

JUN 25 2019

DEPT. OF INSURANCE  
BY MEK 6/25/19

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STATE OF ARIZONA  
DEPARTMENT OF INSURANCE

**In the Matter of:**

**FROST, MARISSA BLAIR**  
(National Producer Number 18620750)

**Respondent.**

**No. 18A-113-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 **Marissa Blair Frost**, National Producer Number 18620750, 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 20<sup>th</sup> day of June, 2019.

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12 Keith A. Schraad, Director  
13 Arizona Department of Insurance  
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12 **COPY** of the foregoing mailed this  
13 25<sup>th</sup> day of June, 2019, to:

14 Marissa Blair Frost  
15 224 S. Main Street  
16 Snowflake, AZ 85937  
17 Respondent

18 Marissa Blair Frost  
19 6460 Frost Homestead Rd.  
20 Show Low, AZ 85901  
21 Respondent

22 Office of Administrative Hearings  
23 1740 West Adams St., Lower Level  
24 Phoenix, Arizona 85007

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

26 Mary Kosinski, Regulatory Legal Affairs Officer  
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 15<sup>th</sup> Ave., Suite 102  
Phoenix, Arizona 85007-2624

1 COPY sent same date via electronic mail to:

2 Marissa Blair Frost  
3 [blairfrost13@gmail.com](mailto:blairfrost13@gmail.com)  
4 [evic\\_pedersen@us.aflac.com](mailto:evic_pedersen@us.aflac.com)  
5 Respondent

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

10 Felicia DelSol  
11 [Felicia.DelSol@azoah.com](mailto:Felicia.DelSol@azoah.com)  
12 Office of Administrative Hearings

13 Susan Hack  
14 [Susan.hack@azag.gov](mailto:Susan.hack@azag.gov)  
15 Attorney General Paralegal

16 *Francine Martinez*  
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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-113-INS

Frost, Marissa Blair  
(National Producer No. 18620750)

**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 11, 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 Marissa Blair Frost appeared at the scheduled time and the matter was convened in her absence at about 1:45 p.m.
3. On or about December 3, 2017, Respondent submitted to the Department an application for an insurance producer's license. On December 4, 2017, the Department issued to Respondent License No. 18620750, which is scheduled to expire on February 28, 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 did not receive from Respondent any response to its March 16,  
7 2018 letter.

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

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

15 11. Respondent did not submit a replacement set of fingerprints and she did not  
16 surrendered her license.

17 12. The Department requested that Respondent'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)(2).

21 2. The standard of proof on all issues is that of a preponderance of the evidence.  
22 ARIZ. ADMIN. CODE § R2-19-119.

23 3. A preponderance of the evidence is:

24 The greater weight of the evidence, not necessarily  
25 established by the greater number of witnesses testifying to a  
26 fact but by evidence that has the most convincing force;  
27 superior evidentiary weight that, though not sufficient to free  
28 the mind wholly from all reasonable doubt, is still sufficient to  
29 incline a fair and impartial mind to one side of the issue rather  
30 than the other.

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

1 4. With her application, Respondent was required to submit to the Department a  
2 complete set of fingerprints. Respondent's submission of fingerprints did not satisfy this  
3 requirement because the quality was not sufficient for the Arizona Department of Public  
4 Safety to conduct the required state and federal criminal records check. See ARIZ. REV.  
5 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 Marissa Blair Frost's License No. 18620750 is  
13 revoked.

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

17 Done this day, June 19, 2019.

18  
19 /s/ Thomas Shedden  
20 Thomas Shedden  
21 Administrative Law Judge

22 Transmitted electronically to:

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24 Keith A. Schraad, Director  
25 Arizona Department of Insurance  
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