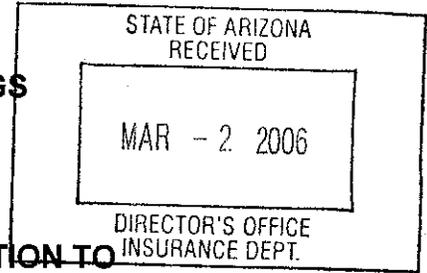


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IN THE OFFICE OF ADMINISTRATIVE HEARINGS



In The Matter Of:

No. 06A-005-INS

DALE LEWIS CASH

**ORDER DENYING MOTION TO  
CONSOLIDATE  
AND  
ORDER SETTING NEW HEARING DATE  
AND TIME**

Respondents.

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On February 13, 2006 the Arizona Department of Insurance filed a Motion to Consolidate this matter with Docket No. 06A-006-INS. (The Department also requested Docket Nos. 06A-010-INS, 06A-007-INS and 06A-008-INS be consolidated.) The Department requested consolidation asserting that all five matters involve common issues of fact and law. Respondent Dale Cash did not file any response to the Motion to Consolidate.

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The undersigned ALJ has reviewed the Notices of Hearing issued in this matter and Docket No. 06A-006-INS. Although the matters do involve common issues of law, these do not involve common issues of fact. (Because, for example, whether or not the Respondent in Docket No. 06A-006-INS filed the appropriate paperwork will have no bearing on whether Mr. Cash did so.) Therefore consolidation is not appropriate. However, given that these matters do have common legal issues, holding the hearings on the same day is appropriate as a matter of administrative convenience, expedition and economy. See A.A.C. R2-19-102. Therefore,

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**IT IS ORDERED** denying the Motion to Consolidate.

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**IT IS FURTHER ORDERED** that this matter is rescheduled and will be heard on **March 30, 2006 at 9:30 a.m.** or as soon thereafter as possible.

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

1 Done this day, February 27, 2006.

2  
3  
4   
5 Thomas Shedden  
6 Administrative Law Judge

7 Copy mailed this 28<sup>th</sup> day of  
8 February, 2006 to:

9 Christina Urias, Director  
10 Department of Insurance  
11 2910 North 44th Street, Ste. 210  
12 Phoenix, AZ 85018

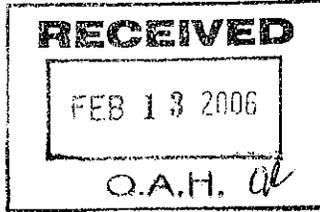
13 Moira A. McCarthy  
14 Office of the Attorney General  
15 1275 West Washington, Room 259  
16 Phoenix, AZ 85007-2997

17 Dale Lewis Cash  
18 10153 E. Calle Del Este  
19 Tucson, AZ 85748

20 Dale Lewis Cash  
21 c/o Bank One Insurance  
22 151 Esperanza  
23 Green Valley, AZ 85614

24 By   
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TERRY GODDARD  
Attorney General  
Firm Bar No. 14000

Moira McCarthy, 017363  
Assistant Attorney General  
Consumer Protection & Advocacy Section  
Department of Law Building, Room 259  
1275 West Washington Street  
Phoenix, Arizona 85007-2926  
Telephone: (602) 542-7714  
Facsimile: (602) 542-4377  
Attorneys for the Arizona Department of Insurance

**IN THE OFFICE OF ADMINISTRATIVE HEARINGS**

In the Matters of:

**DAWN LEI DUNHAM,**  
**DALE LEWIS CASH,**  
**DENNIS MICHAEL ESARTE,**  
**DAVID GREER TAYRIEN, and**  
**AMBER ROSE RHYNE,**

Respondents.

No. 06A-006-INS

No. 06A-005-INS

No. 06A-007-INS

No. 06A-008-INS

No. 06A-010-INS

**MOTION TO CONSOLIDATE  
ADMINISTRATIVE HEARINGS**

(Assigned to ALJ Shedden)

Pursuant to A.A.C. R2-19-109(A)(1) and (2), the Arizona Department of Insurance ("Department") through undersigned counsel hereby requests that the administrative hearings scheduled for the above respondents in this matter be consolidated for the reason that both of the proceedings involve common issues of fact and law.

All of the cases involve non-resident licensees who have failed to provide a new mailing address to the Department within 30 days of relocating in violation of A.R.S. § 20-286(C)(1), as well as certification of licensure from their new resident state within 30 days, in violation of A.R.S. § 20-287(B).

