

DEC 6 1996

DEPT. OF INSURANCE
BY CLB

STATE OF ARIZONA
DEPARTMENT OF INSURANCE

1			
2			
3			
4			
5	In the Matter of:)	Docket No. 96A-157-INS
)	
6	OTIS CHEERFUL CANUPP)	ORDER
)	
7	Respondent.)	
)	
8)	

9

10 On December 2, 1996, the Office of Administrative Hearings, through Administrative Law

11 Judge Kip M. Micuda submitted "Recommended Decision of Administrative Law Judge

12 ("Recommended Decision"), a copy of which is attached and incorporated by this reference. The

13 Director of the Arizona Department of Insurance has reviewed the Recommended Decision and enters

14 the following order:

- 15 1. The recommended findings of fact and conclusions of law are adopted.
- 16 2. The Life and Disability insurance agent license issued to Otis Cheerful Canupp is
- 17 revoked.

NOTIFICATION OF RIGHTS

18

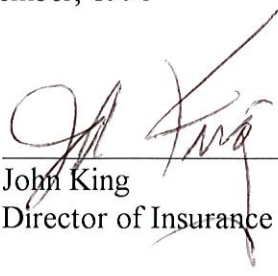
19 The aggrieved party may request a rehearing with respect to this Order by filing a written

20 petition with the Office of Administrative Hearings within 30 days of the date of this Order, setting forth

21 the basis for such relief pursuant to A.A.C. R20-6-114(B).

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

3 EFFECTIVE this 6th day of December, 1996

4
5 
6 _____
7 John King
8 Director of Insurance

9 A copy of the foregoing mailed
10 this 6th day of December, 1996

11 Charles R. Cohen, Deputy Director
12 John Gagne, Assistant Director
13 Catherine O'Neil, Assistant Director
14 Maureen Catalioto, Supervisor
15 Olivia R. Duarte, Investigator
16 Department of Insurance
17 2910 North 44th Street, Suite 210
18 Phoenix, AZ 85018

19 Office of Administrative Hearings
20 1700 West Washington, Suite 602
21 Phoenix, AZ 85007

22 Gerrie Marks
23 Assistant Attorney General
1275 West Washington
Phoenix, AZ 85012

Otis Cheerful Canupp
P.O. Box 18290
Tucson, AZ 85731

Otis Cheerful Canupp
7701 East 34th Street
Tucson, AZ 85731

1 Otis Cheerful Canupp
Aurum Financial Services, Ltd.
2 106 S. Kolb Road
Tucson, AZ 85710

3
4 Aurum Financial Services, Ltd.
106 S. Kolb Road
Tucson, AZ 85710

5
6 Lincoln Benefit Life Company
P.O. Box 80469
Lincoln, NE 68501

7
8 Travelers Life Insurance Company
Corporate Tax 5PB
One Tower Square
9 Hartford, CT 06183-6014

10 United American Insurance Company
P.O. Box 810
11 Dallas, TX 75221

12 *Corney W. Burton*
13

14

15

16

17

18

19

20

21

22

23

1 Mr. Canupp in Pima County Superior Court. State of Arizona v. Canupp, No. CR45410.

2 The indictment charged Mr. Canupp with five felony counts, including one for
3 Tampering with a Public Record; that is, forging signatures on a quitclaim deed and
4 then filing the document with the Pima County Recorder's Office.

5 3. On December 6, 1994, Mr. Canupp entered into a Plea Agreement on the
6 charges, pleading guilty to Tampering with a Public Record, a Class Six felony.

7 4. On January 19, 1995, the court convicted Mr. Canupp of Tampering with a
8 Public Record, sentencing him to thirty (30) days incarceration, three (3) years
9 probation, community service, and the payment of fines and penalties.

10
11 **APPLICABLE LAW**

12 A.R.S. §20-316(A) states that the Director may suspend, revoke, or refuse to
13 renew any license for any of the following reasons:

14 1. The existence of any cause for which original issuance or
15 any renewal of the license could have been refused.

16 xxx

17 6. Conviction by final judgment of a felony involving moral
18 turpitude.

19 A.R.S. §20-290(B) allows the Director to refuse to issue any license if he finds, for
20 example, the following:

21 2. A record of dishonesty on the part of the applicant in
22 business or financial matters.

23 xxx

24 6. A record of conviction by final judgment of a felony involving
25 moral turpitude.

26 **CONCLUSIONS OF LAW**

27 1. This matter is within the jurisdiction of the Director of the Arizona
28 Department of Insurance, pursuant to A.R.S. §20-161.

1 Original transmitted by mail this
2 3 day of December, 1996, to:

3 John King, Director
4 ATTN: Curvey Burton
5 Department of Insurance
6 2910 North 44th Street, #210
7 Phoenix, AZ 85018-7256

8
9 By Chris Crawford
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30