


DEC 26 2007

DEPT OF INSURANCE  
BY 

STATE OF ARIZONA  
DEPARTMENT OF INSURANCE

In the Matter of:

**DIANE SUSAN WILSON**  
(License number 885443),

Respondent.

**No. 07A-198-INS**

**PROPOSED FINDINGS OF FACT,  
CONCLUSIONS OF LAW AND ORDER**

On November 9, 2007, 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 Diane Susan Wilson ("Wilson" or "Respondent") 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, Respondent has failed to file an answer. On December 13, 2007, counsel for the Department filed a Request for Default and Proposed Findings of Fact, Conclusions of Law and Order. As of this date, Respondent has 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.

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1 CONCLUSIONS OF LAW

2 1. The conduct alleged in the Notice constitutes grounds for the Director to  
3 suspend, revoke or refuse to renew Respondent's license to transact insurance in Arizona,  
4 pursuant to A.R.S. §20-295 (A).

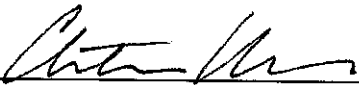
5 ORDER

6 IT IS ORDERED:

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

9 2. The hearing set for January 7, 2008, at 9:00 a.m. shall be vacated.

10 DATED this 21<sup>st</sup> day of December, 2007.


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13 \_\_\_\_\_  
14 CHRISTINA URIAS, Director  
Arizona Department of Insurance

15 COPY of the foregoing mailed this  
16 26<sup>th</sup> day of December, 2007 to:

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

19 Steven Fromholtz, Licensing Supervisor  
20 Mary Butterfield, Assistant Director  
Catherine O'Neil, Legal Affairs  
21 Mary Kosinski, Executive Assistant for Regulatory Affairs  
Arizona Department of Insurance  
22 2910 North 44th Street, Suite 210  
Phoenix, Arizona 85018

23 Diane Susan Wilson  
24 240 Cottonwood Drive  
Lake Havasu City, AZ 86403  
25 Respondent

26   
Curvey Burton



1 A clear and accurate record of the proceedings will be made either by a court reporter  
2 or by electronic means. A.R.S. §41-1092.07(E). If you want a copy of an electronic recording,  
3 you must contact the Office of Administrative Hearings at (602) 542-9826. If the hearing was  
4 transcribed by a court reporter and you want a copy of the transcript, you must pay the cost of  
5 the transcript to the court reporter or other transcriber

6 If you have questions concerning this Notice of Hearing please direct them to Mary  
7 Kosinski, Arizona Department of Insurance, (602) 364-3471, 2910 North 44<sup>th</sup> Street, Suite 210,  
8 Phoenix, Arizona 85018.

9 **NOTICE OF APPLICABLE RULES**

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

13 YOU MUST FILE A WRITTEN RESPONSE (ANSWER) TO THE ALLEGATIONS IN  
14 THIS NOTICE WITH US WITHIN 20 DAYS AFTER WE ISSUE THIS NOTICE. A.A.C.  
15 R20-6-106. YOUR RESPONSE SHOULD STATE YOUR POSITION OR DEFENSE AND  
16 SHOULD SPECIFICALLY ADMIT OR DENY EACH ASSERTION IN THE NOTICE. IF YOU  
17 DO NOT SPECIFICALLY DENY AN ASSERTION, WE WILL CONSIDER IT ADMITTED. ANY  
18 DEFENSE YOU DO NOT RAISE WILL BE CONSIDERED WAIVED.

19 IF YOU DO NOT FILE YOUR RESPONSE ON TIME, WE WILL CONSIDER YOU IN  
20 DEFAULT AND THE DIRECTOR MAY DEEM THE ALLEGATIONS IN THE NOTICE AS  
21 TRUE. ACCORDINGLY, WE WILL TAKE WHATEVER ACTION IS APPROPRIATE  
22 INCLUDING SUSPENSION, REVOCATION, IMPOSITION OF A CIVIL PENALTY AND  
23 ORDERING RESTITUTION TO ANY INJURED PERSON.

