

STATE OF ARIZONA  
FILED

FEB 15 2007

DEPT OF INSURANCE  
BY CB

STATE OF ARIZONA  
DEPARTMENT OF INSURANCE

In the Matter of:

**MARY HELEN WHISIKER**

Petitioner

No. 06A-199-INS

**ORDER DENYING REQUEST  
FOR REHEARING**

**FINDINGS OF FACT**

1. On December 15, 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 December 27, 2006, the ALJ issued an Administrative Law Judge Decision ("Decision") received by the Director of the Department of Insurance ("Director") on December 29, 2006.

3. On January 3, 2007, 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 January 31, 2007, Petitioner filed a Request for Rehearing.

5. On February 14, 2007, the Department filed its Response to Request for Rehearing.

**CONCLUSIONS OF LAW**

1. Petitioner timely filed her Request for Rehearing. A.A.C. R20-6-114(A).

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

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

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

7 2. Misconduct by the Director, the hearing officer or any party to the  
8 hearing;

9 3. Accident or surprise which could not have been prevented by  
10 ordinary prudence;

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

13 5. Excessive or insufficient sanctions or penalties imposed;

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

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

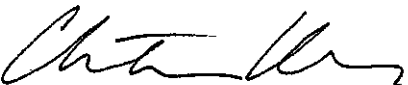
17 8. That the order, decision, or findings of fact are not justified by the  
18 evidence or are contrary to law.

19 4. The Director has reviewed Petitioner's Request for Rehearing and the  
20 Department's Response to Request for Rehearing and finds that Petitioner has failed to  
21 establish a ground upon which to grant a rehearing pursuant to A.A.C. R20-6-114.

22 **ORDER**

23 1. Petitioner's Request for Rehearing is denied.

24 DATED this 15<sup>th</sup> day of February, 2007.

25   
26 CHRISTINA URIAS, Director  
Arizona Department of Insurance

1 COPY of the foregoing mailed this 15th  
2 day of February, 2007 to:

3 Mary Helen Whisiker  
4 4038 N. Fontana  
5 Tucson, AZ 85705  
6 Petitioner

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

11 Mary Kosinski, Executive Assistant for Regulatory Affairs  
12 Catherine O'Neal, Consumer Legal Affairs Officer  
13 Steve Fromholtz, Licensing Director  
14 Arnie Sniagowski, Investigations  
15 Arizona Department of Insurance  
16 2910 North 44th Street, Suite 210  
17 Phoenix, Arizona 85018

18 Jennifer Boucek  
19 Assistant Attorney General  
20 1275 West Washington Street  
21 Phoenix, Arizona 85007-2926

22   
23 Curvey Burton

24  
25  
26