

DEC 10 2018

STATE OF ARIZONA  
DEPARTMENT OF INSURANCE

DEPT OF INSURANCE  
BY MEK

**In the Matter of:**

**MIKALAUSKAS, ANTHONY**  
(National Producer Number 16804236)

**Respondent**

**No. 18A-070-INS**

**ORDER**

On December 6, 2018, the Office of Administrative Hearings, through Administrative Law Judge Thomas Shedden, issued an Administrative Law Judge Decision ("Recommended Decision"), received by the Interim Director of the Department of Insurance ("Interim Director") on December 6, 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:

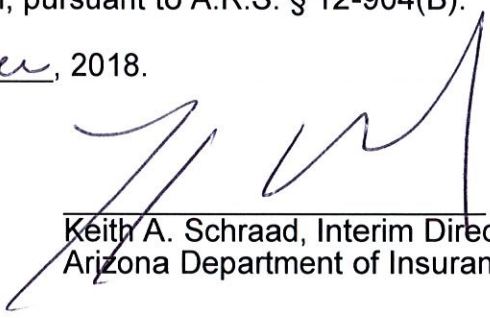
1. The Interim Director adopts the Recommended Findings of Fact and Conclusions of Law.
2. The Interim Director revokes the Arizona non-resident insurance producer license of **Anthony Mikalauskas**, National Producer Number 16804236, effective immediately.

**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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11 Keith A. Schraad, Interim Director  
12 Arizona Department of Insurance

11 **COPY** of the foregoing mailed this  
12 11<sup>th</sup> day of December, 2018, to:

13 Anthony Mikalauskas  
14 2419 North Mango Avenue  
15 Chicago, IL 60639-2312  
16 Respondent

17 Office of Administrative Hearings  
18 1740 West Adams St., Lower Level  
19 Phoenix, Arizona 85007

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

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

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

24 Anthony Mikalauskas  
25 [Amikaluaskas14@yahoo.com](mailto:Amikaluaskas14@yahoo.com)  
26 Respondent

1 Grant Pearson  
Assistant Attorney General  
2 [AdminLaw@azag.gov](mailto:AdminLaw@azag.gov)  
3 Attorney for the Department of Insurance

4  
5 *Francine Martinez*  
Francine Martinez

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DEC 06 2018

DEPT. OF INSURANCE  
BY: MEK

IN THE OFFICE OF ADMINISTRATIVE HEARINGS

In the Matter of:

No. 18A-070-INS-RES2

Mikalauskas, Anthony  
(National Producer Number 16804236)  
(Legacy License ID Number 1042263)

**ADMINISTRATIVE LAW JUDGE  
DECISION**

Respondent.

**HEARING:** November 20, 2018

**APPEARANCES:** No one appeared for Respondent; Grant Pearson Esq. for the  
Department of Insurance

**ADMINISTRATIVE LAW JUDGE:** Thomas Shedden

**FINDINGS OF FACT**

1. On September 24, 2018, the Arizona Department of Insurance ("Department") issued a Notice of Hearing setting the above-captioned matter for hearing at 1:00 p.m. November 20, 2018 at the Office of Administrative Hearings.
2. No representative for Anthony Mikalauskas appeared and the matter was convened in his absence at about 1:20 p.m.
3. The Department presented the testimony of its investigator Wendy Greenwood.
4. Mr. Mikalauskas is licensed as a non-resident Arizona insurance producer, National Producer Number 16804236. Mr. Mikalauskas's Arizona license is due to expire on April 30, 2020.
5. Through an Order Revoking License dated August 12, 2016, the Commonwealth of Virginia's Bureau of Insurance revoked Mr. Mikalauskas's license as an insurance agent finding that he had misrepresented the benefits of an insurance policy, he had made false or fraudulent statements or representations in an insurance application for the purpose of obtaining a fee, and he had failed to make records available promptly upon request.
6. Mr. Mikalauskas did not report to the Department that Virginia had revoked his license.

1 7. Through an Administrative Order, Notice of Nonrenewal of License dated  
2 August 24, 2017, the Indiana Department of Insurance informed Mr. Mikalauskas that  
3 his nonresident insurance producer's license was not being renewed because Virginia  
4 had revoked his license and for using fraudulent, coercive, or dishonest practices in the  
5 conduct of business.

6 8. Mr. Mikalauskas did not report to the Department that Indiana had not renewed  
7 his license.

8 9. Through a Final Decision and Order dated August 29, 2017, the Insurance  
9 Department of the State of Delaware revoked Mr. Mikalauskas's license for failing to  
10 timely report that he had been the subject of an adverse administrative action in  
11 another jurisdiction.

12 10. Mr. Mikalauskas did not report to the Department that Delaware had revoked his  
13 license.

14 11. The Department made attempts to contact Mr. Mikalauskas by mail at his  
15 address of record and by email at his email address of record. The mail was returned to  
16 the Department and the email delivery failed.

17 12. The Department requests that Mr. Mikalauskas's license be revoked.

18 **CONCLUSIONS OF LAW**

19 1. The Department bears the burden of persuasion. ARIZ. REV. STAT. § 41-  
20 1092.07(G).

21 2. The burden of proof at an administrative hearing falls to the party asserting a  
22 claim, right or entitlement. The standard of proof is that of the preponderance of the  
23 evidence. ARIZ. ADMIN. CODE § R2-19-119.

24 3. A preponderance of the evidence is:

25 The greater weight of the evidence, not necessarily  
26 established by the greater number of witnesses testifying to a  
27 fact but by evidence that has the most convincing force;  
28 superior evidentiary weight that, though not sufficient to free  
29 the mind wholly from all reasonable doubt, is still sufficient to  
30 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. Because Virginia and Delaware revoked, and Indiana denied renewal of, Mr.  
3 Mikalauskas's licenses, the Department has authority to suspend or revoke his Arizona  
4 license. ARIZ. REV. STAT. § 20-295(A)(9).

5 5. Mr. Mikalauskas was required to report to the Department the administrative  
6 actions taken against him in other jurisdictions but he failed to do so, which is a  
7 violation of ARIZ. REV. STAT. section 20-301. Consequently, the Department has  
8 authority to suspend or revoke his Arizona license. ARIZ. REV. STAT. § 20-295(A)(2).

9 6. Mr. Mikalauskas was required to report to the Department any change of  
10 address within thirty days of that change but he failed to do so, which is a violation of  
11 ARIZ. REV. STAT. section 20-286(C)(1). Consequently, the Department has authority to  
12 suspend or revoke his Arizona license. ARIZ. REV. STAT. § 20-295(A)(2).

13 7. Considering the facts and circumstances of this matter, including Mr.  
14 Mikalauskas's failure to appear at the hearing, Mr. Mikalauskas's license should be  
15 revoked.

16 **ORDER**

17 **IT IS ORDERED** that Anthony Mikalauskas's non-resident Arizona insurance  
18 producer's license is revoked.

19 *In the event of certification of the Administrative Law Judge Decision by the Director of*  
20 *the Office of Administrative Hearings, the effective date of the Order will be five days*  
21 *after the date of that certification.*

22 Done this day, December 6, 2018.

23 /s/ Thomas Shedden  
24 Thomas Shedden  
25 Administrative Law Judge

26 Transmitted electronically to:

27 Keith A. Schraad, Interim Director  
28 Arizona Department of Insurance  
29  
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