

STATE OF ARIZONA
DEPARTMENT OF INSURANCE AND FINANCIAL INSTITUTIONS

In the Matter of:

NICHOLAS, AMANDA
(National Producer No. 18928532)

Respondent.

No. 19A-137-INS

DEFAULT ORDER

On July 9, 2020, the Arizona Department of Insurance and Financial Institutions (the "Department") issued a Notice of Hearing ("Notice") in the above-captioned matter, a copy of which is attached as **Exhibit A** and incorporated by this reference. The Notice required Amanda Nicholes ("Respondent") to provide a written answer to the allegations set forth in the Notice within twenty days of the issuance of the Notice. As of this date, Respondent has not filed an answer. On August 4, 2020, counsel for the Department filed a Motion for Default, a copy of which is attached as **Exhibit B**. As of this date, Respondent has not responded to the Department's motion. Pursuant to A.A.C.R20-6-106(D), a party that does not file an answer within the time provided shall be deemed in default and one or more of the allegations in the Notice of Hearing may be deemed admitted.

FINDINGS OF FACT

1. Notice was proper.
2. Respondent has not appeared or answered.
3. The allegations in the Notice are deemed admitted.

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1 **CONCLUSIONS OF LAW**

2 1. Respondent is in default, and the conduct alleged in the Notice and deemed
3 admitted due to Respondent's failure to appear or answer constitutes grounds for the
4 Director to suspend, revoke or refuse to renew Respondent's license to transact insurance
5 in Arizona, pursuant to A.R.S. §20-295(A).

6 **ORDER**

7 IT IS ORDERED:

- 8 1. The insurance license held by Respondent Amanda Nicholes is revoked
9 effective upon the issuance of this Order.
- 10 2. The hearing set for **August 25, 2020 at 1:00 p.m.** shall be vacated.

11 DATED this 18th day of August, 2020.

12 

13 _____
Evan G. Daniels, Director
14 Arizona Department of Insurance
and Financial Institutions

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16
17 **COPY** of the foregoing electronically filed this
18 20th day of August, 2020 to:

19 Kay Abramsohn, Administrative Law Judge
20 <https://portal.azoah.com/submission>
Office of Administrative Hearings

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

22 Deian Ousounov, Regulatory Legal Affairs Officer
23 Ana Starcevic, Paralegal Project Specialist
Steven Fromholtz, Division Manager, Licensing
24 Wendy Greenwood, Investigations Supervisor
Arizona Department of Insurance and Financial Institutions

1 100 N. 15th Ave., #261
Phoenix, Arizona 85007

2 **COPY** of the foregoing emailed same date to:

3 Lynette Evans, Assistant Attorney General
AdminLaw@azag.gov

4 Attorney for the Arizona Department of Insurance and Financial Institutions

5 **COPY** mailed and emailed same date to:

6 Amanda Nicholes
682 E. 600 N.
7 Orem, UT 84097
Respondent

8
9 Amanda Nicholes
214 West Huron
Chicago, IL 60654
10 Respondent

11 Amanda Nicholes
licensing@gohealth.com
12 Respondent

13 *Francine Juarez*

14 _____
8879907

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1 You are entitled to be present during the presentation of all evidence and you
2 will have a reasonable opportunity to inspect all documentary evidence, examine
3 witnesses, present evidence that supports your case and to request that the ALJ issue
4 subpoenas to compel the attendance of witnesses and production of evidence. A.R.S.
5 § 20-164(B).

6 A clear and accurate record of the proceedings will be made either by a court
7 reporter or by electronic means. A.R.S. § 41-1092.07(E). If you want a copy of an
8 electronic recording, you must contact the Office of Administrative Hearings at (602)
9 542-9826. If the hearing was transcribed by a court reporter and you want a copy of
10 the transcript, you must pay the cost of the transcript to the court reporter or other
11 transcriber.

12 Questions concerning issues raised in this Notice of Hearing should be directed
13 to Assistant Attorney General Lynette Evans, telephone number (602) 542-7701, 2005
14 N. Central Ave., Phoenix, Arizona 85004, Lynette.Evans@azag.gov.

