

AUG 30 1994

STATE OF ARIZONA

DEPARTMENT OF INSURANCE

DEPARTMENT OF INSURANCE
By

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

In the Matter of:)	Docket No. 7948
)	
PLATINUM ASSOCIATES, INC.;)	
PAI; ROBERT L. DARNALL CO.;)	ORDER RE: RESPONDENT
RLD CO., INC.; THAYER C.)	THAYER C. LINDAUER
LINDAUER; JAMES A. O'LEARY,)	
)	
Respondents.)	
-----)	

On August 19, 1994, a hearing took place in this matter in response to the demand for hearing presented by the Respondent, Thayer C. Lindauer ("Mr. Lindauer"), following the issuance of a cease and desist order by the Director of the Arizona Department of Insurance (the "Director"). Assistant Attorney General Kathryn Leonard represented the Arizona Department of Insurance (the "Department") at the hearing. Respondent Thayer C. Lindauer ("Mr. Lindauer") was present in person and was represented by W. Clifford Girard, Jr.

Based upon the entire record in this matter, including all pleadings, motions, testimony, and exhibits admitted during the hearing of this matter, Administrative Law Judge Gregory Y. Harris has prepared the following Findings of Fact, Conclusions of Law, and Order for the Director's consideration and approval, and based upon these recommendations, the Director makes the following Findings of Fact, Conclusions of Law and enters the following Order:

FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. On December 15, 1992, the Department issued an Order of Cease and Desist (the "C&D Order") to Mr. Lindauer.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

2. Mr. Lindauer appeared as the only respondent at the August 19, 1994 hearing of this matter. This Order applies only to Mr. Lindauer, and does not affect the rights or obligations of others named as a respondent in the C&D Order.

3. Evidence submitted at the hearing supports the conclusion that an attorney-client relationship existed between Mr. Lindauer and the others named as Respondents in the C&D Order. The evidence supports the conclusion that Mr. Lindauer terminated this attorney-client relationship shortly before the issuance of the C&D Order for reasons similar to those giving rise to the issuance of the C&D Order.

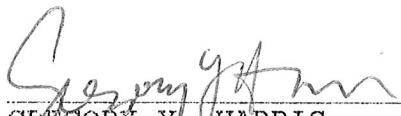
4. Insufficient evidence was presented at the hearing to sustain the imposition of the Order of Cease and Desist against Mr. Lindauer.

ORDER

THEREFORE, IT IS ORDERED vacating the Order of Cease and Desist entered against Respondent Thayer C. Lindauer on December 15, 1992.

EFFECTIVE this 30th day of August, 1994.


CHRIS HERSTAM
Director of Insurance


GREGORY Y. HARRIS
Chief Administrative Law Judge

. . .
. . .

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

COPY of the foregoing mailed/delivered
this 30th day of August, 1994, to:

Gay Ann Williams, Deputy Director
Department of Insurance
2910 North 44th Street, Suite 210
Phoenix, Arizona 85018

Kathryn Leonard
Assistant Attorney General
1275 West Washington
Phoenix, Arizona 85007

W. Clifford Girard, Jr.
335 E. Palm Lane
Phoenix, Arizona 85004


Chris Crawford