

STATE OF ARIZONA

DEPARTMENT OF INSURANCE AND FINANCIAL INSTITUTIONS

In the Matter of:

ADRINA BERRY

(National Producer Number 21129992)

Respondent.

No. 24A-098-INS

ORDER

On February 26, 2025, the Office of Administrative Hearings, through Administrative Law Judge Adam D. Stone, issued an Administrative Law Judge Decision (“Recommended Decision”). The Arizona Department of Insurance and Financial Institutions’ Director (“Director”) received the Recommended Decision on the same date, a copy of which is attached and incorporated by reference. Respondent failed to accept the Recommended Decision within ten days of receipt. Therefore, the Director has reviewed the Recommended Decision and enters the following:

1. The Director ADOPTS the Findings of Fact;
2. The Director ADOPTS the Conclusions of Law;
3. The Director ADOPTS the Recommended Order; and
4. The Department ORDERS that Adrina Berry shall immediately pay to the Department a civil money penalty in the amount of two hundred dollars (\$200.00).

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 Department 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

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necessary to request a rehearing before filing an appeal to the Superior Court.

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

DATED and EFFECTIVE this 17th day of March, 2025.

Barbara D. Richardson

Barbara D. Richardson, Director
Arizona Department of Insurance and Financial Institutions

1 **ORIGINAL** of the foregoing filed electronically
this 18th day of March, 2025, to:

2 Adam D. Stone, Administrative Law Judge
3 <https://portal.azoah.com/submission>
4 Office of Administrative Hearings

5 **COPY** of the foregoing mailed by U.S. First Class and
6 Certified Mail, Electronic Receipt Requested, same date to:

7 Adrina Berry
8 20815 South Jefferson Parkway
9 Pleasant Hill, MO 64080-9703
Respondent 9489 0090 0027 6655 0795 10

10 **COPY** of the foregoing electronically delivered same date to:

11 Alena Caravetta, Regulatory Legal Affairs Officer
12 Ana Starcevic, Project Specialist
13 Steven Fromholtz, Licensing Manager
14 Aqueelah Currie, Insurance Licensing Supervisor
15 Linda Lutz, Legal Assistant
16 Arizona Department of Insurance and Financial Institutions
17 100 North 15th Avenue, Suite 261
18 Phoenix, Arizona 85007

16 Adrina Berry
17 Adrianaberry78@gmail.com
18 Respondent

19 Raya Gardner, Assistant Attorney General
20 Raya.Gardner@azag.gov
21 Adminlaw@azag.gov
22 Attorney for the Arizona Department
23 of Insurance and Financial Institutions

24 Ana Starcevic

IN THE OFFICE OF ADMINISTRATIVE HEARINGS

In the Matter of:

No. 24A-098-INS

Adrina Berry
(National Producer No. 21129992)

**ADMINISTRATIVE LAW JUDGE
DECISION**

Respondent

HEARING: February 11, 2025

APPEARANCES: Assistant Attorney General Raya Gardner appeared on behalf of the Arizona Department of Insurance and Financial Institutions.

ADMINISTRATIVE LAW JUDGE: Adam D. Stone

EXHIBITS ADMITTED INTO EVIDENCE: Department exhibits 1-5 were admitted into evidence.

FINDINGS OF FACT

1. On July 29, 2024, Adrina Berry (Respondent) submitted an application through the National Insurance Producer Registry (NIPR) to the Arizona Department of Insurance and Financial Institutions (Department) for an Arizona non-resident insurance producer license.¹

2. In the Background Questions section of the application, Respondent answered "No" to Question 1A, which asked if she had ever been convicted of a misdemeanor, had a judgment withheld or deferred, or were currently charged with committed a misdemeanor.²

3. Respondent also certified and attested under the penalty of perjury, that all of the information submitted in the application was true and complete and was aware that omitting pertinent or material information was grounds for license denial or revocation, which may result is civil or criminal penalties.³

¹ See Exhibit 1.

² *Id.* at 002.

³ *Id.* at 003.

1 4. Based upon those answers, the Department issued an Arizona non-
2 resident insurance producer license with lines of authority in life, accident, health and
3 sickness to Respondent on July 29, 2024.⁴

4 5. On or about September 26, 2024, Respondent supplied a statement to the
5 Department informing the Department of a misdemeanor which occurred back in 1998.⁵

6 6. Respondent, on or about October 4, 2024, e-mailed the Department
7 informing them that she had uploaded all of the court records to NIPR.⁶

8 7. On or about October 31, 2024, Respondent attached the Amended
9 Complaint, Entry of Judgment Order of Probation/Parole and Order for Early
10 Termination of Probation,⁷ to a statement which read in pertinent part:

11 In June of 1998, I was charged with writing a bad check in Johnson County,
12 Kansas. This incident occurred over 20 years ago, and due to the time, that
13 has passed, I do not recall the specific details of the situation. I was recently
14 made aware of this charge when I applied for government security
15 clearance six months ago.⁸

16 8. At hearing, the Department offered the testimony of Aqueelah Currie,
17 Licensing Supervisor for the Department, who testified to the above timeline and facts.

