## STATE OF ARIZONA F!! ED

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STATE OF ARIZONA

DEPARTMENT OF INSURANCE

In the Matter of:

MORRIS, RICKY REAGAN (National Producer No. 17441529) (Legacy License ID No. 1171170) No. 17A-055-INS

**ORDER** 

Respondent.

On September 21, 2017, the Office of Administrative Hearings, through
Administrative Law Judge Dorinda M. Lang, issued an Administrative Law Judge Decision
("Recommended Decision"), received by the Interim Director of the Department of
Insurance ("Interim Director") on September 21, 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 Ricky Reagan Morris, National Producer Number 17441529, 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 22 nd day of September, 2017.
6	
7	Leslie R. Hess, Interim Director
8	Arizona Department of Insurance
9	COPY of the foregoing mailed this 27th day of September 2017, to:
10	
11	Ricky Reagan Morris RICK.MORRIS@SCI-US.COM Respondent
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13	Ricky Reagan Morris 38701 N. Lamar Dr. San Tan Valley, AZ 85140 Respondent
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15	
16	Mary Kosinski, Regulatory Legal Affairs Officer Catherine O'Neil, Consumer Legal Affairs Officer Steven Fromholtz, Assistant Director – Consumer Protection Division Aqueelah Currie, Licensing Sharyn Kerr, Consumer Protection Division Arizona Department of Insurance 2910 North 44th Street, Suite 210 Phoenix, Arizona 85018
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20	Liane Kido Assistant Attorney General 1275 West Washington Street Phoenix, Arizona 85007-2926
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23	Office of Administrative Hearings 1400 West Washington, Suite 101 Phoenix, Arizona 85007
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25	Maidene Scheiner  Maidene Scheiner
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## IN THE OFFICE OF ADMINISTRATIVE HEARINGS

SEP 2 1 2017

DEPT. QEINSURANCE

In the Matter of:

Morris, Ricky Reagan

(Arizona License #1171170) (National Producer #17441529)

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No. 17A-055-INS

ADMINISTRATIVE LAW JUDGE

**DECISION** 

Respondent.

**HEARING:** September 7, 2017

**APPEARANCES:** Liane Kido, Attorney for the Department of Insurance;

Aqueelah Currie, witness

**ADMINISTRATIVE LAW JUDGE:** Dorinda M. Lang

In a hearing set to consider Respondent's failure to submit a legible set of fingerprints with the application for an insurance producer's license, Respondent failed to appear. Based on the evidence offered by the Arizona Department of Insurance, the Administrative Law Judge finds that it is appropriate to revoke Respondent's license.

# **FINDINGS OF FACT**

1. Respondent submitted an application for a license as an insurance producer to the Arizona Department of Insurance ("Department"). The application requires all applicants to submit fingerprints with the application, which are ultimately forwarded to the Federal Bureau of Investigation ("FBI") for a criminal background check. However, because of the time the process takes, the Department issues the licenses to applicants who are otherwise qualified.

- 2. Effective January 18, 2017, the Department issued Respondent insurance casualty and property producer licenses, which expire on April 30, 2020.<sup>1</sup>
- 3. On March 6, 2017, the Department issued a letter to Respondent by mail, informing him that the fingerprint card he submitted during the application process for his licenses could not be processed and was returned by the Department of Public Safety as illegible. In that letter, the Department requested that Respondent submit a replacement set of fingerprints and enclosed a blank Illegible Fingerprint Replacement Form.<sup>2</sup>
- 4. Because the Department did not receive the requested replacement fingerprint form from Respondent as requested, the Department sent another letter to Respondent dated April 5, 2017, giving Respondent a deadline of April 27, 2017, to file with the Department an Illegible Fingerprint Replacement Form with a new set of fingerprints or submit a Voluntary Surrender of Insurance License Form. The Department indicated that the failure to respond to the letter would result in the initiation of disciplinary action being taken against the License.<sup>3</sup>
- 5. When no response was received, the Department issued a Notice of Hearing to Respondent's address of record informing Respondent that the issue of whether the failure to submit legible fingerprints was a violation of the statutes governing Respondent's license and the matter was set for hearing.
- 6. Respondent did not appear at the hearing. Acqueelah Currie testified for the Department that to date, Respondent had not responded to the above-mentioned letters and had not submitted to the Department a new set of fingerprints.
- 7. By failing to appear for the hearing, Respondent was unable to present any evidence to refute or rebut the evidence presented by the Department.

## **CONCLUSIONS OF LAW**

1. The Notice of Hearing that the Department mailed to Respondent at her address of record was reasonable and he is deemed to have received notice of the hearing.<sup>4</sup>

<sup>&</sup>lt;sup>1</sup> See Exhibit 2.

<sup>&</sup>lt;sup>2</sup> See Exhibit 3.

<sup>&</sup>lt;sup>3</sup> See Exhibit 4.

<sup>&</sup>lt;sup>4</sup> See A.R.S. §§ 41-1092.04; 41-1092.05(D).

- 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.<sup>5</sup>
  - 3. A.R.S. § 20-295(A)(1) and (2) provide as follows:
    - A. The director may deny, suspend for not more than twelve months, revoke or refuse to renew an insurance producer's license or may impose a civil penalty in accordance with subsection F of this section or any combination of actions for any one or more of the following causes:
    - 1. Providing incorrect, misleading, incomplete or materially untrue information in the license application.
    - 2. Violating any provision of this title or any rule, subpoena or order of the director.
  - 4. A.R.S. § 20-285(E)(2) provides as follows:
    - E. Before the director grants a license, the director may require the applicant to:

\* \* \*

- 2. Submit a full set of fingerprints to the department. The department of insurance shall submit the fingerprints to the department of public safety for the purpose of obtaining a state and federal criminal records check pursuant to section 41-1750 and Public Law 92-544. The department of public safety may exchange this fingerprint data with the federal bureau of investigation.
- 5. A.R.S. § 20-286(C)(1) provides as follows:
  - C. A licensee shall inform the director in writing within thirty days of any change in the licensee's:
    - 1. Residential or business address.
- 6. During the application process, the Director of the Department required Respondent to submit a full set of fingerprints. Failure to do so was a violation of A.R.S. § 20-285(E)(2), which authorizes the Department to revoke Respondent's license pursuant to A.R.S. § 20-295(A)(2).
- 7. Respondent's conduct, as set forth above, constitutes a violation of A.R.S. § 20-295(A)(1) by having failed to provide complete information in the license application.

<sup>&</sup>lt;sup>5</sup> See A.A.C. R2-19-119.

8. Based on the violations committed by Respondent by failing to submit legible fingerprints, A.R.S. § 20-295(A)(1) and (2) authorize the Department to revoke Respondent's license.

#### RECOMMENDED DECISION

Based upon the foregoing considerations, the undersigned Administrative Law Judge hereby recommends that on the effective date of this order, Respondent's licenses (Arizona License #1171170 and National Producer #17441529) shall be revoked.

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, September 21, 2017.

/s/ Dorinda M. Lang Administrative Law Judge

Transmitted electronically to:

Leslie R. Hess, Interim Director Arizona Department of Insurance