

NOV 19 2019

STATE OF ARIZONA  
DEPARTMENT OF INSURANCE

DEPT OF INSURANCE  
BY As 11/19/2019

**In the Matter of:**

**TUFTS, JANIE LYNN**

**(National Producer No. 18792268)**

**Respondent.**

**No. 19A-040-INS**

**ORDER**

On November 12, 2019, the Office of Administrative Hearings through Administrative Law Judge Diane Mihalsky issued an Administrative Law Judge Decision (“Recommended Decision”) received by the Director of the Arizona Department of Insurance (“Director”) on November 13, 2019, a copy of which is attached and incorporated by reference. The Director has reviewed the Recommended Decision and enters the following:

1. The Director adopts the Recommended Findings of Fact, Conclusions of Law and Recommended Order.
2. The Director orders that Janie Lynn Tufts’ insurance producer license number 18792268 is revoked, effective immediately.

**NOTIFICATION OF RIGHTS**

Pursuant to Arizona Revised Statutes (“A.R.S.”) § 41-1092.09, Respondent may request a rehearing or review with respect to this Order by filing a written motion with the Director of the Department of Insurance within 30 days after the date of this Order, setting forth the basis for relief under Arizona Administrative Code 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 the Superior Court.

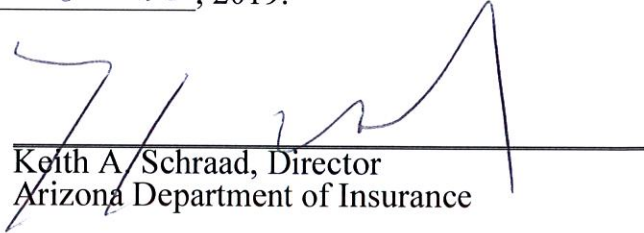
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1 Respondent may appeal the final decision of the Director to the Superior Court of  
2 Maricopa County for judicial review, pursuant to A.R.S. § 20-166. A party filing an appeal  
3 must notify the Office of Administrative Hearings of the appeal within ten days after filing the  
4 complaint commencing the appeal, pursuant A.R.S. § 12-904(B).

5 DATED this 19<sup>th</sup> day of November, 2019.

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Keith A. Schraad, Director  
Arizona Department of Insurance

18 **COPY** of the foregoing electronically transmitted  
19 this 20<sup>th</sup> day of November, 2019, to:

20 Diane Mihalsky, Administrative Law Judge  
21 Office of Administrative Hearings  
<https://portal.azoah.com/submission>

22 **COPY** of the foregoing **MAILED** same date by U.S. First-Class Mail  
23 and Certified Mail, Return Receipt Requested to:

24 Janie Lynn Tufts  
25 4908 West Oraibi Drive  
26 Glendale, AZ 85308  
Respondent

1 **COPY** of the foregoing delivered same date to:

2 Mary Kosinski, Regulatory Legal Affairs Officer  
3 Ana Starcevic, Paralegal Project Specialist  
4 Steven Fromholtz, Assistant Director for Consumer Protection  
5 Aqueelah Currie, Licensing Manager  
6 Sharyn Kerr, Administrative Assistant, Consumer Protection Division  
7 Arizona Department of Insurance  
8 100 N 15<sup>th</sup> Ave. #102  
9 Phoenix, Arizona 85007

7 **COPY** of the foregoing electronically transmitted, same date, to:

8 Janie Lynn Tufts  
9 [Janielynn99@gmail.com](mailto:Janielynn99@gmail.com)  
10 Respondent

11 Chloe Woods, Assistant Attorney General  
12 [AdminLaw@azag.gov](mailto:AdminLaw@azag.gov)  
13 Attorney for the Arizona Department of Insurance

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15 Francine Martinez

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NOV 13 2019

DEPT. OF INSURANCE  
BY: AS

IN THE OFFICE OF ADMINISTRATIVE HEARINGS

In the Matter of:

No. 19A-040-INS

TUFTS, JANIE LYNN  
(National Producer No. 18792268)

**ADMINISTRATIVE LAW JUDGE  
DECISION**

Respondent

**HEARING:** November 12, 2019, at 1:00 p.m.

**APPEARANCES:** The Arizona Department of Insurance ("the Department") was represented by Chloe Woods, Esq., Assistant Attorney General; Janie Lynn Tufts ("Respondent") failed to appear.

**ADMINISTRATIVE LAW JUDGE:** Diane Mihalsky

**FINDINGS OF FACT**

1. The Department referred this matter to the Office of Administrative Hearings ("OAH"), an independent state agency, for an evidentiary hearing.
2. On or about September 27, 2019, the Department issued a Notice of Hearing, setting a hearing on November 12, 2019, at 1:00 p.m. on the issue of whether cause existed under A.R.S. §§ 20-285(E)(1) and (2) and 20-295(A)(1) and (2) to discipline Respondent's insurance producer's license. The Department sent the Notice of Hearing to Respondent at her address of record via U.S. First-Class Mail and Certified Mail, Return Receipt.
3. A hearing was held on November 12, 2019. The Department submitted four exhibits and presented the testimony of Aqueelah Currie, its Licensing Supervisor.
4. Respondent did not request to appear telephonically at the hearing and did not request that the hearing be continued. Although the start of the duly noticed hearing was delayed forty-two minutes to allow Respondent additional travel time, Respondent did not appear, personally or through an attorney, and did not contact

1 OAH to request that the start of the hearing be further delayed. Consequently,  
2 Respondent did not present any evidence to defend her insurance producer's license.