18 9. Ms. Currie testified that the Department believed that a civil penalty of
19 \$150.00 was appropriate in this matter, because by Respondent's own admission, she
20 knew about the misdemeanor conviction in April 2024, prior to submitting her Arizona
21 application.

22 10. Ms. Currie testified too that the civil penalty was appropriate to set a
23 "tone", to ensure that Respondent and other applicants make accurate disclosures on
24 their applications.

25 11. Despite waiting ten minutes prior to commencing the hearing, Respondent
26 did not appear, and therefore, she did not present any evidence to refute or rebut the
27 evidence presented by the Department. The Department's attorney also informed the
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29 ⁴ See Exhibit 2.

30 ⁵ See Exhibit 3.

⁶ See Exhibit 4.

⁷ See Exhibit 5.

⁸ Id.

1 tribunal that she had been in correspondence with Respondent on January 9, 2025, and
2 Respondent informed the attorney that she would not be appearing at the hearing.

3 **CONCLUSIONS OF LAW**

4 1. This matter is a disciplinary proceeding wherein the Department must
5 prove by a preponderance of the evidence that Respondent violated the State's
6 Insurance Laws. See A.A.C. R2-19-119.

7 2. The copies of the Notice of Hearing that the Department sent to
8 Respondent at his address of record and at his email address of record were
9 reasonable and Respondent is deemed to have received notice of the hearing. A.R.S.
10 §§ 41-1092.04 and 41-1092.05(D).

11 3. A.R.S. § 20-295(A)(1) states:

12 A. The director may deny, suspend for not more than twelve months, revoke
13 or refuse to renew an insurance producer's license or may impose a civil
14 penalty in accordance with subsection F of this section or any combination
15 of actions for any one or more of the following causes:

16 1. Providing incorrect, misleading, incomplete or materially untrue
17 information in the license application.

18 4. A.R.S. § 20-295(F) states:

19 F. In addition to or instead of any suspension, revocation or refusal to renew
20 a license pursuant to this section, after a hearing the director may:

21 1. Impose a civil penalty of not more than two hundred fifty dollars for each
22 unintentional failure or violation, up to an aggregate civil penalty of two
23 thousand five hundred dollars.

24 2. Impose a civil penalty of not more than two thousand five hundred dollars
25 for each intentional failure or violation, up to an aggregate civil penalty of
26 fifteen thousand dollars.

27 5. In this case, based upon Respondent's own admission in her disclosure to
28 the Department on October 31, 2024, she knew about the misdemeanor at least since
29 April 2024, if not in 1998 or thereafter. Thus, there was no reason to not disclose the
30 same on her application. The tribunal is also concerned about Respondent's ability to
be regulated as she also failed to appear at the hearing or otherwise try to resolve this
matter prior to hearing. The tribunal therefore agrees that a civil penalty is appropriate
in this case.

ORDER

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2 Based upon the above, it is recommended that Respondent pay to the
3 Department a civil money penalty in the amount of \$200.00.

4
5 ***Pursuant to A.R.S. § 41-1092.08(I), the licensee may accept the***
6 ***Administrative Law Judge Decision by advising the Office of Administrative***
7 ***Hearings in writing not more than ten (10) days after receiving the decision. If the***
8 ***licensee accepts the Administrative Law Judge Decision, the decision shall be***
9 ***certified as the final decision by the Office of Administrative Hearings.***

10 ***In the event of certification of the Administrative Law Judge Decision by the***
11 ***Director of the Office of Administrative Hearings, the effective date of the Order will***
12 ***be forty (40) days from the date of that certification.***

13 Done this day, February 26, 2025.

14 /s/ Adam D. Stone
15 Administrative Law Judge

16 Transmitted by either mail, e-mail, or facsimile to:

17 Barbara D. Richardson,
18 Department of Insurance and Financial Institutions - Insurance

19 Adrina Berry
20 adrianaberry78@gmail.com

21 Raya Gardner
22 Office of the Attorney General
23 raya.gardner@azag.gov

24 By: OAH Staff
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