*T.S. ADM*  
RECEIVED  
FEB 13 2006



1 Mary Kosinski, Executive Assistant for Regulatory Affairs  
Steve Fromholtz, Licensing Supervisor  
2 Arizona Department of Insurance  
2910 North 44th Street, Suite 210  
3 Phoenix, Arizona 85018

4 Dawn Lei Dunham  
5 c/o Premier Southwest Benefit's Group  
8765 E. Bell Road, Suite 110  
6 Scottsdale, AZ 85260  
Respondent

7 Dawn Lei Dunham  
8 7007 E. Gold Dust, #2032  
Paradise Valley, AZ 85253  
9 Respondent

10 Dawn Lei Dunham  
11 c/o Diversified Human Resources  
10715 Gulfdale, St. #185  
12 San Antonio, TX 78216  
Respondent

13 Dale Lewis Cash  
14 10153 E. Calle Del Este  
Tucson, AZ 85748  
15 Respondent

16 Dale Lewis Cash  
17 C/O Bank One Insurance  
151 Esperanza  
Green Valley, AZ 85614  
18 Respondent

19 Dennis Michael Esarte  
C/O AFLAC  
20 2001 E. Campbell #203  
Phoenix, AZ 85016  
21 Respondent

22 Dennis Michael Esarte  
11226 W. Coronado Rd.  
Avondale, AZ 85323  
23 Respondent

24 Dennis Michael Esarte  
11335 Plainview  
25 Frisco, TX 75035  
Respondent  
26

1 David Greer Tayrien  
c/o World Financial Group  
2 8253 W. Thunderbird Road, Suite 102  
Peoria, AZ 85381  
3 Respondent

4 David Greer Tayrien  
137 S. Miller  
5 Mesa, AZ 85204  
Respondent

6 David Greer Tayrien  
7 2334 N. Oak Ave.  
Broken Arrow, OK 74012  
8 Respondent

9 Amber Rose Rhyne  
1432 W. Emerald Ave., #48  
10 Mesa, AZ 85202  
Respondent

11 Amber Rose Rhyne  
c/o Primerica Financial Services  
12 3048 E. Baseline Road  
Mesa, AZ 85204  
13 Respondent

14 Amber Rose Rhyne  
c/o Primerica Financial Services  
15 2004 Manor St.  
Dayton, TX 77535  
16 Respondent

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18 CPA06-025, 026, 027, 028, 034-945859

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STATE OF ARIZONA  
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STATE OF ARIZONA  
DEPARTMENT OF INSURANCE

DEPT OF INSURANCE  
BY CB

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In the Matter of:  
**DALE LEWIS CASH**  
Respondent

**No. 06A-005-INS**  
**NOTICE OF HEARING**

PLEASE TAKE NOTICE that pursuant to the provisions of Arizona Revised Statutes ("A.R.S.") §§ 20-161 through and including 20-165, 41-1092 et seq. 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 her duly designated representative, on the 29th day of March, 2006, 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 fifteen (15) 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 Respondents are represented by counsel, the attorney shall be licensed to practice law in the State of Arizona or, if Respondents are an insurer, they may be represented by a corporate officer, pursuant to A.R.S. § 20-161(B). Questions concerning this Notice of Hearing should be directed to Assistant Attorney General Moira A. McCarthy,

DM/CJR 2-7-06

1 (602) 542-7714, 1275 West Washington Street, Phoenix, Arizona 85007-2926.  
2 Pursuant to A.R.S. §41-1092.07(E), a clear and accurate record of the proceedings  
3 will be made by a court reporter or by electronic means. Any party that requests a  
4 transcript of the proceeding shall pay the cost of the transcript to the court reporter or other  
5 transcriber.

6  
7 NOTICE OF APPLICABLE RULES

8 On January 23, 1992, the Arizona Department of Insurance (Department") adopted  
9 A.A.C. R20-6-101 through R20-6-115, setting forth the rules of practice and procedure  
10 applicable in contested cases before the Director of Insurance. The hearing will be  
11 conducted pursuant to these rules. PURSUANT TO A.A.C. R20-6-106, RESPONDENT  
12 SHALL FILE A WRITTEN ANSWER WITHIN 20 DAYS AFTER ISSUANCE OF THIS  
13 NOTICE OF HEARING AND SHALL MAIL OR DELIVER A COPY OF THE ANSWER TO  
14 THE ASSISTANT ATTORNEY GENERAL DESIGNATED ABOVE. THE ANSWER SHALL  
15 STATE RESPONDENT'S POSITION OR DEFENSE AND SHALL SPECIFICALLY ADMIT  
16 OR DENY EACH ASSERTION IN THE NOTICE OF HEARING. ANY ASSERTION NOT  
17 DENIED SHALL BE DEEMED TO BE ADMITTED. ANY DEFENSE NOT RAISED IN THE  
18 ANSWER SHALL BE DEEMED WAIVED. IF AN ANSWER IS NOT TIMELY FILED,  
19 RESPONDENT SHALL BE DEEMED IN DEFAULT AND THE DIRECTOR MAY DEEM  
20 THE ALLEGATIONS ARE TRUE, AND TAKE WHATEVER ACTION IS APPROPRIATE,  
21 INCLUDING SUSPENSION, REVOCATION, DENIAL OF A LICENSE, OR RENEWAL OF  
22 A LICENSE, IMPOSITION OF A CIVIL PENALTY AND/OR ORDER RESTITUTION TO  
23 ANY PARTY INJURED.

