

NOV 15 2017

STATE OF ARIZONA
DEPARTMENT OF INSURANCE

DEPT OF INSURANCE
BY ms

In the Matter of:

No. 17A-076-INS

PREM, TIMOTHY FRANCIS, JR.,

ORDER

Petitioner.

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


1. The Interim Director adopts the Recommended Findings of Fact and Conclusions of Law except to correct the reference in Findings of Fact paragraph 1 from "Arizona Department of Health Services" to "Arizona Department of Insurance."
2. The Interim Director denies **Timothy Francis Prem, Jr.'s** application for an Arizona insurance producer license.

NOTIFICATION OF RIGHTS

Pursuant to Arizona Revised Statutes ("A.R.S.") § 41-1092.09, Petitioner 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 Petitioner may appeal the final decision of the Interim Director to the Superior Court
2 of Maricopa County for judicial review pursuant to A.R.S. § 20-166. A party filing an appeal
3 must notify the Office of Administrative Hearings of the appeal within ten days after filing
4 the complaint commencing the appeal, pursuant to A.R.S. § 12-904(B).

5 DATED this 9th day of November, 2017.

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7 
8 Leslie R. Hess, Interim Director
Arizona Department of Insurance

9 COPY of the foregoing mailed this
10 15th day of November 2017, to:

11 Timothy Francis Prem, Jr.
12 105 N. Beebe St., #2101
13 Gilbert, AZ 85234
14 Petitioner

15 **COPY** sent same date via electronic mail to:

16 Timothy Francis Prem, Jr.
17 TimPrem10@comcast.net
18 Petitioner

19 Mary Kosinski, Executive Assistant for Regulatory Affairs
20 Catherine O'Neil, Consumer Legal Affairs Officer
21 Steven Fromholtz, Asst. Dir., Consumer Protection Division
22 Aqueelah Currie, Licensing Supervisor
23 Sharyn Kerr, Consumer Protection Division
24 Arizona Department of Insurance
25 2910 North 44th Street, Suite 210
26 Phoenix, Arizona 85018

27 Liane Kido
28 Assistant Attorney General
29 1275 West Washington Street
30 Phoenix, Arizona 85007-2926

31 Office of Administrative Hearings
32 1400 West Washington, Suite 101
33 Phoenix, Arizona 85007

34 
35 Maidene Scheiner
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IN THE OFFICE OF ADMINISTRATIVE HEARINGS

STATE OF ARIZONA
FILED

NOV 06 2017

In the Matter of the Application for
Licensure of:

No. 17A-076-INS

Prem, Timothy Francis Jr.,

ADMINISTRATIVE LAW JUDGE
DECISION

DEPARTMENT OF INSURANCE
BY MEB

Petitioner.

HEARING: November 2, 2017

APPEARANCES: No one appeared for Petitioner; Liane Kido, Esq. for
Respondent

ADMINISTRATIVE LAW JUDGE: Thomas Shedden

FINDINGS OF FACT

1. On September 18, 2017, the Arizona Department of Health Services issued a Notice of Hearing setting the above-captioned matter for hearing at 1:00 p.m. November 2, 2017 at the Office of Administrative Hearings in Phoenix, Arizona.
2. No representative for Petitioner appeared by 1:15 p.m. and, consequently, the matter was not convened and no evidence was taken.

CONCLUSIONS OF LAW

1. Petitioner had the burden of persuasion. ARIZ. REV. STAT. § 41-1092.07(G)(1).
2. Because Petitioner failed to appear and prosecute the appeal, the appeal is unsupported by evidence and Petitioner did not meet the burden of proof.
3. Consequently, Petitioner's appeal should be dismissed.

ORDER

IT IS ORDERED that Petitioner's appeal is dismissed.

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 after the date of that certification.

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

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Done this day, November 6, 2017

/s/ Thomas Shedden
Thomas Shedden
Administrative Law Judge

Transmitted electronically to:

Leslie R. Hess, Interim Director
Arizona Department of Insurance