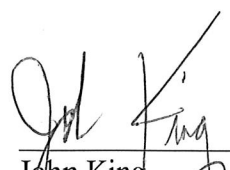




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The final decision of the Director may be appealed to the Superior Court of Maricopa County for judicial review pursuant to A.R.S. § 20-166.

EFFECTIVE this 7<sup>th</sup> day of October, 1996.

  
\_\_\_\_\_  
John King  
Director of Insurance

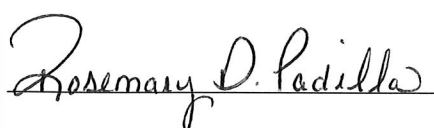
A copy of the foregoing mailed this 7<sup>th</sup> day of October, 1996

Charles R. Cohen, Deputy Director  
Catherine O'Neil, Assistant Director  
John Gagne, Assistant Director  
Scott Greenberg, Business Manager  
Maureen Catalioto, Supervisor  
Department of Insurance  
2910 North 44th Street, Suite 210  
Phoenix, AZ 85018

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

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

Robert Martinez, Jr.  
2601 W. Broadway, #L-596  
Tucson, AZ 85705

  
\_\_\_\_\_  
Rosemary D. Padilla



1  
2 question, the evidence revealed that on April 28, 1993, Mr. Martinez was  
3 convicted, pursuant to a plea of guilty, of attempted hindering of  
4 prosecution in the second degree, a Class 2 misdemeanor, committed on  
5 October 24, 1992. A sentence was imposed to pay a fine and a fee in the  
6 aggregate amount of \$37.00. Prior in time to the date of such conviction  
7 and sentence, but coinciding with the date that the underlying  
8 misdemeanor actions were committed, Mr. Martinez was shown to have  
9 been questioned and subsequently arrested and charged with promoting  
10 prison contraband. Both of the foregoing incidents related to Applicant's  
11 actions or inaction with respect to ongoing investigations and inquiries  
12 involving felony drug possession offenses committed by his father, Robert  
13 Martinez, Sr., who at that time was an inmate serving a prison sentence.  
14

15 3. The non-disclosures by Mr. Martinez (Jr.) of either of the above-  
16 described incidents are found to have been knowing and willful  
17 misrepresentations on his part of material facts of which the Department  
18 had a right to be informed prior to any issuance of the license applied for  
19 herein.  
20

21 4. By his failure to attend and participate in the scheduled hearing,  
22 despite his express request for the convening of same, the individual  
23 named Applicant presented no evidence in defense or in mitigation of the  
24 charged wrongdoing which formed the basis for the Department's denial  
25 action. Especially in light of the fact that, under applicable statutory  
26 provisions, the Applicant has the burden of proof as to his entitlement for  
27 licensure, no valid reason is found to exist for disturbing the Department's  
28  
29  
30

1 previous determination that the application submitted by Mr. Martinez  
2 should be denied.

3  
4 **CONCLUSIONS OF LAW**

5  
6 1. The Director has jurisdiction over this matter pursuant to the provisions  
7 of A.R.S. §§20-161 and 20-290.

8  
9 2. The undisputed evidence of record adequately established that Robert  
10 Martinez, Jr. submitted an application to the Department containing  
11 material misrepresentations of facts that were required to be disclosed, in  
12 violation by said Applicant of the provisions of A.R.S. § 20-291 (G).

13  
14 3. Mr. Martinez has not sustained his burden of proof so as to establish  
15 his entitlement to be issued the Bail Bond Agent license applied for. On  
16 the contrary, grounds were shown to exist for the Department to deny the  
17 within license application pursuant to A.R.S. § 20-290 (B) (1).

18  
19 **RECOMMENDED ORDER**

20 In view of the foregoing, it is recommended that the prior denial action by the  
21 Department be affirmed and that the Director enter his Order denying the application for  
22 a Bail Bond Agent license filed by Robert Martinez, Jr.

23  
24 Dates: September 25, 1996.

25  
26 OFFICE OF ADMINISTRATIVE HEARINGS

27  
28 

29 \_\_\_\_\_  
30 Robert I. Worth  
Administrative Law Judge

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*Original*  
Copy transmitted on 9/25/96  
by Chris Crawford; to:

John King, Director  
Department of Insurance  
2910 North 44th Street, #210  
Phoenix, AZ 85018-7256

ATTN: Curvey Burton