**
19 **FORM and Form L-FPV**. You must complete PART TWO of the form and return
20 the card and form to the Insurance Licensing Section.

21 7. The Department did not receive a response from Respondent to the
22 February 4, 2016 letter.

23 8. On March 31, 2016, the Department notified Respondent at her address
24 of record that her fingerprints had been returned by DPS as illegible and that the
25 Department was preparing to initiate an administrative action against her license
26 because she had failed to submit a full set of fingerprints. The Department requested a
27 response from Respondent by April 30, 2016.

28 9. Respondent failed to submit a full set of fingerprints to the Department.

29 CONCLUSIONS OF LAW

30 1. The Department bears the burden of persuasion. A.R.S. § 41-
1092.07(G)(2).

2. The standard of proof on all issues is that of a preponderance of the
evidence. A.A.C. § R2-19-119.

1 3. A preponderance of the evidence is:

2 The greater weight of the evidence, not necessarily established
3 by the greater number of witnesses testifying to a fact but by
4 evidence that has the most convincing force; superior
5 evidentiary weight that, though not sufficient to free the mind
6 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).

7 4. With her application, Respondent was required to submit to the
8 Department a complete set of fingerprints. Respondent's submission of fingerprints did
9 not satisfy this requirement because the quality was not sufficient for DPS's use in
10 conducting the required background check. See A.R.S. § 20-285(E)(2).

11 5. Because Respondent did not submit fingerprints of sufficient quality, her
12 application is incomplete, which is a violation of A.R.S. § 20-295(A)(1).

13 6. Respondent's conduct constitutes a violation of A.R.S. Title 20,
14 which provides grounds for the Director of the Department to revoke Respondent's
15 license. A.R.S. § 20-295(A)(2).

16 **RECOMMENDED ORDER**

17 **IT IS ORDERED** that Respondent Kelsey McDonald-Meyer's License No.
18 1133317 is revoked.

19 Done this day, April 10, 2017.

20 /s/ Velva Moses-Thompson
21 Administrative Law Judge

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23 Transmitted electronically to:

24 Leslie R. Hess, Interim Director
25 Arizona Department of Insurance
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