

JAN 28 1997

DEPT. OF INSURANCE
BY Kath

STATE OF ARIZONA

DEPARTMENT OF INSURANCE

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23

In the Matter of:)	Docket No. 96A-237-INS
)	
LAWRENCE H. McKINNEY,)	ORDER
)	
Petitioner.)	
_____)	

On January 17, 1997, the Office of Administrative Hearings, through Administrative Law Judge Allen W. Reed, submitted "Recommended Decision of Administrative Law Judge" ("Recommended Decision"), a copy of which is attached and incorporated by this reference. The Director of the Arizona Department of Insurance has reviewed the Recommended Decision and enters the following order:

1. The recommended findings of fact and conclusions of law are adopted.
2. The denial of the application for individual insurance license of Lawrence

McKinney and the revocation of the conditional license issued to Lawrence McKinney are affirmed and the appeal of Lawrence McKinney is dismissed.

NOTIFICATION OF RIGHTS

The aggrieved party may request a rehearing with respect to this Order by filing a written petition with the Office of Administrative Hearings within 30 days of the date of this Order, setting forth 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 27 day of January, 1997.

4
5 
6 John A. Greene
7 Director of Insurance

8 A copy of the foregoing mailed
9 this 28th day of January, 1997

10 Charles R. Cohen, Deputy Director
11 John Gagne, Assistant Director
12 Catherine O'Neil, Assistant Director
13 Scott Greenberg, Business Administrator
14 Maureen Catalioto, Supervisor
15 Department of Insurance
16 2910 N. 44th Street, Suite 210
17 Phoenix, AZ 85018

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

21 Michael J. De La Cruz
22 Assistant Attorney General
23 1275 West Washington
Phoenix, AZ 85012

Lawrence H. McKinney
1050 West 8th Avenue, #107
Mesa, AZ 85210

20 
21

1 convictions were based on an arrest on or about July 8, 1994 involving a domestic
2 violence issue. He was fined \$250.00, given 24 months of unsupervised probation and
3 required to complete what appears to be a domestic violence program.

4 4. On September 19, 1996, the Department sent the Applicant a letter
5 requesting a notarized explanation, additional information and certified documentation
6 regarding the undisclosed conviction.

7 5. On November 7, 1996, the Department revoked the Applicant's Conditional
8 License and denied his application for a permanent license.

9 6. On November 18, 1996, the Department received an unsigned printed
10 statement which asserted the undisclosed matter should have been dropped because
11 the Applicant went to court and agreed to a program for anger control.

12
13 **CONCLUSIONS OF LAW**

14 1. The Director has jurisdiction of this matter pursuant to A.R.S. §20-161.

15 2. The Applicant's failure to disclose the arrest and conviction referenced in
16 paragraph three of the above Findings of Fact is a material misrepresentation or fraud
17 in the application for the insurance license as set forth in A.R.S. §20-290(B)(1), and the
18 Director may refuse to accept the application or issue any license for such fraud or
19 misrepresentation.

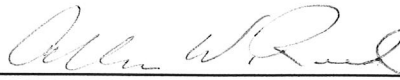
20 3. A.R.S. §41-1065 provides that at a hearing on denial of a license or permit,
21 an applicant has the burden of proof and shall be the moving party. Since the Applicant
22 was not present, no evidence was presented in his behalf and the Applicant has not
23 met his burden.

24
25 **RECOMMENDED ORDER**

26
27 **IT IS HEREBY RECOMMENDED** that the denial of the Application for Individual
28 Insurance License of Lawrence McKinney and the revocation of the Conditional License
29
30

1 issued to Lawrence McKinney be Affirmed and the appeal of Lawrence McKinney be
2 Dismissed.

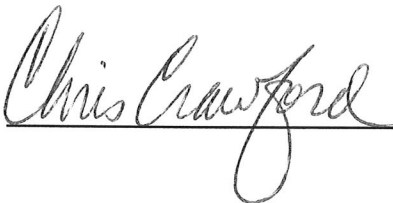
3 Done this day, January 17, 1997.

4
5
6 

7 ALLEN W. REED
8 Administrative Law Judge

9 Original transmitted by mail this
10 11 day of January, 1997, to:

11 John Greene, Director
12 ATTN: Curvey Burton
13 Department of Insurance
14 2910 North 44th Street, #210
15 Phoenix, AZ 85018-7256

16
17 By 
18
19
20
21
22
23
24
25
26
27
28
29
30