

JAN 5 2007

DEPT OF INSURANCE
BY CB

STATE OF ARIZONA
DEPARTMENT OF INSURANCE

In the Matter of:

ROBERT NEAL SHEARBURN, SR.,
Petitioner

No. 06A-186-INS

**ORDER DENYING REQUEST
FOR REHEARING**

FINDINGS OF FACT

1. On October 24, 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 November 13, 2006, the ALJ issued an Administrative Law Judge Decision ("Decision") received by the Director of the Department of Insurance ("Director") on November 15, 2006.

3. On November 21, 2006, the Director filed an Order in the above captioned matter with the Department. The Director's Order adopted the Decision and revoked Petitioner's insurance producer license.

4. On December 20, 2006, Petitioner filed a Motion for Rehearing pursuant to A.R.S. § 41-1092.09 and A.A.C. R20-6-114.

5. On January 3, 2007, the Department filed its Response to Motion for Rehearing.

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1 **CONCLUSIONS OF LAW**

2 1. Petitioner timely filed his Motion for Rehearing. A.A.C. R20-6-114(A).

3 2. The Department timely filed its Response to Motion for Rehearing. A.A.C.
4 R20-6-115.

5 3. Notice to Petitioner was proper.

6 4. 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
ordinary prudence;

14 4. Newly discovered material evidence which could not have been
15 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 5. The Director has reviewed Petitioner's Motion for Rehearing and the
23 Department's Response to Motion for Rehearing and finds that Petitioner has failed to
24 establish a ground upon which to grant a rehearing or review pursuant to A.A.C. R20-6-
25 114.

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ORDER

1. Petitioner's Motion for Rehearing is denied.

DATED this 5th day of January, 2007.


CHRISTINA URIAS, Director
Arizona Department of Insurance

COPY of the foregoing mailed this 5th
day of January, 2007 to:

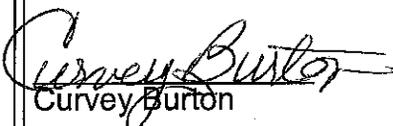
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