

MAR 8 2001

STATE OF ARIZONA

DEPT. OF INSURANCE  
BY Kath

DEPARTMENT OF INSURANCE

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In the Matter of:	)	No. 01A-026-INS
	)	
<b>STEPHANIE ANN DIXON,</b>	)	<b>FINDINGS OF FACT, CONCLUSIONS</b>
	)	<b>OF LAW AND ORDER</b>
Respondent.	)	

On February 6, 2001, the Arizona Department of Insurance ("Department") issued a Notice of Hearing ("Notice") in the above-captioned matter, a copy of which is attached and incorporated by this reference. The Notice required Stephanie Ann Dixon ("Respondent") to provide a written answer to the allegations set forth in the Notice within twenty days of the issuance of the Notice. As of this date, Respondent has failed to file an answer. On March 7, 2001, counsel for the Department filed a Request for Default, and Proposed Findings of Fact, Conclusions of Law and Order. As of this date, Respondent has not responded to the Department's request. Pursuant to A.A.C. R20-6-106(D), a party that fails to file an answer within the time provided shall be deemed to be in default and one or more of the allegations in the Notice of Hearing may be deemed to be admitted.

**FINDINGS OF FACT**

1. Notice was proper.
2. Respondent is in default.
3. The allegations in the Notice are deemed admitted.

**CONCLUSIONS OF LAW**

1. The conduct alleged in the Notice constitutes grounds for the Director to suspend, revoke or refuse to renew Respondent's licenses to transact insurance in Arizona, pursuant to A.R.S. § 20-316(A).
2. The conduct alleged in the Notice constitutes grounds for the Director to impose a civil penalty, pursuant to A.R.S. § 20-316(C).

...

1 ORDER

2 IT IS ORDERED:

3 1. The life and disability agent's license held by Respondent is revoked effective upon the  
4 issuance of this Order.

5 2. Respondent shall pay a civil penalty in the amount of \$ 2,500.00 to the  
6 Director payable upon entry of this Order for remission to the State Treasurer for deposit in the State  
7 General Fund.

8 3. The hearing set for March 19, 2001, at 9:00 a.m. shall be vacated.

9 DATED this 8<sup>th</sup> day of March, 2001.

10 

11 CHARLES R. COHEN, Director  
12 Arizona Department of Insurance

13 COPY of the foregoing mailed this  
8<sup>th</sup> day of March, 2001, to:

14 Lewis D. Kowal  
15 Administrative Law Judge  
16 Office of Administrative Hearings  
17 1400 West Washington, Suite 101  
18 Phoenix, Arizona 85007

17 Stephanie Ann Dixon  
18 421 E. Dunbar, #63  
19 Tempe, Arizona 85282

19 Primerica Life Insurance Company  
20 3120 Breckinridge Boulevard  
21 Duluth, Georgia 30199-0001

21 Sara M. Begley, Deputy Director  
22 Mary Butterfield, Assistant Director  
23 Catherine M. O'Neil, Consumer Legal Affairs Officer  
24 Maureen Catalioto, Supervisor  
25 Bob Hill, Investigator  
26 Arizona Department of Insurance  
2910 N. 44th Street, Suite 210  
Phoenix, Arizona 85018

1 Shelby Cuevas  
Assistant Attorney General  
2 1275 W. Washington  
Phoenix, AZ 85007  
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Kathy Linder

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FEB 6 2001

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STATE OF ARIZONA

DEPT. OF INSURANCE BY CS

RECEIVED DEPARTMENT OF INSURANCE

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In the Matter of:	)	
	)	No. 01A-026-INS
STEPHANIE ANN DIXON,	)	
	)	NOTICE OF HEARING
Respondent.	)	
	)	
	)	

PLEASE TAKE NOTICE that pursuant to the provisions of Arizona Revised Statutes ("A.R.S.") §§ 20-161 through and including 20-165, 41-1061 through and including 41-1066, and 41-1092.01, the above-captioned matter will be heard before the Director of Insurance of the State of Arizona (the "Director") or his duly designated representative, on the 19th day of March, 2001, at 9:00 a. m., at the Office of Administrative Hearings, 1400 West Washington, Suite 101, Phoenix, Arizona 85007 (the "Hearing").

Motions to continue this matter shall be made in writing to the Administrative Law Judge not less than five (5) business days prior to the date set for hearing. A copy of any motion to continue shall be mailed or hand-delivered to the opposing party on the same date of filing with the Office of Administrative Hearings.