15 **NOTICE OF APPLICABLE RULES**

16 The hearing will be conducted pursuant to A.A.C. R20-6-101 through
17 R20-6-115.

18 YOU MUST FILE A WRITTEN RESPONSE (ANSWER) TO THE
19 ALLEGATIONS IN THIS NOTICE WITH US WITHIN **20 DAYS** AFTER WE ISSUE
20 THIS NOTICE. A.A.C. R20-6-106. YOUR RESPONSE SHOULD STATE YOUR
21 POSITION OR DEFENSE AND SHOULD SPECIFICALLY ADMIT OR DENY EACH
22 ASSERTION IN THE NOTICE. IF YOU DO NOT SPECIFICALLY DENY AN

1 ASSERTION, WE WILL CONSIDER IT ADMITTED. ANY DEFENSE YOU DO NOT
2 RAISE WILL BE CONSIDERED WAIVED.

3 IF YOU DO NOT FILE YOUR RESPONSE ON TIME, WE WILL CONSIDER
4 YOU IN DEFAULT AND THE INTERIM DIRECTOR MAY DEEM THE ALLEGATIONS
5 IN THE NOTICE AS TRUE. ACCORDINGLY, WE WILL TAKE WHATEVER ACTION
6 IS APPROPRIATE INCLUDING SUSPENSION, REVOCATION, IMPOSITION OF A
7 CIVIL PENALTY AND ORDERING RESTITUTION TO ANY INJURED PERSON.

8 **PERSONS WITH DISABILITIES**

9 PERSONS WITH DISABILITIES MAY REQUEST REASONABLE
10 ACCOMMODATIONS SUCH AS INTERPRETERS, ALTERNATIVE FORMATS, OR
11 ASSISTANCE WITH PHYSICAL ACCESSIBILITY. REQUESTS FOR
12 ACCOMMODATIONS SHOULD BE MADE AS EARLY AS POSSIBLE TO ALLOW
13 TIME TO ARRANGE THE ACCOMMODATIONS. IF YOU REQUIRE
14 ACCOMMODATIONS, PLEASE CONTACT THE OFFICE OF ADMINISTRATIVE
15 HEARINGS AT (602) 542-9826.

16 The allegations supporting this Notice of Hearing are as follows:

17 1. Amanda Nicholes ("Nicholes" or "Respondent") was, at all times material,
18 licensed in Arizona as a non-resident insurance producer with lines of authority in Life,
19 and Accident and Health or Sickness insurance, National Producer Number 18928532.
20 Nicholes' license is scheduled to expire on February 28, 2022. Nicholes' state of
21 domicile is Utah.

22

1 Administrative Hearings or his designee to preside over the hearing of this matter as
2 the Administrative Law Judge, to make written recommendations to the Director
3 consisting of proposed findings of fact, proposed conclusions of law, and a proposed
4 order. This delegation does not include delegation of the authority of the Director to
5 make an order on the hearing or any other final decision in this matter. A.R.S. § 20-
6 150.

7 Pursuant to A.R.S. § 41-1092.01, your hearing will be conducted through the
8 Office of Administrative Hearings, an independent agency. Further hearing information
9 may be found at the Office of Administrative Hearings website: www.azoah.com.

10 DATED this 8th day of July, 2020.

11 Deian Ousounov
12 Deian Ousounov (Jul 8, 2020 09:37 PDT)
13 Deian Ousounov, Regulatory Legal Affairs Officer
14 Arizona Department of Insurance
15 and Financial Institutions

16 **E-FILE** of the foregoing transmitted electronically
17 this **9th** day of **July**, 2020, to:

18 Kay Abramsohn, Administrative Law Judge
19 <https://portal.azoah.com/submission>
20 Office of Administrative Hearings

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

22 Deian Ousounov, Regulatory Legal Affairs Officer
Ana Starcevic, Paralegal Project Specialist
Steven Fromholtz, Division Manager, Licensing
Jeff Eavenson, Investigator
Arizona Department of Insurance and Financial Institutions
100 N 15th Ave. #261
Phoenix, Arizona 85007

