# STATE OF ARIZONA FILED

JAN 1 3 2017

#### STATE OF ARIZONA

DEPARTMENT OF INSURANCE

Respondent.

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In the Matter of:

Procter, Cheyenne Renee

(Arizona License # 1149746),

(National Producer # 17979593),

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No. 16A-130-INS

PROPOSED FINDINGS OF FACT, **CONCLUSIONS OF LAW AND ORDER** 

On December 1, 2016, the Arizona Department of Insurance ("Department") issued a Notice of Hearing ("Notice") in the above-captioned matter, a copy of which is attached as Exhibit A and incorporated by this reference. The Notice required Chevenne Procter ("Procter" or "Respondent") to provide a written answer to the allegations set forth in the Notice within twenty days of the issuance of the Notice. As of this date, Respondent has failed to file an answer. On January 3, 2017, counsel for the Department filed a Request for Default and Proposed Findings of Fact, Conclusions of Law and Order. As of this date, Respondent has not responded to the Department's request. Pursuant to A.A.C.R20-6-106(D), a party that fails to file an answer within the time provided shall be deemed to be in default and one or more of the allegations in the Notice of Hearing may be deemed to be

## FINDINGS OF FACT

- 1. Notice was proper.
- 2. Respondent is in default.
- The allegations in the Notice are deemed admitted. 3.

#### **CONCLUSIONS OF LAW** 1 The conduct alleged in the Notice constitutes grounds for the Director to 1. 2 suspend, revoke or refuse to renew Respondent's license to transact insurance in Arizona, 3 pursuant to A.R.S. §20-295(A). 4 5 **ORDER** 6 IT IS ORDERED: 7 1. The insurance license held by Respondent is revoked effective upon the 8 issuance of this Order. 9 2. The hearing set for January 17, 2017 at 1:00 p.m. shall be vacated. 10 DATED this 121/1 day of January, 2017. 11 12 Lèslie R. Hess, Interim Director 13 Arizona Department of Insurance 14 15 COPY of the foregoing electronically filed this 34 day of January, 2017 to: 16 17 Thomas Shedden, Administrative Law Judge Office of Administrative Hearings 18 COPY of the foregoing delivered same date to: 19 Mary Kosinski, Executive Assistant for Regulatory Affairs 20 Steven Fromholtz, Assistant Director, Consumer Protection Division Aqueelah Currie, Licensing Manager 21 Arizona Department of Insurance 2910 North 44th Street, Suite 210 22 Phoenix, Arizona 85018 23 COPY of the foregoing emailed same date to: 24

Liane Kido, Assistant Attorney General

Liane.Kido@azag.gov

Attorney for the Arizona Department of Insurance

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| 1  | COPY mailed same date to:                                  |
| 2  | Cheyenne Procter   |
| 3  | c/o Primerica<br>13832 N. 32 <sup>nd</sup> St., Ste. 224   |
| 4  | Phoenix, AZ 85032<br>Respondent                            |
| 5  | •  |
| 6  | Cheyenne Procter<br>915 N. 52 <sup>nd</sup> St., Apt. 1044 |
| 7  | Phoenix, AZ 85008<br>Respondent                            |
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#### **DEPARTMENT OF INSURANCE**

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In the Matter of:

Procter, Cheyenne Renee (Arizona License # 1149746), (National Producer # 17979593).

Respondent.

Docket No. 16A-130-INS

NOTICE OF HEARING

(ALJ Thomas Shedden)

PLEASE TAKE NOTICE that the above-captioned matter will be heard before the Interim Director of Insurance of the State of Arizona (the "Interim Director") or her duly designated representative on <u>January 17, 2017 at 8:00 a.m.</u>, at the Office of Administrative Hearings, 1400 West Washington, Suite 101, Phoenix, Arizona 85007<sup>1</sup>.

If you wish to continue this hearing to another date, you must file a motion in writing with the Office of Administrative Hearings not less than 15 days before the scheduled hearing date. Please send it to the attention of the Administrative Law Judge ("ALJ") and include the docket number listed above. You must also mail or hand-deliver a copy of any motion to continue to the Department of Insurance on the same date you file it with the Office of Administrative Hearings.

