

SEP 5 2006

DEPT OF INSURANCE  
BY CB

STATE OF ARIZONA  
DEPARTMENT OF INSURANCE

In the Matter of:

**KEVIN DEMOND HAMLETT**

Petitioner

No. 06A-075-INS

**ORDER DENYING REQUEST  
FOR REHEARING**

**FINDINGS OF FACT**

1. On June 28, 2006, the Office of Administrative Hearings ("OAH"), through Administrative Law Judge ("ALJ") Lewis Kowal, conducted a hearing on behalf of the Arizona Department of Insurance ("Department") in the above captioned matter.

2. On July 18, 2006, the ALJ issued an Administrative Law Judge Decision ("Decision") received by the Director of the Department of Insurance ("Director") on July 19, 2006.

3. On July 20, 2006, the Director filed an Order in the above captioned matter which was filed with the Department on July 21, 2006. The Director's Order adopted the Decision and denied the credit insurance producer license application filed by Petitioner.

4. On August 23, 2006, due to an administrative error by the Department that inadvertently failed to mail the Director's Order to OAH, OAH certified the Decision as the final administrative decision of the Department in the above captioned matter within the meaning of A.R.S. §41-1092.08(D).

5. On August 21, 2006, Petitioner filed a Request for Rehearing or Review pursuant to A.R.S. § 41-1092.09 and A.A.C. R20-6-114.

6. On August 31, 2006, the Department filed its Response to Petitioner's Request for Rehearing or Review.

1 CONCLUSIONS OF LAW

2 1. Petitioner timely filed his Request for Rehearing or Review. A.A.C. R20-6-  
3 114(A).

4 2. The Department timely filed its Response to Petitioner's Request for  
5 Rehearing or Review. A.A.C. R20-6-115.

6 3. A.A.C. R20-6-114(B) authorizes the Director to grant a rehearing or review  
7 only if Petitioner establishes one or more of the following grounds which have materially  
8 affected Petitioner's rights:

9 1. Irregularity in the hearing proceedings, or any order or abuse of  
10 discretion whereby the party seeking rehearing or review was deprived  
of a fair hearing;

11 2. Misconduct by the Director, the hearing officer or any party to the  
12 hearing;

13 3. Accident or surprise which could not have been prevented by  
14 ordinary prudence;

15 4. Newly discovered material evidence which could not have been  
discovered with reasonable diligence and produced at the hearing;

16 5. Excessive or insufficient sanctions or penalties imposed;

17 6. Error in the admission or rejection of evidence, or errors of law  
18 occurring at the hearing or during the course of the hearing;

19 7. Bias or prejudice of the Director or hearing officer;

20 8. That the order, decision, or findings of fact are not justified by the  
21 evidence or are contrary to law.

22 4. The Director has reviewed Petitioner's Request for Rehearing or Review and  
23 the Department's Response to Petitioner's Request for Rehearing or Review and finds that  
24 Petitioner has failed to establish a ground upon which to grant a rehearing or review  
25 pursuant to A.A.C. R20-6-114.

26 . . .

1 ORDER

2 1. Petitioner's Request for Rehearing or Review is denied.

3 DATED this 5<sup>th</sup> day of September, 2006.

4  
5 

6 CHRISTINA URIAS, Director  
7 Arizona Department of Insurance

8 COPY of the foregoing mailed this 5<sup>th</sup>  
9 day of September, 2006 to:

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