

JUN 25 2019

STATE OF ARIZONA
DEPARTMENT OF INSURANCE

DEPT OF INSURANCE
BY MEK 6/25/19

In the Matter of:

HOUSTON, ALBERTA ANITA
(National Producer Number 18657856)

Respondent.

No. 18A-111-INS

ORDER

On June 19, 2019, the Office of Administrative Hearings, through Administrative Law Judge Thomas Shedden, issued an Administrative Law Judge Decision ("Recommended Decision"), received by the Director of the Department of Insurance ("Director") on June 20, 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 **Alberta Anita Houston**, National Producer Number 18657856, 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 20th day of June, 2019.

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8 
Keith A. Schraad, Director
Arizona Department of Insurance

9 **COPY** of the foregoing mailed this
10 25th day of June, 2019, to:

11 Alberta Anita Houston
12 2633 E. Indian School Rd., Ste. 270
13 Phoenix, AZ 85016
14 Respondent

15 Alberta Anita Houston
16 15801 S. 48th St., Apt. 2078
17 Phoenix, AZ 85048
18 Respondent

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

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

23 Mary Kosinski, Regulatory Legal Affairs Officer
24 Catherine O'Neil, Consumer Legal Affairs Officer
25 Steven Fromholtz, Assistant Director – Consumer Protection Division
26 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 Alberta Anita Houston
25 albertah07@gmail.com
26 Respondent

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

4 Felicia DelSol
Felicia.DelSol@azoah.com
5 Office of Administrative Hearings

6 Susan Hack
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10 Francine Martinez

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JUN 20 2019

DEPT. OF INSURANCE
BY: MEK

IN THE OFFICE OF ADMINISTRATIVE HEARINGS

In the Matter of:

No. 18A-111-INS

Houston, Alberta Anita
(National Producer No. 18657856)

**ADMINISTRATIVE LAW JUDGE
DECISION**

Respondent

HEARING: June 4, 2019

APPEARANCES: No one appeared for Respondent; Deian Ousounov, Esq. appeared for the Department of Insurance

ADMINISTRATIVE LAW JUDGE: Thomas Shedden

FINDINGS OF FACT

1. On April 12, 2019, the Arizona Department of Insurance ("Department") issued a Notice of Hearing setting the above-captioned matter for hearing at 1:00 p.m. June 4, 2019.
2. No representative for Respondent Alberta Anita Houston appeared at the scheduled time and the matter was convened in her absence at about 1:35 p.m.
3. On or about December 28, 2017, Respondent submitted to the Department an application for an insurance producer's license. On December 28, 2017, the Department issued to Respondent License No. 18657856, which is scheduled to expire on January 31, 2021.
4. With her application, Respondent included a copy of her fingerprints.
5. The Department forwarded Respondent's fingerprints the Arizona Department of Public Safety to obtain a state and federal criminal records check. Respondent's fingerprints were illegible and not of sufficient quality for use in conducting the criminal records check.
6. An applicant who submits illegible fingerprints is considered by the Department to have submitted an incomplete application.

1 7. In a letter dated March 16, 2018 that was sent to Respondent's mailing address
2 of record, the Department informed Respondent that on or before April 6, 2018 she was
3 required to submit to the Department a replacement set of fingerprints. With that letter,
4 the Department included a blank fingerprint card, the appropriate form to complete, and
5 a list of locations at which Respondent could be fingerprinted.

6 8. The Department's letter of March 16, 2018 was returned to it by the Postal
7 Service with a notation showing that the letter could not be forwarded.

8 9. Licensees are required to inform the Department of any changes in their
9 addresses within thirty days of a change.

10 10. In a letter dated April 17, 2018 that was sent to Respondent's business address
11 of record, the Department informed Respondent that it was preparing to initiate an
12 administrative action against her license because she had failed to submit a full set of
13 fingerprints.

14 11. The Department's April 17, 2018 letter also informed Respondent that on or
15 before May 4, 2018, she was required to submit the replacement set of fingerprints, or
16 in the alternative, she could surrender her license.

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).

4. With her application, Respondent was required to submit to the Department a complete set of fingerprints. Respondent's submission of fingerprints did not satisfy this requirement because the quality was not sufficient for the Arizona Department of Public Safety to conduct the required state and federal criminal records check. See ARIZ. REV. STAT. § 20-285(E)(2).

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

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

RECOMMENDED ORDER

IT IS ORDERED that Respondent Alberta Anita Houston's License No. 18657856 is revoked.

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

Done this day, June 19, 2019.

/s/ Thomas Shedden
Thomas Shedden
Administrative Law Judge

Transmitted electronically to:

Keith A. Schraad, Director
Arizona Department of Insurance