

STATE OF ARIZONA  
FILED

DEC 1 2006

DEPT OF INSURANCE  
BY 

STATE OF ARIZONA  
DEPARTMENT OF INSURANCE

In the Matter of:  
**CORY MCKAY BRIAN,**  
Respondent.

No. 06A-198-INS  
**FINDINGS OF FACT, CONCLUSIONS OF  
LAW AND ORDER**

On October 31, 2006, the Arizona Department of Insurance ("Department") issued a Notice of Hearing ("Notice") in the above-captioned matter, a copy of which is attached and incorporated by this reference. The Notice required Cory McKay Brian ("Brian") to provide a written answer to the allegations set forth in the Notice within twenty days of the issuance of the Notice. As of this date, Brian has failed to file an answer. On November 30, 2006, counsel for the Department filed a Request for Default and Proposed Findings of Fact, Conclusions of Law and Order. As of this date, Respondents have not responded to the Department's request. Pursuant to A.A.C.R20-6-106(D), a party that fails to file an answer within the time provided shall be deemed to be in default and one or more of the allegations in the Notice of Hearing may be deemed to be admitted.

**FINDINGS OF FACT**

1. Notice was proper.
2. Respondent is in default.
3. The allegations in the Notice are deemed admitted.

**CONCLUSIONS OF LAW**

1. The conduct alleged in the Notice constitutes grounds for the Director to

1 suspend, revoke or refuse to renew Respondents' licenses to transact insurance in  
2 Arizona, pursuant to A.R.S. §20-295 (A) and (F).

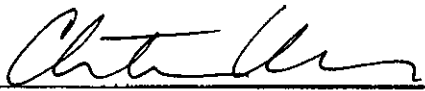
3 **ORDER**

4 IT IS ORDERED:

5 1. The insurance license held by Respondent is revoked effective upon the  
6 issuance of this Order.

7 2. The hearing set for December 14, 2006, at 9:30 a.m. shall be vacated.

8 DATED this 1<sup>st</sup> day of December, 2006.

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11 \_\_\_\_\_  
12 CHRISTINA URIAS, Director  
Arizona Department of Insurance

13 COPY of the foregoing mailed this  
14 1<sup>st</sup> day of December, 2006 to:

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

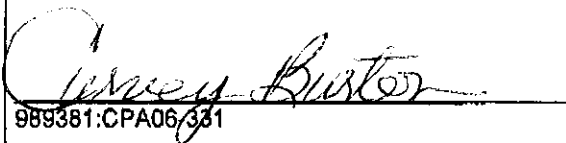
17 Mary Kosinski, Executive Assistant for Regulatory Affairs  
18 Steve Fromholtz, Licensing Supervisor  
Arizona Department of Insurance  
2910 North 44th Street, Suite 210  
19 Phoenix, Arizona 85018

20 Jennifer A. Boucek  
21 Assistant Attorney General  
1275 West Washington Street  
22 Phoenix, Arizona 85007-2926  
Attorney for the Arizona Department of Insurance  
23

24 .....

25 .....

1 Cory McKay Brian  
2 4037 E. Garnet Circle  
3 Mesa, AZ 85206  
4 Respondent

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OCT 31 2006

DEPT OF INSURANCE  
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STATE OF ARIZONA  
DEPARTMENT OF INSURANCE

In the Matter of:

**CORY MCKAY BRIAN,**

Respondent.

No. 06A-198-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 and 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 14<sup>th</sup> day of December, 2006, at 9:30 a.m., at the Office of Administrative Hearings, 1400 West Washington Street, 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 the 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 Respondent is represented by counsel, the attorney shall be licensed to practice law in the State of Arizona or, if applicant is an insurer, it may be represented by a corporate officer, pursuant to A.R.S. § 20-161(B).

1 Pursuant to A.R.S. § 41-1092.07(E), a clear and accurate record of the proceedings  
2 will be made by a court reporter or by electronic means. Any party that requests a  
3 transcript of the proceeding shall pay the cost of the transcript to the court reporter or other  
4 transcriber.

5 Questions concerning issues raised in this Notice of Hearing should be directed to  
6 Assistant Attorney General Jennifer A. Boucek (602) 542-7714, 1275 West Washington  
7 Street, Phoenix, Arizona 85007-2926.

#### 8 NOTICE OF APPLICABLE RULES

9 On January 23, 1992, the Arizona Department of Insurance adopted A.A.C. R20-6-  
10 101 through R20-6-115, setting forth the rules of practice and procedure applicable in  
11 contested cases before the Director of Insurance. The hearing will be conducted pursuant  
12 to these rules.

13 PURSUANT TO A.A.C. R20-6-106, RESPONDENT SHALL FILE A WRITTEN  
14 ANSWER WITHIN 20 DAYS AFTER ISSUANCE OF THIS NOTICE OF HEARING AND  
15 SHALL MAIL OR DELIVER A COPY OF THE ANSWER TO THE ASSISTANT ATTORNEY  
16 GENERAL DESIGNATED ABOVE. THE ANSWER SHALL STATE RESPONDENT'S  
17 POSITION OR DEFENSE AND SHALL SPECIFICALLY ADMIT OR DENY EACH  
18 ASSERTION IN THE NOTICE OF HEARING. ANY ASSERTION NOT DENIED SHALL BE  
19 DEEMED TO BE ADMITTED. ANY DEFENSE NOT RAISED IN THE ANSWER SHALL  
20 BE DEEMED WAIVED. IF AN ANSWER IS NOT TIMELY FILED, RESPONDENT SHALL  
21 BE DEEMED IN DEFAULT AND THE DIRECTOR MAY DEEM THE ALLEGATIONS ARE  
22 TRUE, AND TAKE WHATEVER ACTION IS APPROPRIATE, INCLUDING SUSPENSION,  
23 REVOCATION, DENIAL OF A LICENSE OR RENEWAL OF A LICENSE, IMPOSITION OF  
24 A CIVIL PENALTY AND/OR ORDER RESTITUTION TO ANY PARTY INJURED.