### 3 HEARING EVIDENCE

4 5. Ms. Currie testified that persons who desire to be licensed as insurance  
5 producers in Arizona are required to take an examination and, after they have passed  
6 the examination, to file an application to the Department. Applicants are also required  
7 to provide additional documentation, including their fingerprints, to allow the  
8 Department to obtain a criminal background check from the Arizona Department of  
9 Public Safety ("ADPS").

10 6. Ms. Currie testified that, after the Department issues a license, licensees are  
11 required to notify the Department of any changes in contact information within 30 days.  
12 This requirement allows the Department to communicate and to regulate licensees.

13 7. On or about May 21, 2018, Respondent filed an electronic application with  
14 the Department to be licensed as an insurance producer in Arizona. Respondent  
15 provided the address, 4908 W. Oraibi Dr., Glendale, Arizona 85308, for her residence,  
16 business, and mailing address.<sup>1</sup>

17 8. On or about May 31, 2018, the Department issued National Insurance  
18 Producer's License No. 18792268 to Respondent. As of this date, Respondent's  
19 insurance producer's license is active.<sup>2</sup>

20 9. On or about August 10, 2018, the Department sent a letter to Respondent at  
21 her address of record on Oraibi Dr., informing her that, because ADPS had returned  
22 the fingerprint card to the Department as illegible, the Department required Respondent  
23 to submit a replacement set of fingerprints on or before August 22, 2018. An  
24 attachment to the letter provided the locations of fingerprinting services.<sup>3</sup>

25 10. Ms. Currie testified that Respondent did not respond to the Department's  
26 August 10, 2018 letter. She also did not ever update her address of record.

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29 <sup>1</sup> See the Department's Exhibit 2.

<sup>2</sup> See the Department's Exhibit 1.

30 <sup>3</sup> See the Department's Exhibit 3.

1 11. On or about September 10, 2018, the Department sent a second letter to  
2 Respondent at her address of record, requiring her to either submit a new set of  
3 fingerprints or to submit a voluntary surrender of her insurance producer's license to  
4 the Department on or before October 1, 2018.<sup>4</sup>

5 12. Ms. Currie testified that Respondent did not respond to the Department's  
6 September 10, 2018 letter. Ms. Currie testified that Respondent's license application  
7 was therefore incomplete.

### 8 CONCLUSIONS OF LAW

9 1. This matter lies within the Department's jurisdiction.<sup>5</sup>

10 2. The Notice of Hearing that the Department mailed to Complainant at the  
11 address that she provided on application was reasonable she is deemed to have  
12 received notice of the hearing.<sup>6</sup>

13 3. A.R.S. § 20-285 required Respondent to file an application with the  
14 Department to be licensed and to transact business as an insurance producer. A.R.S.  
15 § 20-285(E) allows the Department to require Respondent to submit fingerprints to  
16 allow ADPS to obtain a criminal history as a condition of licensure.<sup>7</sup>

17 4. Because Respondent's illegible fingerprint submission did not satisfy the  
18 requirement of A.R.S. § 20-285(E)(2), the Department established that her application  
19 is incomplete. Grounds therefore exist under A.R.S. § 20-295(A)(1) and (2) to  
20 discipline her insurance producer's license.<sup>8</sup>

21  
22 <sup>4</sup> See the Department's Exhibit 4.

23 <sup>5</sup> See A.R.S. §§ 20-142, 20-282.

24 <sup>6</sup> See A.R.S. §§ 41-1092.04; 41-1092.05(D).

25 <sup>7</sup> A.R.S. § 20-282(E) provides as follows:

26 Before the director grants a license, the director may require the  
27 applicant to:

28 1. Provide any document that is reasonably necessary to verify the  
29 information that is contained in an application and other information  
30 including prior criminal records.

2. Submit a full set of fingerprints to the department. The department of  
insurance shall submit the fingerprints to the department of public safety  
for the purpose of obtaining a state and federal criminal records check  
pursuant to section 41-1750 and Public Law 92-544. The department of  
public safety may exchange this fingerprint data with the federal bureau  
of investigation.

<sup>8</sup> A.R.S. § 20-295(A) provides in relevant part as follows:

1 5. Respondent's failures to respond to the Department's correspondence, to  
2 update her address of record with the Department, or to appear at the duly noticed  
3 hearing indicate that, at this time, she cannot be regulated.

4 **ORDER**

5 Based upon the above, **IT IS ORDERED** that, on the effective date of the final  
6 order in this matter, Respondent's National Producer License No. 18792268 shall be  
7 revoked.

8 *In the event of certification of the Administrative Law Judge Decision by the*  
9 *Director of the Office of Administrative Hearings, the effective date of the Order will be*  
10 *five (5) days from the date of that certification.*

11 Done this day, November 12, 2019.

12 /s/ Diane Mihalsky  
13 Administrative Law Judge

14 Transmitted electronically to:

15 Keith A. Schraad, Director  
16 Arizona Department of Insurance  
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26 The director may deny, suspend for not more than twelve months,  
27 revoke or refuse to renew an insurance producer's license or may  
28 impose a civil penalty in accordance with subsection F of this section or  
29 any combination of actions for any one or more of the following causes:  
30 1. Providing incorrect, misleading, incomplete or materially untrue  
information in the license application.  
2. Violating any provision of this title or any rule, subpoena or order of  
the director.