

MAY 15 2018

STATE OF ARIZONA
DEPARTMENT OF INSURANCE
DEPT OF INSURANCE BY ms

In the Matter of:

PRIBBLE, SUE ELLEN
(National Producer Number 18354238)
(Legacy License ID Number 1176745)

Respondent.

No. 16A-010-INS

ORDER

On May 8, 2018, the Office of Administrative Hearings, through Administrative Law Judge Diane Mihalsky, issued an Administrative Law Judge Decision ("Recommended Decision"), received by the Interim Director of the Department of Insurance ("Interim Director") on May 9, 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:

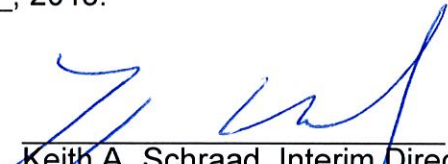
1. The Interim Director adopts the Recommended Findings of Fact and Conclusions of Law.
2. The Interim Director revokes the Arizona resident insurance producer license of **Sue Ellen Pribble**, National Producer Number 18354238, effective immediately.

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 10th day of May, 2018.

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9 Keith A. Schraad, Interim Director
10 Arizona Department of Insurance

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13 **COPY** of the foregoing mailed this
14 15th day of May, 2018, to:

15 Sue Ellen Pribble
16 c/o Primerica
17 9950 W. Van Buren St., Suite 114
18 Avondale, AZ 85323
19 Respondent

20 Sue Ellen Pribble
21 102 S. 4th Ave., Apt. 287
22 Avondale, AZ 85323
23 Respondent

24 Lynette Evans
25 Assistant Attorney General
26 State Government Division
Agency Counsel Section
15 S. 15th Ave.
Phoenix, Arizona 85007

Office of Administrative Hearings
1740 West Adams Street, Lower Level
Phoenix, Arizona 85007

1 **COPY** of the foregoing delivered, same date, to:

2 Mary Kosinski, Regulatory Legal Affairs Officer
3 Catherine O'Neil, Consumer Legal Affairs Officer
4 Steven Fromholtz, Assistant Director – Consumer Protection Division
5 Aqueelah Currie, Licensing Supervisor
6 Sharyn Kerr, Consumer Protection Division
7 Arizona Department of Insurance
8 2910 North 44th Street, Suite 210
9 Phoenix, Arizona 85018

6 **COPY** of the foregoing delivered electronically, same date, to:

7 Sue Ellen Pribble
8 SPRIBBLE@PRIMERICA.COM
9 Respondent

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11 Maidene Scheiner

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MAY 09 2018

DEPT. OF INSURANCE
BY: MEK

IN THE OFFICE OF ADMINISTRATIVE HEARINGS

In the Matter of:

No. 18A-010-INS

Pribble, Sue Ellen
(National Producer Number 18354238)
(Legacy License ID Number 1176745)

ADMINISTRATIVE LAW JUDGE
DECISION

Respondent.

HEARING: May 8, 2018, at 1:00 p.m.

APPEARANCES: The Arizona Department of Insurance ("the Department") was represented by Lynette Evans, Esq., Assistant Attorney General; Sue Ellen Pribble ("Respondent") failed to appear.

ADMINISTRATIVE LAW JUDGE: Diane Mihalsky

FINDINGS OF FACT

1. The Department referred this matter to the Office of Administrative Hearings ("OAH"), an independent state agency, for an evidentiary hearing on its intent to revoke Respondent's insurance producer's license.

2. On March 26, 2018, the Department issued a Notice of Hearing, setting a hearing on May 8, 2018, at 1:00 p.m. The Department sent a copy of the Notice of Hearing to Respondent at her address of record by regular and certified mail, as well as to her email address.

3. A hearing was held on May 8, 2018. The Department presented the testimony of Aqueelah Currie, its Licensing Supervisor, and submitted four exhibits.

4. Respondent did not request to appear telephonically and did not request that the hearing be continued. Although the start of the duly noticed hearing was delayed sixteen minutes to allow Respondent additional travel time, she did not appear, personally or through an attorney, and did not contact OAH to request that the start of the hearing be further delayed. Consequently, Respondent did not present any evidence to defend her insurance producer's license.

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EVIDENCE SUBMITTED AT THE HEARING

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5. On or about March 16, 2017, Respondent submitted an application for an insurance producer's license to the Department.¹ The application requires all applicants to submit fingerprints with the application. The Department provides the fingerprints to the Arizona Department of Public Safety ("DPS") for a criminal background check.