25 PERSONS WITH DISABILITIES MAY REQUEST REASONABLE  
26 ACCOMMODATIONS SUCH AS INTERPRETERS, ALTERNATIVE FORMATS, OR

1 ASSISTANCE WITH PHYSICAL ACCESSIBILITY. REQUESTS FOR  
2 ACCOMMODATIONS SHOULD BE MADE AS EARLY AS POSSIBLE TO ALLOW TIME  
3 TO ARRANGE THE ACCOMMODATIONS. IF YOU REQUIRE ACCOMMODATIONS,  
4 PLEASE CONTACT THE OFFICE OF ADMINISTRATIVE HEARINGS AT (602) 542-9826.

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

6 1. Cory McKay Brian ("Brian") is, and was at all material times, licensed as a  
7 resident accident/health and life producer, Arizona license number 859995, which expires  
8 on April 30, 2009.

9 2. Brian's business and mailing address of record with the Department is: c/o  
10 Allstate Financial Services, 3011 S. Lindsay Road, Gilbert, Arizona 85296. Brian's  
11 residence address of record with the Department is: 4037 E. Garnet Circle, Mesa, Arizona  
12 85206.

13 3. On or about March 8, 2006, the Department issued Brian an insurance  
14 license as a resident accident/health and life producer producer, license number 859995.

15 4. On or about May 11, 2006, the Department notified Brian by mail at his  
16 business address of record, return receipt requested, that his fingerprint card was  
17 processed and returned by the Federal Bureau of Investigation ("FBI") as illegible. The  
18 Department requested a replacement set of fingerprints along with a completed "Illegible  
19 Fingerprint Replacement Form" on or before June 14, 2006.

20 5. On July 14, 2006, the Department sent a second letter to Brian at his  
21 business address of record, return receipt requested (7006 0100 0005 3245 4991),  
22 notifying him that he had fifteen (15) days to submit a full set of fingerprints to the  
23 Department.

24 6. The return receipt for the second letter was signed by David Stafford at  
25 Respondent's business/ mailing address of record on July 21, 2006.

26 7. To date, Brian has not submitted a full set of fingerprints to the Department.

1           8.     Brian's conduct as described above, constitutes the violation of the  
 2 requirement that an applicant submit a full set of fingerprints to the Department within the  
 3 meaning of A.R.S. § 20-285(F)(2).

4           9.     Brian's conduct as described above constitutes providing incomplete  
 5 information in the license application in violation of A.R.S. § 20-295(A)(1).

6           10.    Brian's conduct as described above constitutes the violation of any provision  
 7 of A.R.S. Title 20 or any rule, subpoena or order of the director within the meaning of  
 8 A.R.S. § 20-295(A)(2).

9           11.    Grounds exist to suspend, revoke or refuse to renew Brian's insurance  
 10 license pursuant to A.R.S. §§ 20-295(A) and (F).

11           WHEREFORE, if after hearing, the Director finds one or more of the above-  
 12 described grounds alleged above, the Director may suspend or revoke Respondent's  
 13 insurance producer's license, and /or impose a civil penalty or order restitution, pursuant to  
 14 A.R.S. §§ 20-295(A), and (F).

15           Pursuant to A.R.S. § 20-150, the Director of Insurance delegates the authority  
 16 vested in the Director of Insurance of the State of Arizona, to the Director of the Office of  
 17 Administrative Hearings or her designee to preside over the hearing of this matter as the  
 18 Administrative Law Judge, to make written recommendations to the Director of Insurance  
 19 consisting of proposed findings of fact, proposed conclusions of law, and a proposed order.  
 20 This delegation does not include delegation of the authority of the Director of Insurance to  
 21 make the order on hearing or other final decision in this matter.

22           Pursuant to A.R.S. § 41-1092.01, your hearing will be conducted through the Office  
 23 of Administrative Hearings, an independent agency. Please find enclosed a copy of the

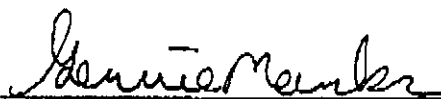
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1 procedures to be followed. Further hearing information may also be found at the Office of  
2 Administrative Hearings website: www.azoah.com.

3 DATED this 31<sup>st</sup> day of October, 2006.

4  
5   
6 GERRIE MARKS, Deputy Director  
Arizona Department of Insurance

7 COPY of the foregoing mailed this  
8 31st day of October, 2006 to:

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

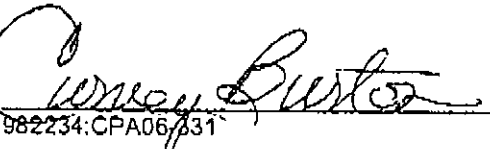
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13 2910 North 44th Street, Suite 210  
Phoenix, Arizona 85018

14 Jennifer A. Boucek  
15 Assistant Attorney General  
16 1275 West Washington Street  
Phoenix, Arizona 85007-2926  
17 Attorney for the Arizona Department of Insurance

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

20 Cory McKay Brian  
c/o Allstate Financial Services  
3011 S. Lindsay Rd., Suite 102  
21 Gilbert, AZ 85296  
Respondent

22 Cory McKay Brian  
23 4037 E. Garnet Circle  
Mesa, AZ 85206  
24 Respondent

25   
26 982234:CPA06/331

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7006 0810 0000 6397 3114