**PERSONS WITH DISABILITIES**

PERSONS WITH DISABILITIES MAY REQUEST REASONABLE  
ACCOMMODATIONS SUCH AS INTERPRETERS, ALTERNATIVE FORMATS, OR  
ASSISTANCE WITH PHYSICAL ACCESSIBILITY. REQUESTS FOR ACCOMMODATIONS  
SHOULD BE MADE AS EARLY AS POSSIBLE TO ALLOW TIME TO ARRANGE THE  
ACCOMMODATIONS. IF YOU REQUIRE ACCOMMODATIONS, PLEASE CONTACT THE

1 OFFICE OF ADMINISTRATIVE HEARINGS AT (602) 542-9826.

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

3 1. Diane Susan Wilson ("Respondent") is, and was at all material times licensed as  
4 a resident life and accident/health producer, Arizona license number 885443 which expires  
5 December 31, 2010.

6 2. Respondent's mailing, business and residence addresses of record with the  
7 Department are: 240 Cottonwood Drive, Lake Havasu City, Arizona 86403 (business, mailing  
8 and residence).

9 3. On or about February 22, 2007, the Department issued to Respondent an  
10 insurance license as a resident life and accident/health producer, Arizona license number  
11 885443.

12 4. On June 12, 2007, the Department notified Respondent by mail at her  
13 business/ mailing/ residence address of record that her fingerprint card had been processed  
14 and returned by the Federal Bureau of Investigation ("FBI") as illegible. The Department  
15 requested a replacement set of fingerprints along with a completed "Illegible Fingerprint  
16 Replacement Form" on or before July 18, 2007.

17 5. On August 3, 2007, the Department sent a second letter to Respondent at her  
18 business/ mailing/ residence address of record, return receipt requested, notifying her that she  
19 had fifteen (15) days to submit a full set of fingerprints to the Department.

20 6. On October 26, 2007, the Post Office returned the August 3, 2007 letter to  
21 Respondent's business/ mailing/ residence address of record marked as "Unclaimed."

22 7. To date, Respondent has not submitted a full set of fingerprints to the  
23 Department.

### **VIOLATIONS**

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

9. Respondent's conduct as described above constitutes providing incomplete  
information in the license application within the meaning of A.R.S. § 20-295(A)(1).

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

4 11. Grounds exist for the Director to suspend, revoke, or refuse to renew  
5 Respondent's insurance license, impose a civil penalty and/or order restitution pursuant to  
6 A.R.S. §§20-295(A) and (F).

7 WHEREFORE, if after hearing, the Director finds the grounds alleged above, the  
8 Director may deny, suspend, or revoke Respondent's insurance producer's license. A.R.S. §  
9 20-295 (A).

10 The Director delegates the authority vested in her to the Director of the Office of  
11 Administrative Hearings or his designee to preside over the hearing of this matter as the  
12 Administrative Law Judge, to make written recommendations to the Director consisting of  
13 proposed findings of fact, proposed conclusions of law, and a proposed order. This delegation  
14 does not include delegation of the authority of the Director to make an order on the hearing or  
15 any other final decision in this matter. A.R.S. § 20-150.

16 The Office of Administrative Hearings is an independent agency. A.R.S §41-1092.01.  
17 Please find enclosed a copy of the procedures to be followed. Further hearing information  
18 may also be found at the Office of Administrative Hearings website: [www.azaoh.com](http://www.azaoh.com).

19 DATED this 6<sup>th</sup> day of November, 2007.

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21 \_\_\_\_\_  
22 GERRIE MARKS, Deputy Director  
23 Arizona Department of Insurance

24 COPIES of the foregoing mailed/delivered,  
25 return receipt requested,  
26 this 9<sup>th</sup> day of November, 2007, to:

27 Diane Susan Wilson  
28 240 Cottonwood Drive  
29 Lake Havasu City, Arizona 86403  
30 Respondent



33 7006 2150 0004 4520 8161

1 COPIES of the foregoing mailed/delivered  
this 9th day of November, 2007, to:

2 Mary E. Kosinski, Exec. Assistant for Regulatory Affairs  
3 Mary Butterfield, Assistant Director  
4 Catherine M. O'Neil, Consumer Legal Affairs Officer  
5 Steven Fromholtz, Licensing Supervisor  
6 Department of Insurance  
7 2910 North 44<sup>th</sup> Street, Suite 210  
8 Phoenix, Arizona 85018

9 Lewis D. Kowal  
10 Administrative Law Judge  
11 Office of Administrative Hearings  
12 1400 West Washington, Suite 101  
13 Phoenix, Arizona 885007

14   
15 Curvey Walters Burton