


JAN 29 2009

DEPT OF INSURANCE
BY 

STATE OF ARIZONA
DEPARTMENT OF INSURANCE

In the Matter of:

ETHAN WM ERICKSON,

Respondent.

No. 07A-180-INS

ORDER

On January 26, 2009, the Office of Administrative Hearings, through Administrative Law Judge ("ALJ") Thomas Shedden, issued an Administrative Law Judge Decision ("Recommended Decision"), received by the Director of the Department of Insurance ("Director") on January 27, 2009, 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 Director adopts the Recommended Findings of Fact and Conclusions of Law.
2. The Director immediately revokes Respondent's non-resident life producer license (#864105).


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

1 must notify the Office of Administrative Hearings of the appeal within ten days after filing
2 the complaint commencing the appeal, pursuant to A.R.S. § 12-904(B).

3 DATED this 28th day of January, 2009.

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5 
6 CHRISTINA URIAS, Director
Arizona Department of Insurance

7 COPY of the foregoing mailed this
8 29th day of January, 2009 to:

9 Mary Kosinski, Executive Assistant for Regulatory Affairs
10 Catherine O'Neil, Consumer Legal Affairs Officer
11 Steven Fromholtz, Licensing Director
Arizona Department of Insurance
2910 North 44th Street, Suite 210
Phoenix, Arizona 85018

12 Alyse Meislik
13 Assistant Attorney General
1275 West Washington Street
Phoenix, Arizona 85007-2926

14 Ethan Wm Erickson
15 5550 S. Fort Apache, Suite 108
16 Las Vegas, NV 89148
Respondent

17 Ethan Wm Erickson
18 Family Healthcare dba America's Best Benefits
5234 Kendall Ridge Ct.
Las Vegas, NV 89141
19 Respondent

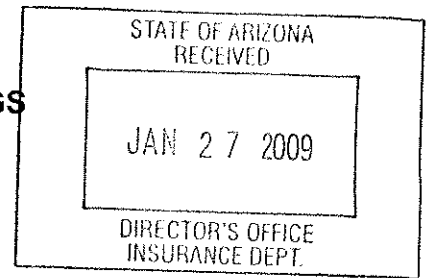
20 Ethan Wm Erickson
21 Family Healthcare dba America's Best Benefits
2515 Camino Del Mar #11
22 Del Mar, CA 92014

23 Office of Administrative Hearings
1400 West Washington, Suite 101
24 Phoenix, Arizona 85007

25 
26 Curvey Burton

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IN THE OFFICE OF ADMINISTRATIVE HEARINGS



In the Matter of:
ETHAN WM ERICKSON,
Respondent.

No. 07A-180-INS

ADMINISTRATIVE LAW JUDGE
DECISION

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HEARING: January 6, 2009

APPEARANCES: No one appeared for Respondent; Assistant Attorney General Alyce C. Meislik appeared on behalf of the Arizona Department of Insurance.

ADMINISTRATIVE LAW JUDGE: Thomas Shedden

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FINDINGS OF FACT

1. On November 25, 2008, the Arizona Department of Insurance issued a Notice of Hearing setting this matter for hearing at 1:30 p.m. January 6, 2009.
2. Respondent Ethan Erickson did not appear at the scheduled time and the matter was convened in his absence at about 2:00 p.m.
3. The Department presented the testimony of investigator Emily Penunuri and had 7 exhibits entered into evidence.
4. Mr. Erickson holds a non-resident life producer license (No. 864105) that is due to expire on January 31, 2010.
5. On or about February 14, 2007 the Department received a Complaint related to Affinity Health Plans and the National Trade Business Alliance of America ("NTBAA"). See Exhibit 3.
6. On October 12, 2007 the Department issued an Order to Cease and Desist that was directed to a number of respondents including Mr. Erickson and NTBAA. See Exhibit.

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1400 West Washington, Suite 101
Phoenix, Arizona 85007
(602) 542-9826

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2 7. The Department determined that Mr. Erickson had aided and assisted in the
3 unauthorized transaction of insurance business in Arizona. See Exhibit 5, at page 6.

4 8. Mr. Erickson did not appeal the Order to Cease and Desist.

5 9. NTBAA and others did appeal the Order to Cease and Desist; NTBAA
6 subsequently entered into a Consent Order acknowledging that it had engaged in the
7 unauthorized transaction of insurance business and that Mr. Erickson assisted in the
8 same.

9 10. In an Order dated January 31, 2008 the North Carolina Department of Insurance
10 revoked Mr. Erickson's North Carolina license. See Exhibit 6.

11 11. As of September 8, 2008, Mr. Erickson's California insurance license was
12 revoked. See Exhibit 7.

13 12. The Department notified Mr. Erickson of the instant matter by mailing the Notice
14 of Hearing to his addresses of record. See Exhibit 8.

15 13. The Department requested that Mr. Erickson's license be revoked.

16 CONCLUSIONS OF LAW

17 1. The Department bears the burden of persuasion to show that that Mr. Erickson's
18 life producer's license should be revoked. See A.R.S. § 41-1092.07(G)(2).

19 2. The standard of proof is that of the preponderance of the evidence. See A.A.C.
20 R2-19-119.

21 3. A preponderance of the evidence is "[e]vidence which is of greater weight or more
22 convincing than the evidence which is offered in opposition to it; that is, evidence which
23 as a whole shows that the fact sought to be proved is more probable than not." BLACK'S
24 LAW DICTIONARY 1182 (6th ed. 1990).

25 4. The preponderance of the evidence shows that Mr. Erickson's North Carolina and
26 California licenses have been revoked, which provides grounds for the Department to
27 revoke his Arizona license. See A.R.S. § 20-295(A)(9).

28 5. The preponderance of the evidence shows that Mr. Erickson has aided and
29 assisted in the unauthorized transaction of insurance business in Arizona, which
30 provides grounds for the Department to revoke his Arizona license. See A.R.S. § 20-
295(A)(11).

1 6. Mr. Erickson did not appear, which is considered a factor in aggravation, and no
2 evidence in mitigation was presented. Based on the proven violations of A.R.S. § 20-
3 295(A), Mr. Erickson's license should be revoked.

4 **RECOMMENDED ORDER**

5 **IT IS ORDERED** that Mr. Erickson's license No. 864105 is revoked.

6
7
8 Done this day, January 26, 2009

9 

10 Thomas Shedden
11 Administrative Law Judge

12
13 Original transmitted by mail this
14 26 day of Jan., 2009, to:
15

16 Christina Urias, Director
17 Department of Insurance
18 2910 North 44th Street, Ste. 210
19 Phoenix, AZ 85018

20
21 By 
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