

DEC 10 2018

DEPT OF INSURANCE  
BY MEK

STATE OF ARIZONA

DEPARTMENT OF INSURANCE

**In the Matter of:**

**BIADOR, LOIS KAYE**  
(National Producer Number 18453704)

**Respondent**

**No. 18A-064-INS**

**ORDER**

On December 6, 2018, the Office of Administrative Hearings, through Administrative Law Judge Velva Moses-Thompson, issued an Administrative Law Judge Decision ("Recommended Decision"), received by the Interim Director of the Department of Insurance ("Interim Director") on December 10, 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 **Lois Kaye Biador**, National Producer Number 18453704, 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 10<sup>th</sup> day of December, 2018.

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

9 **COPY** of the foregoing mailed this  
10 11<sup>th</sup> day of December, 2018, to:

11 Lois Kaye Bador  
12 3850 Baseline Rd.  
13 Mesa, AZ 85204  
14 Respondent

15 Lois Kaye Bador  
16 3028 E. Rockwood Dr.  
17 Phoenix, AZ 85050  
18 Respondent

19 Deian Ousounov  
20 Assistant Attorney General  
21 State Government Division  
22 Agency Counsel Section  
23 15 S. 15<sup>th</sup> Ave.  
24 Phoenix, Arizona 85007

25 Office of Administrative Hearings  
26 1400 West Washington, Suite 101  
Phoenix, Arizona 85007

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

22 Mary Kosinski, Regulatory Legal Affairs Officer  
23 Catherine O'Neil, Consumer Legal Affairs Officer  
24 Steven Fromholtz, Assistant Director – Consumer Protection Division  
25 Aqueelah Currie, Licensing Supervisor  
26 Sharyn Kerr, Consumer Protection Division  
Arizona Department of Insurance  
100 North 15<sup>th</sup> Ave., Suite 102  
Phoenix, Arizona 85007-2624

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

2 Lois Kay Bador  
3 [Lbador@asu.edu](mailto:Lbador@asu.edu)  
4 Respondent

5 Deian Ousounov  
6 Assistant Attorney General  
7 [AdminLaw@azag.gov](mailto:AdminLaw@azag.gov)  
8 Attorney for the Department of Insurance

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*Francine Martinez*  
Francine Martinez



DEC 10 2018

DEPT. OF INSURANCE  
BY: msk

IN THE OFFICE OF ADMINISTRATIVE HEARINGS

In the Matter of:

No. 18A-064-INS

BIADOR, LOIS KAYE  
(National Producer Number 18453704)

ADMINISTRATIVE LAW JUDGE  
DECISION

Respondent.

**HEARING:** December 6, 2018

**APPEARANCES:** Assistant Attorney General Deian Ousounov appeared on behalf of the Arizona Department of Insurance. Respondent Lois Kaye Biador did not appear.

**ADMINISTRATIVE LAW JUDGE:** Velva Moses-Thompson

**FINDINGS OF FACT**

1. On October 11, 2018, the Arizona Department of Insurance ("Department") issued a Notice of Hearing setting the above-captioned matter for hearing at 1:00 p.m. on December 6, 2018.
2. No representative for Respondent Lois Kaye Biador appeared at the scheduled time and the matter was convened in her absence at about 1:20 p.m.
3. On or about June 26, 2017, Respondent submitted to the Department an application for a license as a resident insurance producer with a line of authority in accident and health or sickness insurance. With the application, Respondent included a copy of her fingerprints.
4. The Department issued to Respondent License No. 18453704.
5. The Department forwarded Respondent's fingerprints the Arizona Department of Public Safety ("DPS") for a criminal records background check. Respondent's fingerprints were not of sufficient quality for use in conducting the background check.

1 6. An applicant who submits illegible fingerprints is considered by the Department  
2 to have submitted an incomplete application.

3 7. In a letter dated November 6, 2017, the Department informed Respondent that  
4 on or before November 30, 2017, she was required to submit to the Department a  
5 replacement set of fingerprints. The November 6, 2017 letter was mailed to  
6 Respondent's residential address.

7 8. The Department did not receive from Respondent any response to its November  
8 6, 2017 letter.

9 9. In a letter dated March 2, 2018, the Department informed Respondent that it  
10 was preparing to initiate an administrative action against her license because she had  
11 failed to submit a full set of fingerprints.

12 10. The Department's March 2, 2018 letter also informed Respondent that on or  
13 before March 30, 2018, she was required to submit the replacement set of fingerprints,  
14 or in the alternative, she could surrender her license.

15 11. On or about March 12, 2018, the March 2, 2018 letter was returned to the  
16 Department as undeliverable.

17 12. Respondent did not submit a replacement set of fingerprints and she did not  
18 surrendered her license.

19 13. The Department requested that Respondent's license be revoked.

20 **CONCLUSIONS OF LAW**

21 1. The Department bears the burden of persuasion. ARIZ. REV. STAT. § 41-  
22 1092.07(G)(2).

23 2. The standard of proof on all issues is that of a preponderance of the evidence.  
24 Ariz. Admin. Code § R2-19-119.

25 3. A preponderance of the evidence is:

26 The greater weight of the evidence, not necessarily  
27 established by the greater number of witnesses testifying to a  
28 fact but by evidence that has the most convincing force;  
29 superior evidentiary weight that, though not sufficient to free  
30 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 1373 (10th ed. 2014).

1  
2 4. With her application, Respondent was required to submit to the Department a  
3 complete set of fingerprints. Respondent's submission of fingerprints did not satisfy the  
4 requirement because the quality was not sufficient for DPS's use in conducting the  
5 required background check. See ARIZ. REV. STAT. § 20-285(E)(2).

6 5. Because Respondent did not submit fingerprints of sufficient quality, her  
7 application is incomplete, which is a violation of ARIZ. REV. STAT. section 20-295(A)(1).

8 6. Respondent's conduct constitutes a violation of ARIZ. REV. STAT., Title 20, which  
9 provides grounds for the Director of the Department to revoke Respondent's license.  
10 ARIZ. REV. STAT. § 20-295(A)(2).

11 **RECOMMENDED ORDER**

12 **IT IS ORDERED** that Respondent Lois Kaye Biador's License No. 18453704 is  
13 revoked.

14 Done this day, December 6, 2018.

15  
16 /s/ Velva Moses-Thompson  
17 Administrative Law Judge  
18

19 Transmitted electronically to:

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21 Keith A. Schraad, Interim Director  
22 Arizona Department of Insurance  
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