

FEB 17 2006

STATE OF ARIZONA

DEPARTMENT OF INSURANCE

DEPT OF INSURANCE
BY 

In the Matter of:)	Docket No. 05A-141-INS
)	
)	
KELLEE CHRISTINE MITCHELL,)	ORDER
)	
Respondent.)	
)	
)	

On February 10, 2006, the Office of Administrative Hearings, through Administrative Law Judge ("ALJ") Lewis D. Kowal, issued an Administrative Law Judge Decision ("Recommended Decision"), received by the Director of the Department of Insurance ("Director") on February 15, 2006, a copy of which is attached and incorporated by this reference. The Director of the Department of Insurance has reviewed the Recommended Decision and enters the following Order:

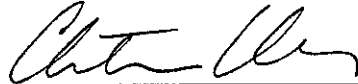
1. The Recommended Findings of Fact and Conclusions of Law are adopted.
2. Respondent's creditor insurance producer's license is revoked.

NOTIFICATION OF RIGHTS

Pursuant to A.R.S. § 41-1092.09, Respondent may request a rehearing with respect to this order by filing a written motion with the Director of the Department of Insurance within 30 days of the date of this Order, setting forth the basis for relief under A.A.C. R20-6-114(B). Pursuant to A.R.S. § 41-1092.09, it is not necessary to request a rehearing before filing an appeal to Superior Court.

1 Respondent may appeal the final decision of the Director to the Superior Court of
2 Maricopa County for judicial review pursuant to A.R.S. § 20-166. A party filing an appeal must
3 notify the Office of Administrative Hearings of the appeal within ten days after filing the
4 complaint commencing the appeal, pursuant to A.R.S. § 12-904(B).

5 DATED this 15th of February, 2006

6 

7 _____
8 CHRISTINA URIAS
9 Director of Insurance

9 A copy of the foregoing mailed
10 this 17th day of February, 2006

11 Mary Kosinski, Executive Assistant for Regulatory Affairs
12 Catherine O'Neil, Consumer Legal Affairs Officer
13 Steve Fromholtz, Producer Licensing Administrator
14 Arizona Department of Insurance
15 2910 N. 44th Street, Suite 210
16 Phoenix, AZ 85018

17 Office of Administrative Hearings
18 1400 W. Washington, Suite 101
19 Phoenix, AZ 85007

20 Moira McCarthy
21 Assistant Attorney General
22 1275 W. Washington
23 Phoenix, AZ 85007

Kellee Christine Mitchell
3540-8 E. Bermuda Street
Tucson, AZ 85716

Kellee Christine Mitchell
c/o Wells Fargo Bank
5310 E. Grant Road
Tucson, AZ 85712



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IN THE OFFICE OF ADMINISTRATIVE HEARINGS

In the Matter of:

No. 05A-141-INS

KELLEE CHRISTINE MITCHELL

**ADMINISTRATIVE
LAW JUDGE DECISION**

Respondent,

HEARING: January 24, 2006

APPEARANCES: Assistant Attorney General Moira McCarthy on behalf of the Arizona Department of Insurance; Kellee Christine Mitchell did not appear at the hearing

ADMINISTRATIVE LAW JUDGE: Lewis D. Kowal

FINDINGS OF FACT

1. At all times material to this matter Kellee Christine Mitchell ("respondent") was and currently is licensed by the Arizona Department of Insurance ("Department") as a resident credit insurance producer.
2. The Department issued Respondent a credit insurance producer license, license number 192193.
3. On February 28, 2005, the Department issued a letter to Respondent that was mailed to her address of record, sent certified mail return receipt requested, informing her that her fingerprint card could not be processed and had been returned by the Arizona Department of Public Safety ("DPS") as illegible. In that letter, the Department requested that Respondent submit a replacement set of fingerprints and enclosed a blank fingerprint replacement form. The Department provided a deadline of March 31, 2005 for the return of the completed replacement fingerprint form.
4. The Department presented a receipt card that contained Respondent's signature as evidence that Respondent received the above-mentioned letter on March 8, 2005.

Office of Administrative Hearings
1400 West Washington, Suite 101
Phoenix, Arizona 85007
(602) 542-9826

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2 5. Because the Department did not receive the requested replacement fingerprint
3 form from Respondent as requested, the Department sent another letter to Respondent
4 on April 19, 2005, providing Respondent with fifteen days from the date of the letter in
5 which to submit the replacement fingerprint form.

6 6. The Department presented a receipt card that contained a signature of person
7 who accepted service of the above-mentioned letter at Respondent's place of
8 employment.

9 7. Steven Fromholtz ("Mr. Fromholtz"), Producer Licensing Administrator for the
10 Department, testified that, to date, the Department has not received any communication
11 from Respondent in response to the above-mentioned letters and the Department has
12 not received a fingerprint replacement from Respondent.

13 8. Mr. Fromholtz testified that when an application for a producer's license is
14 received and there is no criminal history disclosed on the application, the application is
15 processed and the applicant receives a license upon payment of the appropriate fee.
16 The fingerprint card is reviewed so as to make sure there are no blank spaces and the
17 card is forwarded to DPS for processing, which includes processing by the Federal
18 Bureau of Investigation.

19 9. According to Mr. Fromholtz, until the fingerprint card is processed and a criminal
20 background history search is conducted, with the results provided to the Department,
21 the license application process has not been completed.

22 10. Evidence was presented establishing that the Notice of Hearing issued in this
23 matter by the Department was sent certified mail, return receipt requested, to the
24 address of record the Department has for Respondent. The envelope that contained
25 the Notice of Hearing was returned to the Department on December 28, 2005, marked
26 "Attempted, Not Known".. After another attempt at service, the envelope that contained
27 the Notice of Hearing was returned to the Department on January 3, 2006, marked
28 "Attempted, Not Known".
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CONCLUSIONS OF LAW

1. This matter is a disciplinary proceeding wherein the Department must prove by a preponderance of the evidence that Respondent violated the State's Insurance Laws. See A.AC. R2-19-119.

2. Respondent's conduct, as described above, constitutes a violation of A.R.S. § 20-285(F)(2), by having failed to meet the requirement that an applicant must submit a full set of fingerprints to the Department.

3. Respondent's conduct, as set forth above, constitutes a violation of A.R.S. § 20-295(A)(1), by having failed to provide complete information in the license application.

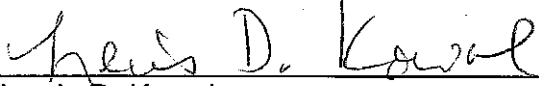
4. Respondent's conduct, as set forth above, constitutes the violation of any provision of A.R.S., Title 20 within the meaning of A.R.S. § 20-295(A)(2).

5. Grounds exist for the Director of the Department to suspend, revoke, or refuse to renew Respondent's license pursuant to A.R.S. §§ 20-295(A)(1) and (A)(2).

ORDER

Based upon the above, IT IS ORDERED that Respondent's creditor insurance producer's license be revoked on the effective date of the Order entered in this matter.

Done this day, February 10, 2006.



Lewis D. Kowal
Administrative Law Judge

Original transmitted by mail this
13 day of February, 2006, to:

Department of Insurance
Christina Urias, Director
2910 North 44th Street, Ste. 210
Phoenix, AZ 85018

By Chris Fishler