You are not required to have an attorney represent you. However, if you are represented, your attorney must be licensed to practice law in the State of Arizona. An insurance company may be represented by a corporate officer. A.R.S. § 20-161(B).

You are entitled to be present during the giving of all evidence and you will have a reasonable opportunity to inspect all documentary evidence, examine witnesses, present evidence that supports your case and to request that the ALJ issue subpoenas to compel the attendance of witnesses and production of evidence. A.R.S. §20-164(B).

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<sup>&</sup>lt;sup>1</sup>As authorized under Arizona Revised Statutes ("A.R.S.") §§ 20-161 through and including 20-165 and Title 41, Chapter 6, Article 10 (A.R.S. § 41-1092 et seq.).

A clear and accurate record of the proceedings will be made either by a court reporter or by electronic means. A.R.S. § 41-1092.07(E). If you want a copy of an electronic recording, you must contact the Office of Administrative Hearings at (602) 542-9826. If the hearing was transcribed by a court reporter and you want a copy of the transcript, you must pay the cost of the transcript to the court reporter or other transcriber.

Questions concerning issues raised in this Notice of Hearing should be directed to Assistant Attorney General Liane C. Kido, telephone number (602) 542-8011, 1275 West Washington Street, Phoenix, Arizona 85007-2926, Liane Kido@azag.gov.

### **NOTICE OF APPLICABLE RULES**

On January 23, 1992, we adopted the rules of practice and procedure applicable in contested cases before the Director of Insurance. The hearing will be conducted pursuant to these rules. A.A.C. R20-6-101 through R20-6-115.

YOU MUST FILE A WRITTEN RESPONSE (ANSWER) TO THE ALLEGATIONS IN THIS NOTICE WITH US WITHIN 20 DAYS AFTER WE ISSUE THIS NOTICE. A.A.C. R20-6-106. YOUR RESPONSE SHOULD STATE YOUR POSITION OR DEFENSE AND SHOULD SPECIFICALLY ADMIT OR DENY EACH ASSERTION IN THE NOTICE. IF YOU DO NOT SPECIFICALLY DENY AN ASSERTION, WE WILL CONSIDER IT ADMITTED. ANY DEFENSE YOU DO NOT RAISE WILL BE CONSIDERED WAIVED.

IF YOU DO NOT FILE YOUR RESPONSE ON TIME, WE WILL CONSIDER YOU IN DEFAULT AND THE DIRECTOR MAY DEEM THE ALLEGATIONS IN THE NOTICE AS TRUE. ACCORDINGLY, WE WILL TAKE WHATEVER ACTION IS APPROPRIATE INCLUDING SUSPENSION, REVOCATION, IMPOSITION OF A CIVIL PENALTY AND ORDERING RESTITUTION TO ANY INJURED PERSON.

## **PERSONS WITH DISABILITIES**

PERSONS WITH DISABILITIES MAY REQUEST REASONABLE

ACCOMMODATIONS SUCH AS INTERPRETERS, ALTERNATIVE FORMATS, OR

ASSISTANCE WITH PHYSICAL ACCESSIBILITY. REQUESTS FOR ACCOMMODATIONS

SHOULD BE MADE AS EARLY AS POSSIBLE TO ALLOW TIME TO ARRANGE THE

ACCOMMODATIONS. IF YOU REQUIRE ACCOMMODATIONS, PLEASE CONTACT THE OFFICE OF ADMINISTRATIVE HEARINGS AT (602) 542-9826.

