

DEC 10 2018

DEPT OF INSURANCE
BY MEK

STATE OF ARIZONA
DEPARTMENT OF INSURANCE

In the Matter of:

DRAPER, STEPHANIE NICOLE
(National Producer Number 18493624)

Respondent

No. 18A-066-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:

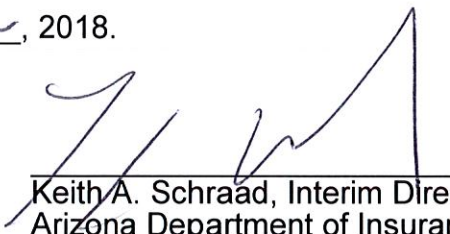
1. The Interim Director adopts the Recommended Findings of Fact and Conclusions of Law.
2. The Interim Director revokes the Arizona resident insurance producer license of **Stephanie Nicole Draper**, National Producer Number 18493624, effective immediately.

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 December, 2018.

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

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

11 Stephanie Nicole Draper
12 15786 W. Calavar Rd.
13 Surprise, AZ 85379
14 Respondent

15 Deian Ousounov
16 Assistant Attorney General
17 State Government Division
18 Agency Counsel Section
19 15 S. 15th Ave.
20 Phoenix, Arizona 85007

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

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

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

COPY sent same date via electronic mail to:

24 Stephanie Nicole Draper
25 Stephanie.draper.wfg@gmail.com
26 Respondent

1 Deian Ousounov
Assistant Attorney General
2 AdminLaw@azag.gov
3 Attorney for the Department of Insurance

4 
5 Francine Martinez

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DEC 10 2018

DEPT. OF INSURANCE

BY: MEK

IN THE OFFICE OF ADMINISTRATIVE HEARINGS

In the Matter of:

No. 18A-066-INS

DRAPER, STEPHANIE NICOLE
(National Producer Number 18493624)

**ADMINISTRATIVE LAW JUDGE
DECISION**

Respondent.

HEARING: December 6, 2016.

APPEARANCES: Assistant Attorney General Deian Ousounov appeared on behalf of the Arizona Department of Insurance. Respondent Stephanie Nicole Draper 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, 2016.
2. No representative for Respondent Stephanie Nicole Draper appeared at the scheduled time and the matter was convened in her absence at about 1:20 p.m.
3. On or about August 2, 2017, Respondent submitted to the Department an application for a license as a resident insurance producer with lines of authority in life and accident and health or sickness. With the application, Respondent included a copy of her fingerprints.
4. The Department issued to Respondent License No. 18493624, which is scheduled to expire on March 31, 2021.
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.

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

8 9. The November 6, 2017 letter was not returned to the Department as
9 undeliverable.

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

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

16 12. The March 2, 2018 letter was not returned to the Department as undeliverable.

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

19 14. 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 Stephanie Nicole Draper's License No.
13 18493624 is revoked.

14 Done this day, December 6, 2018.

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

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19 Transmitted electronically to:

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