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STATE OF ARIZONA

DEPARTMENT OF INSURANCE

In the Matter of:

BOSER, VICKI LYNN

(National Producer Number 5774965) (Arizona Legacy License No. 169547)

and

INSURANCE TEK, INC.

(National Producer Number 7936393) (Arizona License No. 1800003039)

Respondents.

No. 17A-067-INS

ORDER

On December 29, 2017, the Office of Administrative Hearings, through
Administrative Law Judge Tammy L. Eigenheer, issued an Administrative Law Judge
Decision ("Recommended Decision"), received by the Interim Director of the Department of
Insurance ("Interim Director") on December 29, 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 non-resident insurance producer license of Vicki Lynn Boser effective immediately.
- The Interim Director revokes the Arizona non-resident insurance producer license of InsuranceTek, Inc. effective immediately.

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NOTIFICATION OF RIGHTS

Pursuant to Arizona Revised Statutes ("A.R.S.") § 41-1092.09, Respondents 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.

Respondents may appeal the final decision of the Interim Director to the Superior Court of Maricopa County for judicial review pursuant to A.R.S. § 20-166. A party filing an appeal must notify the Office of Administrative Hearings of the appeal within ten days after filing the complaint commencing the appeal, pursuant to A.R.S. § 12-904(B).

DATED this and day of annay, 2018.

Arizona Department of Insurance

COPY of the foregoing mailed this

3rd day of January, 2018, to:

Vicki Lynn Boser

Insurance Tek, Inc. 108 Union Ave.

Snohomish, WA 98290-2971

Vicki Lynn Boser

Respondents

Insurance Tek, Inc. P.O. Box 70

Snohomish, WA 98291-0070 Respondents

Vicki Lynn Boser 14002 67th Avenue SE

Snohomish, WA 98296-8956

Respondent

1	
1	Mary Kosinski, Regulatory Legal Affairs Officer Catherine O'Neil, Consumer Legal Affairs Officer
2	Steven Fromholtz, Assistant Director – Consumer Protection Division Aqueelah Currie, Licensing
3	Sharyn Kerr, Consumer Protection Division Arizona Department of Insurance
4	2910 North 44th Street, Suite 210 Phoenix, Arizona 85018
5	Liane Kido
6	Assistant Attorney General State Government Division
7	Agency Counsel Section 15 S. 15 th Ave.
8	Phoenix, Arizona 85007
9	Office of Administrative Hearings 1400 West Washington, Suite 101
10	Phoenix, Arizona 85007
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IN THE OFFICE OF ADMINISTRATIVE HEARINGS

DEPT. OF INSURANCE

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In the Matter of:

Boser, Vicki Lynn

InsuranceTek, Inc.

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and

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ADMINISTRATIVE LAW JUDGE DECISION

HEARING: December 12, 2017

Respondents.

(National Producer Number 5774965) (Legacy AZ License Number 169547)

(National Producer Number 7936393) (Arizona License Number 1800003039)

APPEARANCES: Respondents Vicki Lynn Boser and InsuranceTek, Inc. did not appear. The Arizona Department of Insurance was represented by Assistant Attorney General Liane C. Kido.

ADMINISTRATIVE LAW JUDGE: Tammy L. Eigenheer

FINDINGS OF FACT

- 1. The Arizona Department of Insurance (Department) issued Respondent Vicki Lynn Boser (Boser) non-resident Insurance Producer's License No. 5774965 on January 22, 2004. This license was due to expire on January 31, 2020.
- 2. Boser's addresses of record with the Department were: Insurancetek, Inc., 108 Union Avenue, Snohomish, Washington 98290-2971 (business) and InsuranceTek, Inc., P.O. Box 70, Snohomish, Washington 98291-0070 (mailing). Boser's business email address of record was: sue@insurance-tek.com.
- The Department issued Respondent InsuranceTek, Inc. (ITI) non-resident Insurance Producer's License No. 1800003039 on January 22, 2004. This license was due to expire on January 31, 2018. ITI was not registered as a foreign corporation with the Arizona Corporation Commission.

- 4. ITI's addresses of record with the Department were: 108 Union Avenue, Snohomish, Washington 98290-2971 (business) and P.O. Box 70, Snohomish, Washington 98291-0070 (mailing).
- 5. Boser was President of, Governor of, and Designated Responsible Licensed Producer for ITI.
- 6. On or about January 27, 2017, the Washington State Office of the Insurance Commissioner (Washington) issued an Order Suspending Licenses Pending Revocation (Suspension Order) against Boser and ITI. The Suspension Order became effective on February 1, 2017. An Order Revoking Licenses (Revocation Order) was served concurrently with the Suspension Order. The Revocation Order became effective on February 14, 2017.
- 7. Washington found that Boser and ITI converted and failed to forward all premium monies received from a policyholder. Furthermore, it was found that Boser and ITI committed fraud by signing a premium finance agreement without the knowledge of the policyholder who had already made a full premium payment, and by substituting its own address for the policyholder's address so the policyholder would be unaware of the premium finance agreement.
- 8. Boser and ITI failed to report Washington's administrative actions to the Department within 30 days after the final disposition of the matter.
- 9. On February 14, 2017, the Idaho Department of Insurance (Idaho) revoked Boser and ITI's nonresident insurance producer licenses based upon Washington's Suspension Order and Revocation Order.
- 10. Boser and ITI failed to report the Idaho administrative action to the Department within 30 days after the final disposition of the matter.
- 11. On February 21, 2017, the Nevada Division of Insurance (Nevada) revoked Boser and ITI's nonresident insurance producer licenses based upon Washington's Revocation Order.
- 12. Boser and ITI failed to report the Nevada administrative action to the Department within 30 days after the final disposition of the matter.

