## STATE OF ARIZONA FILED

JUN 13 2017

DEPARTMENT OF INSURANCE

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STATE OF ARIZONA

DEPARTMENT OF INSURANCE

In the Matter of:

ADAMS, MARJORIE GRETCHEN (National Producer No. 17272401) (Legacy License ID No. 1077499) No. 16A-124-INS

**ORDER** 

Respondent.

On June 6, 2017, the Office of Administrative Hearings, through Administrative Law Judge Suzanne Marwil, issued an Administrative Law Judge Decision ("Recommended Decision"), received by the Interim Director of the Department of Insurance ("Interim Director") on June 6, 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:

- The Interim Director adopts the Recommended Findings of Fact and Conclusions of Law.
- The Interim Director revokes the Arizona resident insurance producer license of Marjorie Gretchen Adams effective immediately.
- 3. Respondent shall immediately pay a civil penalty to the Department of \$22.00.

# **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

| 1  | forth the basis for relief under A.A.C. R20-6-114(B). Pursuant to A.R.S. § 41-1092.09, it is     |
|----|--|
| 2  | not necessary to request a rehearing before filing an appeal to Superior Court.                  |
| 3  | Respondent may appeal the final decision of the Interim Director to the Superior                 |
| 4  | Court of Maricopa County for judicial review pursuant to A.R.S. § 20-166. A party filing an      |
| 5  | appeal must notify the Office of Administrative Hearings of the appeal within ten days after     |
| 6  | filing the complaint commencing the appeal, pursuant to A.R.S. § 12-904(B).                      |
| 7  | DATED this & May of June, 2017.  |
| 8  | Do 10 1/2 1/2  |
| 9  | Leslie R. Hess, Interim Director   |
| 10 | Arizona Department of Insurance  |
| 11 | COPY of the foregoing mailed this  |
| 12 | 131 day of, 2017, to:  |
| 13 | Marjorie Gretchen Adams 1605 N. 127 <sup>th</sup> Ave.   |
| 14 | Avondale, Arizona 85392<br>Respondent  |
| 15 |  |
| 16 | Mary Kosinski, Regulatory Legal Affairs Officer Catherine O'Neil, Consumer Legal Affairs Officer |
| 17 | Steven Fromholtz, Assistant Director – Consumer Protection Division Aqueelah Currie, Licensing   |
| 18 | Arizona Department of Insurance<br>2910 North 44th Street, Suite 210                             |
| 19 | Phoenix, Arizona 85018   |
| 20 | Liane Kido Assistant Attorney General  |
| 21 | 1275 West Washington Street<br>Phoenix, Arizona 85007-2926                                       |
| 22 | Office of Administrative Hearings<br>1400 West Washington, Suite 101<br>Phoenix, Arizona 85007   |
| 23 |  |
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| 25 | Mm E. Keisins Li for   |
| 26 | Maidene Scheiner   |

JUN 06 2017

# DEPT. OF INSURANCE

### IN THE OFFICE OF ADMINISTRATIVE HEARINGS

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IN THE OFFICE OF ADMINISTRATIVE HEARINGS

In the Matter of:

ADAMS, MARJORIE GRETCHEN (Arizona License # 1077499), (National Producer # 17272401),

Respondent

No. 16A-124-INS

**ADMINISTRATIVE LAW JUDGE** DECISION

**HEARING**: May 30, 2017

**APPEARANCES:** Respondent Marjorie Gretchen Adams 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. On May 20, 2014, the Department licensed Mariorie Gretchen Adams ("Adams" or "Respondent") as an Arizona resident life insurance producer, Arizona license number 1077499, which expires on February 28, 2018.
- 2. Respondent's address of record is: 1605 N. 1271h Ave., Avondale, AZ 85392 (business and mailing).
- 3. On May 20, 2014, Respondent submitted an Application for an Individual Insurance License (the "Application"). With the Application, Respondent submitted check number 1037 in the amount of \$142.00, which paid for both her licensing fee (\$120.00) and for processing her fingerprint card (\$22.00).
- On May 23, 2014, the Arizona State Treasurer returned check number 1037 to the Department because the bank had returned the check as "Altered/Fictitious".

Office of Administrative Hearings 1400 West Washington, Suite 101 Phoenix, Arizona 85007 (602) 542-9826

- 5. On June 10, 2014, the Department notified Respondent by mail that check number 1037 had been returned. The Department requested a money order in the amount of \$142.00 from Respondent.
- 6. On December 16, 2014, the Department sent Respondent a second notification that even if she did not wish to remain licensed, she still owed the Department \$22.00 for processing Respondent's fingerprint card.
- 7. On December 24, 2014, the Department spoke to Respondent by telephone about sending a Money Order for \$142.00.
- 8. On March 26, 2015, the Department sent Respondent a third notification that, if she wanted her license reinstated, she should send a Money Order in the amount of \$142.00.
- 9. To date, Respondent has not paid either her licensing or fingerprint processing fee to the Department.

# **CONCLUSIONS OF LAW**

- 1. This matter is a disciplinary proceeding wherein the Department must prove by a preponderance of the evidence that Respondent violated the State's Insurance Laws. See A.A.C. R2-19-119.
- 2. Respondent had adequate notice of the hearing because the hearing was continued at her request and the Order Granting Continuance was sent to her address of record.
- 3. As part of the application process, an applicant for an insurance license is required to pay a fee for licensure, and must also pay a fee for a fingerprint background check.
- 4. By submitting a counterfeit check, Respondent failed to pay these fees, thereby violating A.R.S. §§ 20-167(A)(1)(a), 20-285(B)(3), 20-285(E)(2) and 41-1750(G)(4).
- 5. Grounds exist for the Director of the Department to suspend, revoke, or refuse to renew the License pursuant to A.R.S. § 20-295(A).
- 6. Grounds also exist for the Director of the Department to impose a civil penalty pursuant to A.R.S. § 20-295(F).

Based upon the above, Respondent's license shall be revoked on the effective date of the Order entered in this matter.

Respondent shall pay a civil penalty of \$22.00 to the Department, which represents the cost of the Department obtaining Respondent's fingerprint clearance.

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 five (5) days from the date of that certification.

Done this day, June 6, 2017.

/s/ Suzanne Marwil Administrative Law Judge

Transmitted electronically to:

Leslie R. Hess, Interim Director Arizona Department of Insurance