

## NOTICE OF FINAL RULEMAKING

### TITLE 20. COMMERCE, FINANCIAL INSTITUTIONS AND INSURANCE CHAPTER 4. DEPARTMENT OF INSURANCE AND FINANCIAL INSTITUTIONS – FINANCIAL INSTITUTIONS ARTICLE 14. INVESTIGATIONS

#### **R20-4-1401. Definitions**

In this Article, unless the context otherwise requires:

1. “Examination” means reviewing an applicant’s or licensee’s operations, books, and records for any lawful purpose, including those listed in A.R.S. § 6-124(A).
2. “Investigation” means an inquiry, other than an examination, into the affairs of a licensed or unlicensed entity including a review of the entity’s operations, books, and records, conducted by the Director for any lawful purpose, including those listed in A.R.S. § 6-124(A).
3. “Licensee” means a financial institution or enterprise licensed with the Department.

#### **R20-4-1403. Subpoenas: Service; Amendment; Investigation or Examination not a Condition of the Director’s Subpoena Power**

The Director may serve a subpoena using any means intended to effectuate delivery of the subpoena. A Department employee, or an attorney or agent of the Attorney General’s office, may accomplish service for the Director. The Director may amend a subpoena at any time, and may serve the amended subpoena as provided in this Section. Under A.R.S. §§ 6-123(3), 6-124(B), and 12-2212, the Director may compel testimony or document production, by subpoena or other means, regardless of whether an examination or investigation is in progress.

#### **R20-4-1405. Background Information**

**A.** In connection with an examination or investigation, the Director may investigate the following persons’ background:

1. An applicant or a licensee, or a person whom the Director reasonably believes may be violating any statute or rule administered by the Director; and
2. An officer, director, agent, employee, partner, joint venturer, affiliate, or other person associated with a person described in subsection (A)(1), if the other person has or had any involvement in or control over the activities of the person described in subsection (A)(1).

**B.** In connection with an examination or investigation, the Director may require a person described in A.R.S. § 6-123.01(A) or (E) to submit a statement of personal history to the Department.