1 **COPY** mailed same date by U.S. First Class Mail
and Certified Mail, Return Receipt Requested, to:

2
3 Amanda Nicholes
4 682 E. 600 N.
Orem, UT 84097
Respondent

9489 0090 0027 6139 7407 69

5 Amanda Nicholes
6 214 West Huron
Chicago, IL 60654
Respondent

9489 0090 0027 6139 7407 76

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

8 Lynette Evans, Assistant Attorney General
9 AdminLaw@azag.gov
Attorney for the Department of Insurance and Financial Institutions

10
11 *Francine Juarez*
Francine Juarez
8516690

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STATE OF ARIZONA
Department of Insurance and Financial Institutions
FILED August 4, 2020 by AS

1 MARK BRNOVICH
Attorney General
2 Firm Bar No. 14000

3 Lynette Evans
State Bar No. 021069
4 Assistant Attorney General
Public Law Section
5 2005 N. Central Ave.
Phoenix, Arizona 85004
6 Telephone: (602) 542-7701
Facsimile: (602) 542-4385
7 E-mail: Lynette.Evans@azag.gov
8 Attorney for the Arizona Department of Insurance and Financial Institutions

9 STATE OF ARIZONA

10 DEPARTMENT OF INSURANCE AND FINANCIAL INSTITUTIONS

11 In the Matter of:

No. 19A-137-INS

12 **NICHOLLES, AMANDA**
13 **(National Producer # 18928532)**

MOTION FOR DEFAULT

14 Respondent.

15 The Arizona Department of Insurance and Financial Institutions (the "Department"),
16 by and through undersigned counsel, hereby requests that the Findings of Fact and
17 Conclusions of Law set forth in the Notice of Hearing and incorporated herein by reference
18 be entered in this matter, deeming Amanda Nicholes ("Nicholes" or "Respondent"), in
19 default, deeming the allegations set forth in the Notice as true, and ordering that
20 Respondent's insurance license be revoked.
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22 On July 9, 2020, a Notice of Hearing ("Notice") was filed in this matter and served
23 upon Nicholes at her addresses of record via certified mail pursuant to A.R.S. § 41-
24 1092.04. Certified mail return receipt No. 9489 0090 0027 6139 7407 69 shows that the
25 Notice was delivered and accepted at Nicholes' mailing address of record: 682 E. 600 N.,
26

EXHIBIT

tabbles

B

1 Orem, UT 84097. Certified mail return receipt No. 9489 0090 0027 6139 7407 76 shows
2 that the Notice was delivered and accepted at Nicholes' business address of record: 214
3 West Huron, Chicago, IL 60654. Copies of the certified mail receipts are attached to this
4 request as **Exhibit A**.

5 Respondent had twenty (20) days from the date of issuance of the Notice to file a
6 written answer to the allegations contained therein pursuant to Arizona Administrative Code
7 ("A.A.C") R20-6-106. As of the date of this Motion, Respondent has not filed an answer nor
8 has she appeared through counsel. Rule 20-6-106(D) of the Arizona Administrative Code
9 provides that if an answer is not timely filed, the Respondent shall be deemed in default
10 and the Director may deem the allegations set forth in the Notice of Hearing as true and
11 take whatever action is appropriate including revoking the license.

12 The allegations supporting the Notice of Hearing are as follows:

13 1. Amanda Nicholes ("Nicholes" or "Respondent") was, at all times material,
14 licensed in Arizona as a non-resident insurance producer with lines of authority in Life, and
15 Accident and Health or Sickness insurance, National Producer Number 18928532.
16 Nicholes' license is scheduled to expire on February 28, 2022. Nicholes' state of domicile
17 is Utah.

18 2. Nicholes' addresses of record with the Department are: 214 W. Huron,
19 Chicago, IL 60654 (business), 682 E. 600 N., Orem, UT 84097 (mailing) and
20 licensing@gohealth.com (business e-mail).
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22 3. Golden Rule Insurance Company ("GRIC") sent a letter to the Department
23 dated February 21, 2019, stating that it had terminated Nicholes' appointment based on an
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1 internal investigation. GRIC alleges that Nicholes submitted a fraudulent insurance
2 application that impacted an Arizona customer.