6. Ms. Currie testified that because DPS must contact other federal and state agencies to find out if a person's fingerprints show a criminal history, it takes the Department from 30 days to nine months to complete the background investigation. In the meantime, the Department issues the licenses to applicants who are otherwise qualified.

7. On or about March 16, 2017, the Department issued Respondent insurance a life producer license, which is due to expire on March 31, 2021.²

8. Subsequently, DPS informed the Department that because Respondent's fingerprints were illegible, it could not perform a background check.

9. On May 9, 2017, the Department sent a letter to Respondent at the address on her license application, informing her that her fingerprints were illegible and requesting her to provide a replacement set of fingerprints on or before May 31, 2017.³ Ms. Currie testified that Respondent did not respond to the Department's May 9, 2017 letter.

10. On November 1, 2017, the Department sent another letter to Respondent at the address on her license application, informing her that her fingerprints were illegible and requesting her to provide a replacement set of fingerprints on or before November 30, 2017, or to submit a Voluntary Surrender of Insurance License Form.⁴ Ms. Currie testified that Respondent did not respond to the Department's November 1, 2017 letter. Ms. Currie testified that to her knowledge, Respondent has not contacted the Department since it issued her insurance producer's license.

CONCLUSIONS OF LAW

¹ See the Department's Exhibit 1.

² See the Department's Exhibit 2.

³ See the Department's Exhibit 3.

⁴ See the Department's Exhibit 4.

1 1. This matter lies with the Department's jurisdiction.⁵

2 2. The Notice of Hearing that the Department mailed to Respondent at her
3 address of record was reasonable and she is deemed to have received notice of the
4 hearing.⁶

5 3. The Department bears the burden of proof to establish cause to discipline
6 Respondent's insurance producer's license by a preponderance of the evidence.⁷ "A
7 preponderance of the evidence is such proof as convinces the trier of fact that the
8 contention is more probably true than not."⁸

9 4. A.R.S. § 20-285(E)(2) provides as follows:

10 E. Before the director grants a license, the director may
11 require the applicant to:

12

13 2. Submit a full set of fingerprints to the department. The
14 department of insurance shall submit the fingerprints to the
15 department of public safety for the purpose of obtaining a
16 state and federal criminal records check pursuant to section
17 41-1750 and Public Law 92-544. The department of public
18 safety may exchange this fingerprint data with the federal
19 bureau of investigation.

20 Pursuant to this statute, the Department required Respondent to submit her fingerprints
21 with the license application. However, DPS informed the Department that Respondent's
22 fingerprints were illegible.

23 5. A.R.S. § 20-295(A)(1) and (2) provide as follows:

24 A. The director may deny, suspend for not more than twelve
25 months, revoke or refuse to renew an insurance producer's
26 license or may impose a civil penalty in accordance with
27 subsection F of this section or any combination of actions for
28 any one or more of the following causes:

29 1. Providing incorrect, misleading, incomplete or materially
30 untrue information in the license application.

⁵ See A.R.S. § 20-282.

⁶ See A.R.S. §§ 41-1092.04; 41-1092.05(D).

⁷ 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).

⁸ MORRIS K. UDALL, ARIZONA LAW OF EVIDENCE § 5 (1960).

1 2. Violating any provision of this title or any rule, subpoena
2 or order of the director.

3 Respondent's failure to submit legible fingerprints and failures to respond to the
4 Department's May 9, 2017 and November 1, 2017 letters provide cause to revoke her
5 insurance producer's license under A.R.S. § 20-295(A)(1) and (2). Respondent's
6 failures to respond to the letters or to appear for the duly noticed hearing indicate that,
7 at this time, she cannot be regulated.

8 **RECOMMENDED DECISION**

9 Based upon the foregoing, it is ordered that on the effective date of the final order
10 in this matter, Respondent Sue Ellen Pribble's insurance producer's license, National
11 Producer Number 18354238 and Legacy License ID Number 1176745, shall be
12 revoked.

13 *In the event of certification of the Administrative Law Judge Decision by the*
14 *Director of the Office of Administrative Hearings, the effective date of the Order will be*
15 *five (5) days from the date of that certification.*

16 Done this day, May 8, 2018

17 /s/ Diane Mihalsky
18 Administrative Law Judge

19 Transmitted electronically to:

20 Leslie R. Hess, Interim Director
21 Arizona Department of Insurance
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