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DEPT OF INSURANCE
BY *[Signature]*

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STATE OF ARIZONA
DEPARTMENT OF INSURANCE

In the Matter of:

CHRISTINA MARIE MENKE

Respondent.

**No. 06A-197-INS
ORDER**

On December 27, 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 December 29, 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 producer's license shall be revoked on the effective date of the Order entered in this matter.

NOTIFICATION OF RIGHTS

Pursuant to Arizona Revised Statutes ("A.R.S.") § 41-1092.09, Respondent may request a rehearing with respect to this order by filling 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.

Respondent may appeal the final decision of the Director to the Superior Court of Maricopa County for judicial review pursuant to A.R.S. § 20-166. A party filing an appeal must notify the Office of Administrative Hearings of the appeal within ten days after filing

1 the complaint commencing the appeal, pursuant to A.R.S. § 12-904(B).

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DATED this 2nd day of January, 2007.

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CHRISTINA URIAS, Director
Arizona Department of Insurance

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COPY of the foregoing mailed this
3rd day of January, 2007 to:

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Lewis Kowal, Administrative Law Judge
Office of Administrative Hearing
1400 West Washington, Suite 101
Phoenix, Arizona 85007

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

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Jennifer A. Boucek
Assistant Attorney General
1275 West Washington Street
Phoenix, Arizona 85007-2926

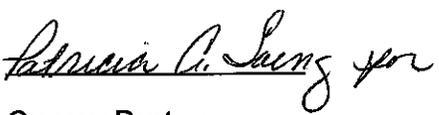
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Christina Marie Menke
1739 East Broadway Rd., # 166
Tempe, AZ 85282

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Curvey Burton

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IN THE OFFICE OF ADMINISTRATIVE HEARINGS

STATE OF ARIZONA
RECEIVED

DEC 29 2006

DIRECTOR'S OFFICE
INSURANCE DEPT.

In the Matter of:

No. 06A-197-INS

CHRISTINA MARIE MENKE

ADMINISTRATIVE
LAW JUDGE DECISION

Respondent.

HEARING: December 14, 2006

APPEARANCES: Assistant Attorney General Jennifer Boucek for the Arizona Department of Insurance; Christina Marie Menke did not appear at the hearing

ADMINISTRATIVE LAW JUDGE: Lewis D. Kowal

FINDINGS OF FACT

1. At all times material to this matter, Christina Marie Menke ("Respondent") was and currently is licensed by the Arizona Department of Insurance ("Department") as a life producer and variable life and variable annuities producer.
2. On March 1, 2006, the Department issued Respondent a life producer license and variable life and variable annuities producer license, license number 859338 ("License"), which expires on February 28, 2010.
3. On March 23, 2006, the Department received written notification from Respondent that her mailing and business address had changed to 1739 E. Broadway Rd., #166, Tempe, AZ 85282 ("Address of Record").
4. On May 11, 2006, the Department issued a letter to Respondent that was mailed to the Address of Record, 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 replacement fingerprint form. The Department provided a deadline of June 14, 2006 for the return of the completed replacement fingerprint form.

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 at the Address of Record, the Department sent
4 another letter to Respondent on July 14, 2006, certified mail, return receipt requested,
5 giving Respondent a deadline of fifteen days from the date of the letter to file a
6 replacement fingerprint form with the Department.

7 6. The Department submitted as an exhibit a receipt card that showed the certified
8 letter of July 14, 2006 was returned to the Department as undeliverable. See Exhibit 6.

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 replacement fingerprint form from Respondent.

13 8. Mr. Fromholtz testified that when an application for a producer's license is
14 received, the application is processed, the fingerprint card is reviewed to make sure
15 there are no blank spaces. The fingerprint card is then forwarded to the DPS for
16 processing, which includes processing by the Federal Bureau of Investigation.

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

21 10. The envelope containing the Notice of Hearing issued in this matter was sent to
22 Respondent by certified mail, return receipt requested, was returned to the Department
23 by the United States Postal Service as undeliverable.

24 CONCLUSIONS OF LAW

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

28 2. During the application process, the Director of the Department required
29 Respondent to submit a full set of fingerprints and Respondent's illegible fingerprint
30 submission did not satisfy that requirement. See A.R.S. § 20-285(F)(2).

1 3. Respondent's conduct, as set forth above, constitutes a violation of A.R.S. § 20-
2 295(A)(1), by having failed to provide complete information in the license application.

3 4. The evidence of record established that after March 23, 2006, Respondent
4 changed her business and mailing address and did not notify the Department in writing
5 of any change of those addresses, in violation of A.R.S. § 20-297(C).

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

8 6. Grounds exist for the Director of the Department to suspend, revoke, or refuse to
9 renew the License pursuant to A.R.S. §§ 20-295(A).

10 **ORDER**

11 Based upon the above, the License shall be revoked on the effective date of the
12 Order entered in this matter.

13 Done this day, December 27, 2006.

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17 _____
18 Lewis D. Kowal
19 Administrative Law Judge

20 Original transmitted by mail this
21 28 day of December, 2006, to:

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23 Department of Insurance
24 Christina Urias, Director
25 2910 North 44th Street, Ste. 210
26 Phoenix, AZ 85018

27 By  _____
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