A.R.S. § 20-164(B) entitles any person affected by this Hearing to appear in person and by counsel, to be present during the giving of all evidence, to have a reasonable opportunity to inspect all documentary evidence, to examine witnesses, to present supporting evidence in support of his interests, and to have subpoenas issued by the Administrative Law Judge to compel attendance of witnesses and production of evidence.

If Respondent is represented by counsel, the attorney shall be licensed to practice law in the State of Arizona or, if Respondent is an insurer, it may be represented by a corporate officer, pursuant to A.R.S. § 20-161(B).

Pursuant to A.R.S. § 41-1092.07(D), a clear and accurate record of the proceedings will be made by a court reporter or by electronic means. Any party that requests a transcript of the proceeding

1 shall pay the cost of the transcript to the court reporter or other transcriber.

2 **NOTICE OF APPLICABLE RULES**

3 On January 23, 1992, the Arizona Department of Insurance adopted A.A.C. R20-6-101  
4 through R20-6-115, setting forth the rules of practice and procedure applicable in contested cases  
5 before the Director of Insurance. The hearing will be conducted pursuant to these rules.

6 Questions concerning this Notice of Hearing should be directed to Assistant Attorney General  
7 Shelby L. Cuevas, (602) 542-7725, 1275 West Washington Street, Phoenix, Arizona 85007-2926.

8 PURSUANT TO A.A.C. R20-6-106, PETITIONER SHALL FILE A WRITTEN ANSWER  
9 WITHIN 20 DAYS AFTER ISSUANCE OF THIS NOTICE OF HEARING AND SHALL MAIL OR  
10 DELIVER A COPY OF THE ANSWER TO THE ASSISTANT ATTORNEY GENERAL  
11 DESIGNATED ABOVE. THE ANSWER SHALL STATE PETITIONER'S POSITION OR  
12 DEFENSE AND SHALL SPECIFICALLY ADMIT OR DENY EACH ASSERTION IN THE  
13 NOTICE OF HEARING. ANY ASSERTION NOT DENIED SHALL BE DEEMED TO BE  
14 ADMITTED. ANY DEFENSE NOT RAISED IN THE ANSWER SHALL BE DEEMED WAIVED.  
15 IF AN ANSWER IS NOT TIMELY FILED, PETITIONER SHALL BE DEEMED IN DEFAULT  
16 AND THE DIRECTOR MAY DEEM THE ALLEGATIONS ARE TRUE, AND TAKE WHATEVER  
17 ACTION IS APPROPRIATE, INCLUDING SUSPENSION, REVOCATION, DENIAL OF A  
18 LICENSE, OR RENEWAL OF A LICENSE, IMPOSITION OF A CIVIL PENALTY AND/OR  
19 ORDER RESTITUTION TO ANY PARTY INJURED.

20 PERSONS WITH DISABILITIES MAY REQUEST REASONABLE ACCOMMODATIONS  
21 SUCH AS INTERPRETERS, ALTERNATIVE FORMATS, OR ASSISTANCE WITH PHYSICAL  
22 ACCESSIBILITY. REQUESTS FOR ACCOMMODATIONS SHOULD BE MADE AS EARLY AS  
23 POSSIBLE TO ALLOW TIME TO ARRANGE THE ACCOMMODATIONS. IF YOU REQUIRE  
24 ACCOMMODATIONS, PLEASE CONTACT THE OFFICE OF ADMINISTRATIVE HEARINGS  
25 AT (602) 542-9826.

26 The allegations supporting this Notice of Hearing are as follows:

1           1.     Stephanie Ann Dixon ("Dixon") is and was at all material times licensed as an agent  
2 to transact life and disability insurance, Arizona license number 37913, which license expires  
3 February 28, 2001.

4           2.     On or about November 8, 1999, Dixon was indicted for Arson of a Structure, a Class 4  
5 Felony, Fraudulent Fire Insurance Claim, a Class 5 Felony, False or Misleading Insurance Claim, a  
6 Class 6 Felony and Theft, a Class 6 Felony in *State of Arizona v. Stephanie Ann Dixon*, No.  
7 CR99-15702, in the Maricopa County Superior Court. The indictment charged Dixon with knowingly  
8 and unlawfully damaging a structure by knowingly causing a fire; knowingly presenting a false or  
9 fraudulent fire claim for payment of a loss; attempting to obtain a benefit from American Family  
10 Insurance by presenting or causing to be presented to American Family a statement in support of a  
11 claim pursuant to an insurance policy, knowing that the statement contained false, incomplete or  
12 misleading information concerning anything material to the claim; and knowingly obtaining, by means  
13 of material misrepresentation, payment of a claim by American Family Insurance.

