

STATE OF ARIZONA

JUL 24 1996

DEPARTMENT OF INSURANCE DEPT. OF INSURANCE  
BY KHL

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In the Matter of:	)	Docket No. 96A-081-INS
	)	
PAMELA MICHELLE MISKIN and	)	
CONTRACTORS INSURANCE	)	ORDER
AGENCY, INC.	)	
	)	
Respondents.	)	
	)	
_____	)	

On July 18, 1996, the Office of Administrative Hearings, through Administrative Law Judge Lewis D. Kowal submitted "Recommended Decision of Administrative Law Judge", a copy of which is attached and incorporated by this reference. The Director of the Arizona Department of Insurance has reviewed the recommendation, and enters the following order:

1. The recommended findings of fact and conclusions of law are adopted.
2. All insurance licenses held by Respondents Pamela Michelle Miskin and Contractors Insurance Agency, Inc., are revoked upon the issuance of the Director's Order.
3. Respondents will jointly and severally pay restitution in the amount of \$5,282.00 to Amwest Surety Insurance Company within 60 days of entry of the Director's Order and provide proof of such payment to the Department at the end of that 60 day period.

NOTIFICATION OF RIGHTS

The aggrieved party may request a rehearing with respect to this Order by filing a written petition with the

1 Office of Administrative Hearings within 30 days of the date of  
2 this Order, setting forth the basis for such relief pursuant to  
3 A.A.C. R20-6-114(B).

4 The final decision of the Director may be appealed to  
5 the Superior Court of Maricopa County for judicial review  
6 pursuant to A.R.S. §20-166.

7 EFFECTIVE this 24<sup>th</sup> day of July, 1996

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9  
10 Chris Herstam  
Chris Herstam  
Director of Insurance

11 A copy of the foregoing  
12 mailed this 24<sup>th</sup> day of  
July, 1996

13 Charles R. Cohen, Deputy Director  
14 Catherine O'Neil, Assistant Director  
15 John Gagne, Assistant Director  
16 Arnie Sniegowski, Investigator  
Department of Insurance  
2910 N. 44th St., Suite 210  
Phoenix, AZ 85018

17 Office of Administrative Hearings  
18 1700 West Washington, Suite 602  
Phoenix, AZ 85007

19 Kathryn Leonard  
20 Assistant Attorney General  
1275 West Washington  
Phoenix, AZ 85012

21 Pamela Michelle Miskin  
22 10432-2 No. 7th Place  
Phoenix, AZ 85020

23 Contractors Insurance Agency, Inc.  
24 1033 E. Jefferson Street, Suite 100  
25 Phoenix, AZ 85034

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27 Kathy Lender  
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**IN THE OFFICE OF ADMINISTRATIVE HEARINGS**

**PAMELA MICHELLE MISKIN and  
CONTRACTORS INSURANCE  
AGENCY, INC.**

Respondents.

No. 96A-081-INS

**RECOMMENDED DECISION  
OF ADMINISTRATIVE  
LAW JUDGE**

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ADMINISTRATIVE LAW JUDGE: Lewis D. Kowal

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On June 4, 1996 , the Director issued a Notice of Hearing (the "Notice") in the above-captioned matter.

The Notice required Respondents Pamela Michelle Miskin and Contractors Insurance Agency, Inc. ("Respondents") 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, Respondents have failed to file an answer. On July 9, 1996, counsel for the Department filed a Request for Default and Proposed Findings of Facts, Conclusions of Law and Recommended Order. As of this date, Respondents have not responded to the Department's request. Pursuant to A.A.C. R20-6-106(C), a party that fails to file an answer within the time provided shall be deemed to be in default and one or more of the allegations in the Notice of Hearing may be deemed to be admitted. Therefore, the hearing scheduled for this matter is vacated from the hearing calendar of the Office of Administrative Hearings.

**FINDINGS OF FACT**

1. Notice was proper.
2. Respondents are in default.
3. The allegations in the Notice are deemed admitted.

Office of Administrative Hearings  
1700 West Washington, Suite 602  
Phoenix, Arizona 85007  
(602) 542-9826

1 4. There having been no objection filed by Respondents regarding the amount  
2 of restitution recommended by the Department's counsel in the Proposed  
3 Findings of Fact, Conclusions of Law and Proposed Order submitted to the  
4 Administrative Law Judge and mailed to Respondents, it is determined that  
5 Respondents have acquiesced to the Department's proposed restitution .

6 **CONCLUSIONS OF LAW**

7 1. The conduct alleged in the Notice constitutes grounds for the Director to  
8 suspend, revoke or refuse to renew the Respondents' licenses to transact insurance in  
9 Arizona, within the meaning of A.R.S. §20-316(A).

10 2. The conduct alleged in the Notice constitutes grounds for the Director to  
11 impose a civil penalty and order restitution pursuant to A.R.S. §20-316(C).


12 **RECOMMENDED ORDER**

13 Based on the above, the undersigned Administrative Law Judge recommends  
14 that:

15 1. All insurance licenses held by Respondents Pamela Michelle Miskin and  
16 Contractors Insurance Agency, Inc. are revoked effective upon the issuance of the  
17 Director's Order.

18 2. Respondents jointly and severally pay restitution in the amount of  
19 \$5,282.00 to Amwest Surety Insurance Company within 60 days of entry of the  
20 Director's Order and provide proof of such payment to the Department at the end of that  
21 60 day period.

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24 Done this day, July 18, 1996

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27 Lewis D. Kowal  
28 Administrative Law Judge  
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Original transmitted by mail to:

Chris Herstam  
Director  
Department of Insurance  
2910 North 44th Street, 210  
Phoenix, AZ 85018-7256

By 