

STATE OF ARIZONA
Department of Insurance and Financial Institutions
FILED March 12, 2025 by AS

STATE OF ARIZONA

DEPARTMENT OF INSURANCE AND FINANCIAL INSTITUTIONS

In the Matter of:

SAMUEL EKPENYONG

(National Producer Number 11071241)

Petitioner.

No. 24A-123-INS

ORDER

On February 18, 2025, the Office of Administrative Hearings, through Administrative Law Judge Kay A. Abramsohn, 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. Petitioner 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:
 - The withdrawal of Samuel Ekpenyong’s insurance producer license application is upheld, and
 - Samuel Ekpenyong’s appeal is dismissed.
 - Samuel Ekpenyong’s insurance producer license application fee is forfeited.

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NOTIFICATION OF RIGHTS

Pursuant to Arizona Revised Statutes (“A.R.S.”) § 41-1092.09, Petitioner 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 necessary to request a rehearing before filing an appeal to the Superior Court.

Petitioner 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 12th 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 12th day of March, 2025, to:

2 Kay A. Abramsohn, 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 Samuel Ekpenyong
8 4107 W. Saint Anne Ave.
9 Phoenix, AZ 85041
Petitioner 9489 0090 0027 6486 6605 12

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 Samuel Ekpenyong
17 samekpe@gmail.com
18 *Petitioner*

18 Lynette Evans, Assistant Attorney General
19 Lynette.Evans@azag.gov
20 Adminlaw@azag.gov
21 *Attorney for the Arizona Department
of Insurance and Financial Institutions*

22 *Ana Starcevic*
23 _____

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IN THE OFFICE OF ADMINISTRATIVE HEARINGS

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In the Matter of:

 SAMUEL EKPENYONG,
 Petitioner.

No. 24A-123-INS

ADMINISTRATIVE LAW JUDGE
DECISION

HEARING: January 29, 2025

APPEARANCES: Samuel Ekpenyong represented himself. Assistant Attorney General Lynette Evans represented the Department of Insurance and Financial Institutions - Insurance (Department).

ADMINISTRATIVE LAW JUDGE: Kay A. Abramsohn

EXHIBITS ADMITTED INTO EVIDENCE: Department's Exhibits 1 through 5.

FINDINGS OF FACT

1. On or about September 13, 2024, Petitioner submitted his application for a resident insurance license to the Department. See Department's Exhibit 1.

2. On or about September 18, 2024, the Department notified Petitioner requesting that he complete the application. The Department specified that Petitioner needed to:

Complete the AZ Electronic Background Check and Fingerprint Process. Visit <https://difi.az.gov/finger-print> for instructions.

Further, the Department advised as follows:

Applicants have **only 60 days from the date of the application submission** in which to correct a deficient application. Please correct your license application as directed above within the 60-day period to avoid the withdrawal of your application and the relinquishment of your fees pursuant to Arizona Administrative Code R20-6-708(D)(3).

3. The link in the letter takes applicants to the specific two-step process that is required for the Department to be able to obtain the requisite fingerprints. The link notifies users that the Department "does not accept AZ DPS Fingerprint Clearance Cards."

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4. On December 3, 2024, the Department notified Petitioner that the Application was withdrawn due to his failure to have corrected the application within 60 days of the application submission. Further, that due the failure, “[a]ny and all fees you paid are now forfeited” pursuant to A.R.S. Section 20-167.

5. On December 5, 2024, Petitioner requested an appeal. In his appeal, Petitioner noted that he had tried to obtain the fingerprints through Prometrics in March 2024 after completing the state examination, and he felt that the instructions were from Prometrics and Fieldprint were incomplete. Petitioner also provided a copy of the Level One Fingerprint Clearance Card (FCC) he had obtained from Arizona Department of Public Safety.

6. At hearing, Petitioner reiterated the steps he had taken to obtain fingerprints and felt that the fact he had obtained the DPS FCC prior to his application should be sufficient. Petitioner questioned why he had to use the Department process when he had now already spent the money.

7. At hearing, the Department argued that, as the instructions had noted, the Department does not use the DPS FCC process and that Petitioner simply failed to follow the Department’s instructions and use the correct process. The Department argued that, pursuant to A.A.C. R20-6-708(D)(3), the fees are forfeited when an application has to be withdrawn.

CONCLUSIONS OF LAW

1. Petitioner bears the burden of persuasion. See ARIZ. REV. STAT. § 41-1092.07(G)(1).

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

3. A preponderance of the evidence is:

The greater weight of the evidence, not necessarily established by the greater number of witnesses testifying to a fact but by evidence that has the most convincing force; superior evidentiary weight that, though not sufficient to free 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).

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4. The evidence presented at hearing shows that Petitioner failed to respond and complete his September 13, 2024 application within 60 days. The evidence presented demonstrated that Petitioner has been confused about a fingerprinting process that took place prior to his application and that he did not follow the particular and specific Arizona directions to obtain the proper credentialing for the fingerprints required by the Department. Therefore, pursuant to A.R.S. § 20-167(B) and A.A.C. R20-6-708, the fees associated with the application are forfeited and nonrefundable.

5. Based on the foregoing, Petitioner's appeal should be dismissed.

ORDER

IT IS ORDERED that Samuel Ekpenyong's appeal is dismissed.

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

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 forty (40) days from the date of that certification.

Done this day, February 18, 2025.

/s/ Kay A. Abramsohn
Administrative Law Judge

Transmitted electronically to:

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

Samuel Ekpenyong
samekpe@gmail.com

Lynette Evans, Esq.
Office of the Attorney General
Public Law Section
lynette.evans@azag.gov

By: OAH Staff