

STATE OF ARIZONA

MAY 2 2018

DEPARTMENT OF INSURANCE

DEPT OF INSURANCE
BY MS

In the Matter of:

No. 18A-009-INS

JOHNSON, RAYMOND HAROLD,

ORDER

Petitioner.

On April 30, 2018, 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 April 30, 2018, 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.

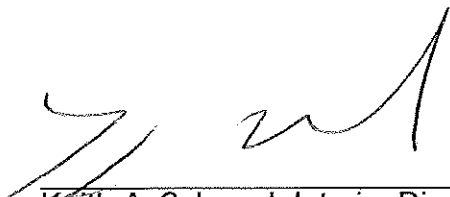
2. The Interim Director denies **Raymond Harold Johnson's** application for an Arizona insurance producer license.

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 filling 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 1st day of May, 2018.

6
7
8 
9 Keith A. Schraad, Interim Director
 Arizona Department of Insurance

10 **COPY** of the foregoing mailed this
11 2nd day of May, 2018, to:

12 Raymond Harold Johnson
13 1959 S. Power Road, Ste. #103-391
 Mesa, AZ 85206
 Petitioner

14 **COPY** delivered same date to:

15 Mary Kosinski, Executive Assistant for Regulatory Affairs
16 Catherine O'Neil, Consumer Legal Affairs Officer
17 Steven Fromholtz, Asst. Dir., Consumer Protection Division
18 Aqueelah Currie, Licensing Supervisor
19 Sharyn Kerr, Consumer Protection Division
 Arizona Department of Insurance
 2910 North 44th Street, Suite 210
 Phoenix, Arizona 85018

20 Lynette Evans
21 Assistant Attorney General
 1275 West Washington Street
 Phoenix, Arizona 85007-2926

22 Office of Administrative Hearings
23 1400 West Washington, Suite 101
 Phoenix, Arizona 85007

24 
25 Maidene Scheiner

26

APR 30 2018

DEPT. OF INSURANCE
BY: MEK

IN THE OFFICE OF ADMINISTRATIVE HEARINGS

In the Matter of:

No. 18A-009-INS

Johnson, Raymond Harold

ADMINISTRATIVE LAW JUDGE
DECISION

Petitioner.

HEARING: April 19, 2018

APPEARANCES: Raymond Harold Johnson on his own behalf; Liane Kido, Esq.
for the Department of Insurance

ADMINISTRATIVE LAW JUDGE: Thomas Shedden

FINDINGS OF FACT

1. On March 9, 2018, the Arizona Department of Insurance ("Department") issued a Notice of Hearing setting the above-captioned matter for hearing on April 19, 2018 at the Office of Administrative Hearings in Phoenix, Arizona.¹

2. Petitioner Raymond Harold Johnson appeared and testified on his own behalf, and he also presented the testimony of Corey Smith. The Department presented the testimony of Aqueelah Currie, its Licensing Supervisor.

3. On January 16, 2018, Mr. Johnson filed with the Department an application for a Life Insurance Producer's License.

4. Through his application, Mr. Johnson disclosed that he had been found guilty of a felony.

5. In a letter dated February 1, 2018, the Department informed Mr. Johnson that his application had been denied based on ARIZ. REV. STAT. sections 20-295(A)(6) and (A)(8).

6. Mr. Johnson requested a hearing, which led to the instant matter be scheduled.

¹ On March 26, 2018, the Department issued a Notice or Errata showing that the location of the hearing had been listed in error.

1 The greater weight of the evidence, not necessarily established
2 by the greater number of witnesses testifying to a fact but by
3 evidence that has the most convincing force; superior
4 evidentiary weight that, though not sufficient to free the mind
5 wholly from all reasonable doubt, is still sufficient to incline a fair
6 and impartial mind to one side of the issue rather than the other.

5 BLACK'S LAW DICTIONARY 1373 (10th ed. 2014).

6 4. The preponderance of the evidence shows that Mr. Johnson has been
7 convicted of fraudulent schemes and artifices and of theft, which are felonies. These
8 convictions show that Mr. Johnson used fraudulent, coercive or dishonest practices, or
9 demonstrated incompetence, untrustworthiness or financial irresponsibility in the
10 conduct of business in this state. Consequently, the Department's Director has
11 discretion to deny Mr. Johnson's application based on ARIZ. REV. STAT. sections 20-
12 295(A)(6) and (A)(8).

13 5. Mr. Johnson is on probation for his crimes and he does not accept
14 responsibility for his actions, which weigh against him.

15 6. Mr. Johnson has failed to demonstrate by a preponderance of the
16 evidence that the Department's decision to deny his application should be overturned.

17 7. Mr. Johnson's appeal should be dismissed.

18 **ORDER**

19 **IT IS ORDERED** that Raymond Harold Johnson's appeal is dismissed.

20 *In the event of certification of the Administrative Law Judge Decision by the Director of*
21 *the Office of Administrative Hearings, the effective date of the Order is five days after*
22 *the date of that certification.*

23 Done this day, April 30, 2018

24 /s/ Thomas Shedden
25 Thomas Shedden
26 Administrative Law Judge

27 Transmitted electronically to:

28 Leslie R. Hess, Interim Director
29 Arizona Department of Insurance
30