

APR 29 2008

DEPT OF INSURANCE
BY CLB

STATE OF ARIZONA
DEPARTMENT OF INSURANCE

In the Matter of:

ANN LUISA GARCIA
(License number 897879),

Respondent.

No. 08A-044-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 Ann Luisa Garcia ("Garcia" 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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CONCLUSIONS OF LAW

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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).

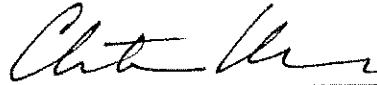
5 **ORDER**

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 May 7, 2008 at 9:00 a.m. is vacated.

10 DATED this 25th day of April, 2008.

11
12 

13 _____
14 CHRISTINA URIAS, Director
Arizona Department of Insurance

15 COPY of the foregoing mailed this
16 29th day of April, 2008 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
21 Catherine O'Neil, Legal Affairs
Mary Kosinski, Executive Assistant for Regulatory Affairs
22 Arizona Department of Insurance
2910 North 44th Street, Suite 210
Phoenix, Arizona 85018

23 Ann Luisa Garcia
24 c/o Primarica Financial Services
25 8940 East Raintree Drive, No. 100
26 Scottsdale, Arizona 85260
Respondent

1 Ann Luisa Garcia
2 13626 West Avalon Drive
3 Avondale, Arizona 85323
4 Respondent

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7 Curvey Burton
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MAR 27 2008

STATE OF ARIZONA

DEPARTMENT OF INSURANCE

DEPT OF INSURANCE
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In the Matter of:)	
)	Docket No. 08A-044-INS
ANN LUISA GARCIA)	
(License number 897879))	NOTICE OF HEARING
)	
Respondent)	(Administrative Law Judge
)	Lewis Kowal)
)	

PLEASE TAKE NOTICE that 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 **May 7, 2008, at 9:00 a.m., at the Office of Administrative Hearings, 1400 West Washington, Suite 101, Phoenix, Arizona 85007¹.**

If you wish to continue this hearing to another date, you must file a motion in writing with the Office of Administrative Hearings not less than **15** days before the scheduled hearing date. Please send it to the attention of the Administrative Law Judge ("ALJ") and include the docket number listed above. You must also mail or hand-deliver a copy of any motion to continue to the Department of Insurance on the same date you file it with the Office of Administrative Hearings.

You are not required to have an attorney represent you. However, if you are represented, your attorney must be licensed to practice law in the State of Arizona. An insurance company may be represented by a corporate officer. A.R.S. § 20-161(B).

You are entitled to be present during the giving of all evidence and you will have a reasonable opportunity to inspect all documentary evidence, examine witnesses, present evidence that supports your case and to request that the ALJ issue subpoenas to compel the attendance of witnesses and production of evidence. A.R.S. §20-164(B).

¹As authorized under Arizona Revised Statutes ("A.R.S.") §§20-161 through and including 20-165 and Title 41, Chapter 6, Article 10 (A.R.S. § 41-1092 *et seq.*).

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. Ann Luisa Garcia ("Respondent") is, and was at all material times licensed as a
4 resident life producer, Arizona license number 897879 which expires August 31, 2011.

5 2. Respondent's mailing, business and residence addresses of record with the
6 Department are: c/o Primerica Financial Services, 8940 E. Raintree Drive, Suite 100,
7 Scottsdale, Arizona 85260 (business); 13626 W. Avalon Drive, Avondale, Arizona 85323
8 (residence).

9 3. On or about August 3, 2007, the Department issued to Respondent an insurance
10 license as a resident life producer, Arizona license number 897879.

11 4. On November 19, 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 December 20, 2007.

16 5. To date, Respondent has not submitted a full set of fingerprints to the
17 Department.

18 VIOLATIONS

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


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

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

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

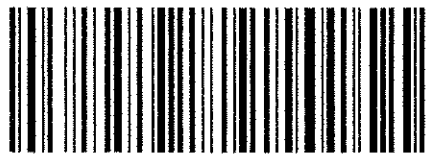
1 Mary Butterfield, Assistant Director
Catherine M. O'Neil, Consumer Legal Affairs Officer
2 Steven Fromholtz, Licensing Supervisor
Department of Insurance
3 2910 North 44th Street, Suite 210
Phoenix, Arizona 85018

4 Lewis Kowal
5 Administrative Law Judge
Office of Administrative Hearings
6 1400 West Washington, Suite 101
Phoenix, Arizona 885007

7 
8 Curvey Walters Burton

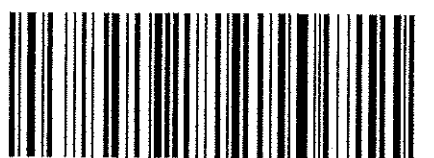
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PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT
OF THE RETURN ADDRESS, FOLD AT DOTTED LINE
CERTIFIED MAIL™



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OF THE RETURN ADDRESS, FOLD AT DOTTED LINE
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