- 13. On May 12, 2017, the Insurance Commissioner of the State of Oklahoma (Oklahoma) revoked Boser and ITI's nonresident insurance producer licenses based upon Washington's Revocation Order.
- 14. Boser and ITI failed to report the Oklahoma administrative action to the Department within 30 days after the final disposition of the matter.
- 15. On October 27, 2017, the Department issued a Notice of Hearing setting forth its intent to penalize Respondents' non-resident insurance producer's licenses under A.R.S. § 20-295(A)(2), A.R.S. § 20-295(A)(7), A.R.S. § 20-295(A)(8), A.R.S. § 20-287(A)(1), and A.R.S. § 20-301(A).
- 16. The Department mailed the Notice of Hearing to Respondents at their business and mailing addresses of record. The Department also sent a copy to Boser's email address.
- 17. Although the beginning of the duly noticed hearing was delayed 20 minutes to allow Respondents time to appear, they did not appear personally or through a duly authorized representative, contact the Office of Administrative Hearings to request a continuance or that the time for the hearing be further delayed, or present any evidence at the hearing to defend their non-resident insurance producer's licenses.
- 18. The Department appeared through its attorney and presented the testimony of Aqueelah Currie.

CONCLUSIONS OF LAW

- 1. This matter lies within the jurisdiction of the Department. See A.R.S. §§ 20-281 to 302.
- 2. The Department bears the burden of proof and must establish cause to revoke or otherwise penalize Respondents' non-resident insurance producer's licenses by a preponderance of the evidence. See A.R.S. § 41-1092.07(G)(2); A.A.C. R2-19-119; see also Vazanno v. Superior Court, 74 Ariz. 369, 372, 249 P.2d 837 (1952).
- 3. "A preponderance of the evidence is such proof as convinces the trier of fact that the contention is more probably true than not." MORRIS K. UDALL, ARIZONA LAW OF EVIDENCE § 5 (1960). A preponderance of the evidence is "[t]he greater weight of the evidence, not necessarily established by the greater number of witnesses testifying to a fact but by evidence that has the most convincing force; superior evidentiary weight that, though

not sufficient to free the mind 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 at 1220 (8th ed. 1999).

- 4. A.R.S. § 20-295(A) provides, in pertinent part:
- 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:
- 2. Violating any provision of this title or any rule, subpoena or order of the director.
- 7. Having admitted or been found to have committed any insurance unfair trade practice or fraud.
- 8. Using fraudulent, coercive or dishonest practices, or demonstrating incompetence, untrustworthiness or financial irresponsibility in the conduct of business in this state or elsewhere.
- 5. A.R.S. § 20-301(A) provides:

- A. Within thirty days after the final disposition of the matter, an insurance producer shall report to the director any administrative action taken against the producer in another jurisdiction or by another governmental agency in this state. The report shall include a copy of the order, consent to order or other relevant dispositive document.
- 6. Respondents' conduct, as detailed in the Suspension Order and Revocation Order from Washington, constituted fraud and dishonest practices in violation of A.R.S. § 20-295(A)(7) and A.R.S. § 20-295(A)(8).
- 7. Respondents' failure to report to the Department, within 30 days after the final disposition of the matter, the administrative action taken against Respondents' licenses in Washington, Idaho, Nevada, and Oklahoma was a violation of A.R.S. § 20-301(A). Respondents' violation of A.R.S. § 20-301(A) in failing to report the administrative actions taken against Respondents' licenses constituted a violation of A.R.S. § 20-295(A)(2).
- 8. The violations of A.R.S. § 20-295(A)(2), A.R.S. § 20-295(A)(7), A.R.S. § 20-295(A)(8), and A.R.S. § 20-301(A) provided cause for the Director of the Department to sanction Respondents' non-resident insurance producer's licenses.

9. A.R.S. § 20-287(A)(1) requires that a person must be currently licensed as a resident and in good standing in the person's home state to hold a non-resident insurance producer license in the state of Arizona. Because Respondent's home state license was revoked, the Director of the Department had no discretion and was required to also revoke Respondent's Arizona non-resident insurance producer's license under A.R.S. § 20-287(A)(1).

The Department therefore has borne its burden to establish cause to revoke
 Respondents' non-resident insurance producer's licenses.

RECOMMENDED ORDER

Based on the foregoing, it is recommended that the Director of the Department revoke Respondent Vicki Lynn Boser's non-resident insurance producer's license no. 5774965 and Respondent InsuranceTek, Inc.'s non-resident insurance producer's license no. 1800003039.

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 days from the date of that certification.

Done this day, December 29, 2017

/s/ Tammy L. Eigenheer Administrative Law Judge

Transmitted electronically to:

Leslie R. Hess, Interim Director Arizona Department of Insurance