3 4. On August 19, 2019, the Department issued a Subpoena Duces Tecum
4 ordering Nicholes to appear on September 11, 2019 at the Department to give testimony at
5 an Examination Under Oath and to produce specified documents. Nicholes failed to
6 appear and to produce the requested documents.

7 Based upon the foregoing, the Department respectfully requests that the allegations
8 set forth in the July 9, 2020 Notice of Hearing be deemed admitted and that Respondent's
9 insurance license be revoked.

10 RESPECTFULLY SUBMITTED this 4th day of August, 2020.

11 MARK BRNOVICH, Attorney General

12 By /s/ Lynette Evans

13 Lynette Evans, Assistant Attorney General
14 Attorney for the Arizona Department of Insurance
15 and Financial Institutions
16
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18
19

20 **COPY** of the foregoing electronically filed this
21 4th day of August, 2020 with:

22 Deian Ousounov, Regulatory Legal Affairs Officer
23 Ana Starcevic, Paralegal Project Specialist
24 Steven Fromholtz, Division Manager, Licensing
25 Jeff Eavenson, Investigator
26 Arizona Department of Insurance and Financial Institutions

COPY mailed and emailed same date to:

- 1 Amanda Nicholes
682 E. 600 N.
- 2 Orem, UT 84097

- 3 Amanda Nicholes
214 West Huron
- 4 Chicago, IL 60654
- 5 Respondent

- 6 Amanda Nicholes
licensing@gohealth.com
- 7 Respondent

- 8 /s/ S Hack
8875997

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July 29, 2020

Dear Susan Hack:

The following is in response to your request for proof of delivery on your item with the tracking number:
9489 0090 0027 6139 7407 69.

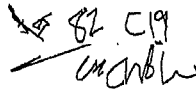
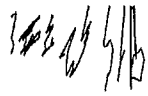
Item Details

Status:	Delivered, Left with Individual
Status Date / Time:	July 23, 2020, 2:49 pm
Location:	VINEYARD, UT 84059
Postal Product:	First-Class Mail®
Extra Services:	Certified Mail™ Return Receipt Electronic

Shipment Details

Weight: 3lb, 8.5oz

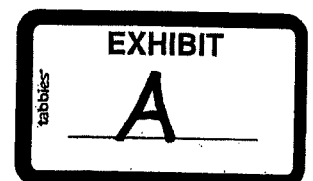
Recipient Signature

Signature of Recipient:	
Address of Recipient:	

Note: Scanned image may reflect a different destination address due to Intended Recipient's delivery instructions on file.

Thank you for selecting the United States Postal Service® for your mailing needs. If you require additional assistance, please contact your local Post Office™ or a Postal representative at 1-800-222-1811.

Sincerely,
United States Postal Service®
475 L'Enfant Plaza SW
Washington, D.C. 20260-0004





July 29, 2020

Dear Susan Hack:

The following is in response to your request for proof of delivery on your item with the tracking number:
9489 0090 0027 6139 7407 76.

Item Details

Status:	Delivered, Left with Individual
Status Date / Time:	July 13, 2020, 4:00 pm
Location:	CHICAGO, IL 60654
Postal Product:	First-Class Mail®
Extra Services:	Certified Mail™ Return Receipt Electronic

Shipment Details

Weight:	3lb, 8.4oz
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Destination Delivery Address

Street Address:	214 W HURON ST
City, State ZIP Code:	CHICAGO, IL 60654-8618

Recipient Signature

Signature of Recipient:	LOUIS RY CUI
Address of Recipient:	214 W HURON

Note: Scanned image may reflect a different destination address due to Intended Recipient's delivery instructions on file.

Thank you for selecting the United States Postal Service® for your mailing needs. If you require additional assistance, please contact your local Post Office™ or a Postal representative at 1-800-222-1811.

Sincerely,
United States Postal Service®
475 L'Enfant Plaza SW
Washington, D.C. 20260-0004