

STATE OF ARIZONA
FILED

JAN 13 2017

STATE OF ARIZONA
DEPARTMENT OF INSURANCE
DEPT OF INSURANCE
BY MS

In the Matter of:

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

Respondent.

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 **Cheyenne 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 admitted.

FINDINGS OF FACT

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

//

1 **COPY** mailed same date to:

2 Cheyenne Procter
3 c/o Primerica
4 13832 N. 32nd St., Ste. 224
5 Phoenix, AZ 85032
6 Respondent

7 Cheyenne Procter
8 915 N. 52nd St., Apt. 1044
9 Phoenix, AZ 85008
10 Respondent

11 *Maiden Scheiner*
12 5534787

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STATE OF ARIZONA
DEPARTMENT OF INSURANCE

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)

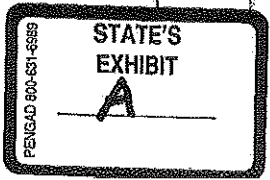
PLEASE TAKE NOTICE that the above-captioned matter will be heard before the Interim Director of Insurance of the State of Arizona (the "Interim Director") or her duly designated representative on January 17, 2017 at 8:00 a.m., at the Office of Administrative Hearings, 1400 West Washington, Suite 101, Phoenix, Arizona 85007¹.

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).

¹As 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.*).



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

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

9 **NOTICE OF APPLICABLE RULES**

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

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

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

24 **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

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

3 The allegations supporting this Notice of Hearing are as follows:

4 1. Cheyenne Renee Procter, ("Respondent") is and was at all material times
5 licensed as a resident life insurance producer, Arizona license number 1149746, which expires
6 October 31, 2019.

7 2. Respondent's addresses of record with the Department are: Primerica, 13832 N.
8 32nd St., Ste. 224, Phoenix, AZ 85032 (business), 915 N. 52nd St., Apt. 1044, Phoenix, AZ
9 85008 (mailing).

10 3. On or about June 17, 2016, the Department issued to Respondent a license as a
11 resident life insurance producer, Arizona license number 1149746.

12 4. On August 2, 2016, the Department notified Respondent by mail at her address
13 of record that her fingerprint card had been processed and returned by the Arizona
14 Department of Public Safety (DPS) as illegible. The Department requested a replacement set
15 of fingerprints along with a completed "Illegible Fingerprint Replacement Form" on or before
16 September 1, 2016. Respondent did not reply to the Department's request.

17 5. On September 9, 2016, the Department notified Respondent a second time by
18 mail at her address of record that her fingerprints had been returned by DPS as illegible and
19 that the Department was about to initiate an administrative action against her license for failure
20 to comply with the fingerprint requirement. The Department requested a response by October
21 3, 2016.

22 6. To date, Respondent has not submitted a full set of fingerprints to the
23 Department.

24 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).

1 COPY of the foregoing delivered this
2 1st day of December, 2016 to:

3 Mary Kosinski, Regulatory Legal Affairs Officer
4 Steven Fromholtz, Asst. Director, Consumer Protection Division
5 Aqueelah Currie, Licensing Manager
6 Arizona Department of Insurance
7 2910 North 44th Street, Suite 210
8 Phoenix, Arizona 85018

9 COPY mailed same date by Regular Mail
10 and Certified Mail, Return Receipt Requested, to:

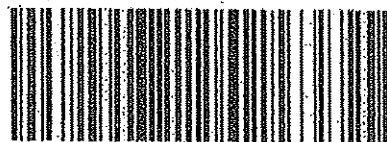
11 Cheyenne Procter
12 c/o Primerica
13 13832 N. 32nd St., Ste. 224
14 Phoenix, AZ 85032
15 Respondent

16 Cheyenne Procter
17 915 N. 52nd St., Apt. 1044
18 Phoenix, AZ 85008
19 Respondent

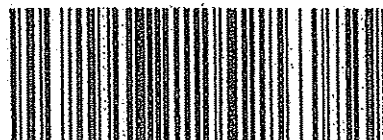
20 COPY sent same date via electronic mail to:

21 Liane Kido
22 Assistant Attorney General
23 Liane.Kido@azag.gov and Teresa.Carranza@azag.gov
24 Attorney for the Department of Insurance

25 *Maidene Scheiner*
26 Maidene Scheiner
27 5473311



7014 3490 0001 8000 7167



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