14           3.     On February 11, 2000, Dixon entered a guilty plea to Amended Count I, Attempted  
15 Arson of Property, a Class 6 Undesignated Felony and Amended Count III, False Insurance Claim, a  
16 Class 6 Undesignated Felony in the State of Arizona v Stephanie Ann Dixon, CR No. 99-15702. On  
17 April 28, 2000, the Court found Dixon guilty of Amended Counts I and III, and placed Dixon on  
18 probation for two years and ordered Dixon to perform 50 hours of community service.

19           4.     On or about May 25, 2000, the Court entered a Minute Entry modifying the Suspension  
20 of Sentence - Probation Granted Order to reflect restitution ordered in the amount of \$540 at the rate  
21 of \$40 per month commencing June 1, 2000. The Court also noted that as of the date of the Minute  
22 Entry only \$146 of the restitution amount remained owing.

23           5.     Dixon's conduct as alleged above constitutes a record of dishonesty in business or  
24 financial matters, within the meaning of A.R.S. § 20-316(A)(8).

25           6.     Dixon's conduct as alleged above constitutes wilful violation of, or wilful  
26 noncompliance with, any provision of this title, or any lawful rule or order of the director, within the

1 meaning of A.R.S. § 20-316(A)(2).

2 7. Dixon's conduct as alleged above constitutes presenting an untrue statement to an  
3 insurer with respect to a claim for payment pursuant to an insurance policy, within the meaning of  
4 A.R.S. § 20-463(A)(1)(c).

5 8. Grounds exist to suspend, revoke or refuse to renew Dixon's insurance license and/or  
6 impose a civil penalty upon him pursuant to A.R.S. §§ 20-316(A) and 20-316(B).

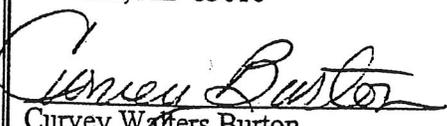
7 WHEREFORE, if after hearing, the Director finds that one or more of the above-described  
8 allegations are supported by the evidence, the Director may suspend, revoke or refuse to renew Dixon's  
9 insurance license and/or impose a civil penalty upon him, pursuant to A.R.S. §§ 20-316(A) and  
10 20-316(B). Pursuant to A.R.S. § 20-150, the Director of Insurance delegates the authority vested in  
11 the Director of Insurance of the State of Arizona, whether implied or expressed, to the Director of the  
12 Office of Administrative Hearings or his designee to preside over the hearing of this matter as the  
13 Administrative Law Judge, to make written recommendations to the Director of Insurance consisting  
14 of proposed findings of fact, proposed conclusions of law, and a proposed order. This delegation does  
15 not include delegation of the authority of the Director of Insurance to make the order on hearing or  
16 other final decisions in this matter.

17 Pursuant to A.R.S. § 41-1092.01, your hearing will be conducted through the Office of  
18 Administrative Hearings, an independent agency. Please find enclosed a copy of the procedures to be  
19 followed.

20 DATED this 5<sup>th</sup> day of February, 2001.

21   
22 \_\_\_\_\_  
23 CHARLES R. COHEN, Director  
24 Arizona Department of Insurance

25 COPY of the foregoing mailed this  
26 6th day of February 2001, to:

- 1 Lewis D. Kowal  
Administrative Law Judge
- 2 Office of Administrative Hearings  
1400 West Washington, Suite 101
- 3 Phoenix, Arizona 85007
  
- 4 Shelby L. Cuevas  
Assistant Attorney General
- 5 1275 West Washington Street  
Phoenix, Arizona 85007
- 6 Attorney for the Department
  
- 7 Stephanie Ann Dixon  
421 E. Dunbar #63
- 8 Tempe, Arizona 85282
  
- 9 Primerica Life Insurance Company  
3120 Breckinridge Boulevard
- 10 Duluth, GA 30199-0001
  
- 11 Sara M. Begley, Deputy Director  
Mary Butterfield, Assistant Director
- 12 Catherine M. O'Neil, Consumer Legal Affairs Officer  
Maureen Catalioto, Licensing Supervisor
- 13 Bob Hill, Investigator  
Arizona Department of Insurance
- 14 2910 North 44th Street, Suite 210  
Phoenix, AZ 85018
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Curvey Walters Burton
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