



1 package, he had reason to believe that the transaction was  
2 illegal. The package contained approximately 25 pounds of  
3 marijuana.

4 4. On February 26, 1993, Applicant entered into a  
5 plea agreement filed February 26, 1993 in State of Arizona v.  
6 Luis Alvarez, III, Maricopa County Superior Court No. CR  
7 92-07010, in which he pled guilty to a charge of "Possession of  
8 Marijuana over 8 pounds, a Class 4 felony, involving  
9 approximately 25 pounds of Marijuana, in violation of A.R.S.  
10 §§13-3405, 13-3401, 13-701, 13-702, 13-801, 13-812 and  
11 13-3418."

12 5. On June 18, 1993, Maricopa County Superior Court  
13 Judge B. Michael Dann accepted the plea agreement and entered a  
14 final judgment. Applicant was sentenced to be incarcerated in  
15 the Maricopa County Jail for twelve months beginning June 20,  
16 1993 and ending June 18, 1994. The sentence was suspended and  
17 Applicant was placed on probation for four years beginning June  
18 18, 1993. Applicant was ordered to pay miscellaneous fees and a  
19 fine of \$4,900, payable in monthly payments commencing December  
20 18, 1993.

21 6. The Department denied Applicant's application  
22 pursuant to A.R.S. §20-290(B). Applicant requested a hearing on  
23 the denial by letter dated November 15, 1993.

24 7. Applicant did not present any witness testimony  
25 other than his own. Applicant testified that he did not believe  
26 his crime was a crime of moral turpitude and that breaking the  
27 law was "out of character" for him. Applicant submitted copies  
28 of diplomas from Arizona State University and New Mexico

1 Military Institute. He also submitted a copy of his License  
2 Examination Score Report indicating a passing score on his  
3 insurance exam and several letters of recommendation to law  
4 school written for Applicant prior to his arrest. We believe  
5 the crime to be a crime of moral turpitude.

6 8. Applicant testified that he delivered the package  
7 because he needed the money and that in his opinion breaking the  
8 law for financial gain does not indicate dishonesty or immoral  
9 character. We find that such actions do indicate dishonesty and  
10 immoral character.

#### 11 CONCLUSIONS OF LAW

12 1. The Director has jurisdiction in this matter  
13 pursuant to A.R.S. §20-142.

14 2. Notice of this hearing was proper pursuant to  
15 A.R.S. §§20-163 and 41-1061.

16 3. The Supreme Court of Arizona in Dean v. Dolny,  
17 161 Ariz. 297, 778 P.2d 1193 (Ariz. 1989) defined moral  
18 turpitude as acts adversely reflecting on one's honesty,  
19 integrity or personal values. Applicant intentionally acted  
20 dishonestly for personal financial gain by delivering the  
21 marijuana for the promised \$500. Applicant intentionally broke  
22 the law for profit. Therefore, Applicant has a record of  
23 conviction by final judgment of a felony involving moral  
24 turpitude, within the meaning of A.R.S. §20-290(B)(6).

25 4. The Department's denial was proper pursuant to  
26 A.R.S. §20-290(B)(6).

27 5. Applicant has just begun his probation and has  
28 only made a few payments toward his fine. Also, Applicant is



1 not willing to acknowledge that breaking the law for one's own  
2 financial benefit is a dishonest act. Applicant has failed to  
3 meet his burden to overcome the grounds for denial of this  
4 application.

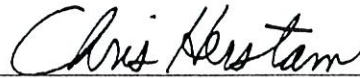
5 ORDER

6 NOW, THEREFORE, IT IS ORDERED:

7 Denying Applicant's application for an agent's license.

8 The aggrieved party may request a rehearing with  
9 respect to this Order by filing a written petition with the  
10 Hearing Officer within 30 days of the date of this Order,  
11 setting forth the basis for such relief pursuant to A.A.C.  
12 R4-14-114(B).

13 DATED this 2nd day of March, 1994.

14 

15 \_\_\_\_\_  
16 CHRIS HERSTAM  
17 Director of Insurance

18 

19 \_\_\_\_\_  
20 KATRINA ROGERS  
21 Chief Hearing Officer

22 COPY of the foregoing mailed/delivered  
23 this 2nd day of March, 1994, to:

24 Gay Ann Williams, Deputy Director  
25 Charles R. Cohen, Executive Assistant Director  
26 Jay Rubin, Assistant Director  
27 Maureen Catalioto, Supervisor  
28 Department of Insurance  
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