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STATE OF ARIZONA
DEPARTMENT OF INSURANCE

In the Matter of:

KATHLEEN ANN BRANCHIK
(License number 894347),

Respondent.

No. 08A-041-INS

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

On March 27, 2008, 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 Kathleen Ann Branchik ("Branchik" 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 April 17, 2008, 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 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 44th 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. Kathleen Ann Branchik ("Respondent") is, and was at all material times licensed
4 as a resident accident/health and life producer, Arizona license number 894347 which expires
5 November 30, 2010.

6 2. Respondent's mailing, business and residence addresses of record with the
7 Department are: 4646 East Second Street, Tucson, Arizona 85711 (business); 3761 West
8 Placita Fantasia, Tucson, Arizona 85745 (residence).

9 3. On or about June 19, 2007, the Department issued to Respondent an insurance
10 license as a resident accident/health and life producer, Arizona license number 894347.

11 4. On September 28, 2007, the Department notified Respondent by mail at her
12 business address of record that her fingerprint card had been processed and returned by the
13 Federal Bureau of Investigation ("FBI") as illegible. The Department requested a replacement
14 set of fingerprints along with a completed "Illegible Fingerprint Replacement Form" on or
15 before November 2, 2007.

16 5. On December 20, 2007, the Department sent a second letter to Respondent at
17 her business address of record, return receipt requested, notifying her that she had fifteen (15)
18 days to submit a full set of fingerprints to the Department. The Department also sent a copy of
19 the letter to Respondent's residence address of record.

20 6. On or about January 7, 2008, the Post Office returned the December 20, 2007
21 letter to Respondent's business address of record to the Department marked "Unknown at this
22 Address."

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

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

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

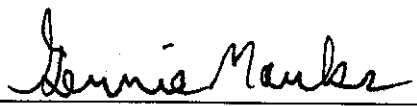
6 11. Grounds exist for the Director to suspend, revoke, or refuse to renew
7 Respondent's insurance license, impose a civil penalty and/or order restitution pursuant to
8 A.R.S. §§20-295(A) and (F).

9 WHEREFORE, if after hearing, the Director finds the grounds alleged above, the
10 Director may deny, suspend, or revoke Respondent's insurance producer's license. A.R.S. §
11 20-295 (A).

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

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

21 DATED this 24th day of March, 2008.

22 
23 _____
GERRIE MARKS, Deputy Director
Arizona Department of Insurance

COPIES of the foregoing mailed/delivered,
return receipt requested,
this 27th day of March, 2008, to:

Kathleen Ann Branchik
4646 E. Second Street

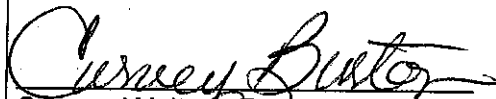
1 Tucson, Arizona 85711
Respondent

2 Kathleen Ann Branchik
3 3761 W. Placita Fantasia
4 Tucson, Arizona 85745
Respondent

5 COPIES of the foregoing mailed/delivered
this 27th day of March, 2008, to:

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

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

13 
14 Curvey Walters Burton

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT
OF THE RETURN ADDRESS; FOLD AT DOTTED LINE

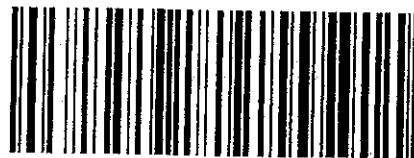
CERTIFIED MAIL™



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PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT
OF THE RETURN ADDRESS; FOLD AT DOTTED LINE

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