The allegations supporting this Notice of Hearing are as follows:

- Cheyenne Renee Procter, ("Respondent") is and was at all material times
   licensed as a resident life insurance producer, Arizona license number 1149746, which expires
   October 31, 2019.
- 2. Respondent's addresses of record with the Department are: Primerica, 13832 N. 32<sup>nd</sup> St., Ste. 224, Phoenix, AZ 85032 (business), 915 N. 52<sup>nd</sup> St., Apt. 1044, Phoenix, AZ 85008 (mailing).
- On or about June 17, 2016, the Department issued to Respondent a license as a resident life insurance producer, Arizona license number 1149746.
- 4. On August 2, 2016, the Department notified Respondent by mail at her address of record that her fingerprint card had been processed and returned by the Arizona Department of Public Safety (DPS) as illegible. The Department requested a replacement set of fingerprints along with a completed "Illegible Fingerprint Replacement Form" on or before September 1, 2016. Respondent did not reply to the Department's request.
- 5. On September 9, 2016, the Department notified Respondent a second time by mail at her address of record that her fingerprints had been returned by DPS as illegible and that the Department was about to initiate an administrative action against her license for failure to comply with the fingerprint requirement. The Department requested a response by October 3, 2016.
- 6. To date, Respondent has not submitted a full set of fingerprints to the Department.

## VIOLATIONS

7. Respondent's conduct as described above constitutes the violation of the requirement that an applicant submit a full set of fingerprints to the Department within the meaning of A.R.S. § 20-285(E)(2).

- 8. Respondent's conduct as described above constitutes providing incomplete information in the license application within the meaning of A.R.S. § 20-295(A)(1).
- Respondent's conduct as described above constitutes the violation of any provision of A.R.S. Title 20 or any rule, subpoena or order of the director within the meaning of A.R.S.§ 20-295(A)(2).
- 10. Grounds exist for the Interim Director to suspend, revoke, or refuse to renew Respondent's insurance license, impose a civil penalty and/or order restitution pursuant to A.R.S. §§ 20-295(A) and (F).

WHEREFORE, if after hearing, the Interim Director finds the grounds alleged above, the Interim Director may deny, suspend, or revoke Respondent's insurance producer's license and impose a civil penalty. A.R.S. §§ 20-295(A) and (F).

The Interim Director delegates the authority vested in her to the Director of the Office of Administrative Hearings or his designee to preside over the hearing of this matter as the Administrative Law Judge, to make written recommendations to the Interim Director consisting of proposed findings of fact, proposed conclusions of law, and a proposed order. This delegation does not include delegation of the authority of the Director to make an order on the hearing or any other final decision in this matter. A.R.S. § 20-150.

Pursuant to A.R.S. § 41-1092.01, your hearing will be conducted through the Office of Administrative Hearings, an independent agency. Further hearing information may be found at the Office of Administrative Hearings website: www.azoah.com.

DATED this 30th day of November

Mary Kosjński, Regulatory Legal Affairs Officer Arizona Department of Insurance

E. Kasinslu

E-FILE of the foregoing delivered electronically this At day of December, 2016, to:

ALJ Thomas Shedden Office of Administrative Hearings

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| 1  | COPY of the foregoing delivered this day of Oceaning 1, 2016 to:   |
| 2  |  |
| 3  | Mary Kosinski, Regulatory Legal Affairs Officer Steven Fromholtz, Asst. Director, Consumer Protection Division Aqueelah Currie, Licensing Manager  |
| 4  | Arizona Department of Insurance 2910 North 44th Street, Suite 210  |
| 5  | Phoenix, Arizona 85018   |
| 6  | COPY mailed same date by Regular Mail and Certified Mail, Return Receipt Requested, to:  |
| 7  | Cheyenne Procter   |
| 8  | c/o Primerica<br>13832 N. 32 <sup>nd</sup> St., Ste. 224   |
| 9  | Phoenix, AZ 85032<br>Respondent  |
| 10 | Cheyenne Procter   |
| 11 | 915 N. 52 <sup>nd</sup> St., Apt. 1044<br>Phoenix, AZ 85008  |
| 12 | Respondent   |
| 13 | COPY sent same date via electronic mail to:  |
| 14 | Liane Kido<br>Assistant Attorney General   |
| 15 | <u>Liane.Kido@azag.gov</u> and <u>Teresa.Carranza@azag.gov</u><br>Attorney for the Department of Insurance   |
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