

MAR 18 2019

DEPT OF INSURANCE
BY MEK

STATE OF ARIZONA

DEPARTMENT OF INSURANCE

In the Matter of:

MARK, GLENN ALLAN
(National Producer Number 18547112)

Respondent.

No. 18A-069-INS

ORDER

On March 14, 2019, the Office of Administrative Hearings, through Administrative Law Judge Velva Moses-Thompson, issued an Administrative Law Judge Decision ("Recommended Decision"), received by the Director of the Department of Insurance ("Director") on March 15, 2019, a copy of which is attached and incorporated by this reference. The Director of the Department of Insurance has reviewed the Recommended Decision and enters the following Order:

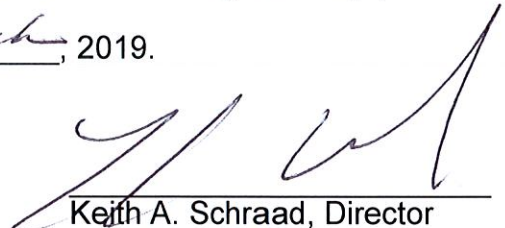
1. The Director adopts the Recommended Findings of Fact, Conclusions of Law and Recommended Order.
2. The Director revokes the Arizona resident insurance producer license of **Glenn Allan Mark**, National Producer Number 18547112, effective immediately.

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 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 Director to the Superior Court of
2 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 18th day of March, 2019.

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

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12 **COPY** of the foregoing mailed this
20th day of March, 2019, to:

13 Glenn Allan Mark
14 16404 Black Canyon Hwy, #100
Phoenix, AZ 85053
15 Respondent

16 Glenn Allan Mark
17 3370 N. Hayden Rd., #123-202
Scottsdale, AZ 85251
18 Respondent

19 Office of Administrative Hearings
1740 West Adams St., Lower Level
20 Phoenix, Arizona 85007

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

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

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

2 Glenn Allan Mark
3 glennamark@gmail.com
4 Respondent

5 Deian Ousounov
6 Assistant Attorney General
7 AdminLaw@azag.gov
8 Attorney for the Department of Insurance

9 Susan Hack
10 Susan.hack@azag.gov
11 Attorney General Paralegal

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Francine Martinez
Francine Martinez

MAR 15 2019

DEPT. OF INSURANCE
BY: mlk

IN THE OFFICE OF ADMINISTRATIVE HEARINGS

In the Matter of:

MARK, GLENN ALLAN
(National Producer Number 18547112)

Respondent.

No. 18A-069-INS

ADMINISTRATIVE LAW JUDGE
DECISION

HEARING: December 6, 2018 and February 22, 2019

APPEARANCES: Respondent Glenn Allan Mark appeared on behalf of himself at the hearing held on December 6, 2018. Respondent did not appear for hearing on February 22, 2019.

Assistant Attorney General Deian Osonouv appeared on behalf of the Arizona Department of Insurance.

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, 2018.¹
2. Respondent Glenn Allan Mark appeared at the hearing scheduled for December 6, 2018. Respondent and the Department's attorney requested additional time to resolve the matter and the matter was set for a status update by January 15, 2019.
3. On January 14, 2019 the Department's attorney informed the tribunal that it was unable to resolve the matter with Respondent. As a result, the matter was reset for

¹ The hearing was set for a status update to afford the parties additional time to resolve the matter. On January 14, 2019, the Department's counsel informed the tribunal that it was unable to resolve the matter with Mr. Mark. The matter was reset for hearing for February 22, 2019.

1 February 22, 2019 at 9:00 a.m. Respondent failed to appear for hearing on February
2 22, 2019 and the matter was convened in his absence at about 9:15 a.m.

3 4. On or about September 22, 2017, Respondent submitted to the Department an
4 application for an individual insurance producer license. See Exhibit 1. Respondent
5 included a copy of his fingerprints with the application.

6 5. The Department issued to Respondent License No. 18547112, which is
7 scheduled to expire on August 31, 2021. See id at pg. 2.

8 6. The Department forwarded Respondent's fingerprints to the Arizona Department
9 of Public Safety ("DPS") for a criminal records background check. Respondent's
10 fingerprints were not of sufficient quality for use in conducting the background check.

11 7. An applicant who submits illegible fingerprints is considered by the Department
12 to have submitted an incomplete application.

13 8. In a letter dated November 6, 2017, the Department informed Respondent that
14 on or before November 30, 2017, he was required to submit to the Department a
15 replacement set of fingerprints. See Exhibit 2. The November 6, 2017 letter was
16 mailed to Respondent's mailing address. See Exhibits 1 and 2.

17 9. The Department did not receive from Respondent any response to its November
18 6, 2017 letter. The November 6, 2017 letter was not returned to the Department as
19 undeliverable.

20 10. In a letter dated March 2, 2018, the Department informed Respondent that it
21 was preparing to initiate an administrative action against his license, because he had
22 failed to submit a full set of fingerprints. See Exhibit 3. The Department's March 2,
23 2018 letter also informed Respondent that on or before March 30, 2018, he was
24 required to submit the replacement set of fingerprints by, or in the alternative, he could
25 surrender his license. The March 2, 2018 letter was mailed to Respondent's business
26 address. See Exhibits 1 and 3.

27 11. On or about March 19, 2018, the March 2, 2018 letter was returned to the
28 Department as undeliverable. See Exhibit 3.

29 12. Respondent did not submit a replacement set of fingerprints and he did not
30 surrendered his license.

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

2 **CONCLUSIONS OF LAW**

3 1. The Department bears the burden of persuasion. ARIZ. REV. STAT. § 41-
4 1092.07(G)(2).

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

7 3. A preponderance of the evidence is:

8 The greater weight of the evidence, not necessarily
9 established by the greater number of witnesses testifying to a
10 fact but by evidence that has the most convincing force;
11 superior evidentiary weight that, though not sufficient to free
12 the mind wholly from all reasonable doubt, is still sufficient to
13 incline a fair and impartial mind to one side of the issue rather
14 than the other.

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

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

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

22 6. Respondent's conduct constitutes a violation of ARIZ. REV. STAT., Title 20, which
23 provides grounds for the Director of the Department to revoke Respondent's license.
24 ARIZ. REV. STAT. § 20-295(A) and (F).

25 **RECOMMENDED ORDER**

26 **IT IS ORDERED** that Respondent Glenn Allan Mark's License No. 18547112 is
27 revoked.

28 Done this day, March 14, 2019.

29 /s/ Velva Moses-Thompson
30 Administrative Law Judge

1 Transmitted electronically to:

2 Keith A. Schraad, Interim Director
3 Arizona Department of Insurance

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