

JUL 30 2018

DEPT OF INSURANCE
BY MS

STATE OF ARIZONA

DEPARTMENT OF INSURANCE

In the Matter of:

BENITEZ, JUNIOR JAVIER
(National Producer Number 18446424)

Respondent

No. 18A-037-INS

ORDER

On July 26, 2018, 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 July 26, 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 **Junior Javier Benitez**, National Producer Number 18446424, 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 30th day of July, 2018.

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

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13 **COPY** of the foregoing mailed this
14 30th day of July, 2018, to:

15 Junior Javier Benitez
16 1601 N. 7th St., #100
17 Phoenix, AZ 85006
18 Respondent

19 Junior Javier Benitez
20 833 S. Extension Rd.
21 Mesa, AZ 85210
22 Respondent

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

Office of Administrative Hearings
1400 West Washington, Suite 101
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
8 100 North 15th Ave., Suite 102
9 Phoenix, Arizona 85007-2624

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

8 Junior Javier Benitez
9 AZTRAINING@FREDLOYA.COM
10 Respondent

11 
12 Maidene Scheiner

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JUL 26 2018

DEPT. OF INSURANCE
BY: MEK

IN THE OFFICE OF ADMINISTRATIVE HEARINGS

In the Matter of:

No. 18A-037-INS

Benitez, Junior Javier
(National Producer Number 18446424)
Respondent

ADMINISTRATIVE LAW JUDGE
DECISION

HEARING: July 12, 2018

APPEARANCES: Respondent Junior Javier Benitez did not appear. The Arizona Department of Insurance was represented by Assistant Attorney General Lynette Evans.

ADMINISTRATIVE LAW JUDGE: Tammy L. Eigenheer

FINDINGS OF FACT

1. At all times material to this matter, Junior Javier Benitez (Respondent) was licensed by the Arizona Department of Insurance (Department).
2. On or about June 20, 2017, the Department issued Respondent a license as an insurance producer, National Producer Number 18446424 (License), which expires on August 31, 2020.
3. Aqueelah Currie, Licensing Supervisor, testified that when an application for a license is received and processed, it is forwarded to the Arizona Department of Public Safety (DPS) for processing, which includes processing by the Federal Bureau of Investigation (FBI) for a criminal history background check to be conducted. The Department submits the completed fingerprint forms supplied by the applicant to DPS and DPS submits the fingerprint forms to the FBI for national processing.
4. On November 6, 2017, the Department issued a letter to Respondent by mail, informing him that his fingerprint card that was submitted during the application process for the License could not be processed and was returned by DPS as illegible. In that letter, the Department requested that Respondent submit a replacement set of fingerprints and the enclosed blank Illegible Fingerprint Replacement Form. The Department provided a deadline of November 30, 2017, for the return of the completed replacement fingerprint form. Respondent did not reply to the Department's request.
5. Because the Department did not receive the requested replacement fingerprint form from Respondent as requested, the Department sent another letter to

1 Respondent dated March 2, 2018, giving Respondent a deadline of March 30, 2018, to
2 file with the Department an Illegible Fingerprint Replacement Form with a new set of
3 fingerprints or submit a Voluntary Surrender of Insurance License Form. The Department
4 indicated that the failure to respond to the letter would result in the initiation of disciplinary
5 action being taken against the License.

6 6. Ms. Currie testified that to date, Respondent had not responded to the
7 above-mentioned letters and had not submitted to the Department a new set of
8 fingerprints.

9 7. Respondent did not present any evidence to refute or rebut the evidence
10 presented by the Department.

11 **CONCLUSIONS OF LAW**

12 1. This matter is a disciplinary proceeding wherein the Department must prove
13 by a preponderance of the evidence that Respondent violated the State's Insurance
14 Laws. See A.A.C. R2-19-119.

15 2. During the application process, the Director of the Department required
16 Respondent to submit a full set of fingerprints and Respondent's illegible fingerprint
17 submission did not satisfy that requirement. See A.R.S. § 20-285(E)(2).

18 3. Respondent's conduct, as set forth above, constitutes a violation of A.R.S.
19 § 20-295(A)(1) by having failed to provide complete information in the license application.

20 4. Respondent's conduct, as set forth above, constitutes the violation of any
21 provision of A.R.S., Title 20, within the meaning of A.R.S. § 20-295(A)(2).

22 5. Grounds exist for the Director of the Department to suspend, revoke, or
23 refuse to renew the License pursuant to A.R.S. § 20-295(A).

24 **ORDER**

25 Based upon the above, Respondent's License shall be revoked on the effective
26 date of the Order entered in this matter.

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

30 Done this day, July 26, 2018

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/s/ Tammy L. Eigenheer
Administrative Law Judge

Transmitted electronically to:

Keith A. Schraad, Interim Director
Arizona Department of Insurance