24 PERSONS WITH DISABILITIES MAY REQUEST REASONABLE  
25 ACCOMMODATIONS SUCH AS INTERPRETERS, ALTERNATIVE FORMATS, OR  
26 ASSISTANCE WITH PHYSICAL ACCESSIBILITY. REQUESTS FOR  
ACCOMMODATIONS SHOULD BE MADE AS EARLY AS POSSIBLE TO ALLOW TIME

1 TO ARRANGE THE ACCOMMODATIONS. IF YOU REQUIRE ACCOMMODATIONS,  
2 PLEASE CONTACT THE OFFICE OF ADMINISTRATIVE HEARINGS AT (602) 542-9826.

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

4 1. Dale Lewis Cash ("Cash") was at all material times licensed as a non-resident  
5 accident/health, life and variable annuities producer, Arizona license number 194332,  
6 which license expires December 31, 2008.

7 2. Cash's mailing addresses of record with the Department are: c/o Banc One  
8 Insurance, 151 W. Esperanza, Green Valley, Arizona 85614 (business); 10153 E. Calle Del  
9 Este, Tucson, Arizona 85748 (residence).

10 3. On September 16, 2005, Cash filed a Clearance Letter Request Form  
11 notifying the Department that he was relocating to Alabama and requesting that his Arizona  
12 license be changed from resident to non-resident status.

13 4. On September 23, 2005, the Department issued a Clearance Letter canceling  
14 Cash's resident license and issuing a notification that the licensee's ability to transact  
15 insurance as a non-resident is contingent upon the licensee submitting a certification of  
16 license status from the new home state within 30 days of becoming licensed in that state.

17 5. Cash failed to provide a certification of licensure from the new resident state  
18 within 30 days of becoming licensed in the home state.

19 6. Cash failed to provide a new mailing, business, and residence address to the  
20 Department within 30 days of relocating.

21 7. Cash's conduct as described above constitutes a violation of the requirement  
22 that an applicant provide a certification of licensure from the new resident state within 30  
23 days of becoming licensed in the new home state in violation of A.R.S. § 20-287(B).

24 8. Cash's conduct as described above constitutes the violation of the  
25 requirement that a licensee inform the Department in writing within 30 days of any change  
26 in the licensee's residential or business address in violation of A.R.S. § 20-286(C)(1).

1 COPY of the foregoing mailed this  
2 2nd of February, 2006, to:

3 Diane Mihalsky, Administrative Law Judge  
4 Office of Administrative Hearings  
5 1400 W. Washington, Suite 101  
6 Phoenix, Arizona 58007

7 Mary Kosinski, Executive Assistant for Regulatory Affairs  
8 Catherine M. O'Neil, Consumer Affairs Officer  
9 Steve Fromholtz, Licensing Supervisor  
10 Arizona Department of Insurance  
11 2910 N. 44th Street, Suite 210  
12 Phoenix, Arizona 85018

13 Moira A. McCarthy  
14 Assistant Attorney General  
15 1275 West Washington Street  
16 Phoenix, Arizona 85007  
17 Attorney for the Arizona Department of Insurance

18 AND COPY MAILED SAME DATE by  
19 Certified Mail, Return Receipt Requested, to:

20 Dale Lewis Cash  
21 10153 E. Calle Del Este  
22 Tucson, AZ 85748  
23 Respondent

24 Dale Lewis Cash  
25 C/O Bank One Insurance  
26 151 Esperanza  
Green Valley, AZ 85614  
Respondent

*Carmey Burton*  
CPA06-025:943593

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PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT  
OF THE RETURN ADDRESS, FOLD AT DOTTED LINE  
**CERTIFIED MAIL™**

7004 2890 0002 6060 0372



PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT  
OF THE RETURN ADDRESS, FOLD AT DOTTED LINE  
**CERTIFIED MAIL™**