

FEB 2 2010

DEPT OF INSURANCE  
BY 

STATE OF ARIZONA  
DEPARTMENT OF INSURANCE

In the Matter of:

**ODENS, RHONDA ILENE,  
(License number 918259)**

Respondent.

**No. 09A-104-INS**

**ORDER**

On January 19, 2010, the Office of Administrative Hearings, through Administrative Law Judge ("ALJ") Lewis D. Kowal, issued an Administrative Law Judge Decision ("Recommended Decision"), received by the Director of the Department of Insurance ("Director") on January 19, 2010, 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 of the Recommended Decision.
2. The Director revokes Respondent's Arizona producer's license, effective immediately.

**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 filing 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 1<sup>st</sup> day of February, 2010.

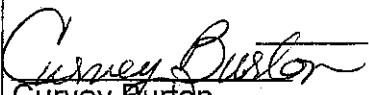
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6 CHRISTINA URIAS, Director  
7 Arizona Department of Insurance

8 COPY of the foregoing mailed this  
9 2<sup>nd</sup> day of February, 2010 to:

10 Office of Administrative Hearings  
11 1400 West Washington, Suite 101  
12 Phoenix, Arizona 85007

13 Mary Butterfield, Assistant Director  
14 Mary Kosinski, Exec. Asst. for Regulatory Affairs  
15 Catherine O'Neil, Consumer Legal Affairs Officer  
16 Steven Fromholtz, Licensing Administrator  
17 Arizona Department of Insurance  
18 2910 North 44th Street, Suite 210  
19 Phoenix, Arizona 85018

20 Rhonda Ilene Odens  
21 3321 S. 93<sup>rd</sup> Ave.  
22 Tolleson, Arizona 85353  
23 Respondent

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25 Curvey Burton

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**IN THE OFFICE OF ADMINISTRATIVE HEARINGS**

In the Matter of:

**No. 09A-104-INS**

Odens, Rhonda Ilene  
(License Number 918259)

**ADMINISTRATIVE  
LAW JUDGE DECISION**

Respondent.

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**HEARING:** December 30, 2009

**APPEARANCES:** Assistant Attorney General Kelly LaPrade for the Arizona Department of Insurance; Rhonda Ilene Odens did not appear at the hearing.

**ADMINISTRATIVE LAW JUDGE:** Lewis D. Kowal

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**FINDINGS OF FACT**

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1. At all times material to this matter, Rhonda Ilene Odens ("Respondent") was and currently is licensed by the Arizona Department of Insurance ("Department") as a credit producer.
  2. On May 1, 2008, the Department issued Respondent a credit producer license, license number 918259 ("License"), which expires on April 3, 2012.
  3. Steven Fromholtz ("Mr. Fromholtz"), Producer Licensing Administrator of the Licensing Section of the Department, testified that when an application for a producer's license is received and processed, it is forwarded to the Arizona Department of Public Safety ("DPS") for processing, which includes processing by the Federal Bureau of Investigation for a criminal history background check to be conducted.
  4. On July 7, 2008, the Department issued a letter to Respondent that was mailed to her address of record, informing her that her fingerprint card could not be processed and was returned by DPS as illegible. In that letter, the Department requested that Respondent submit a replacement set of fingerprints and enclosed a blank illegible

Office of Administrative Hearings  
1400 West Washington, Suite 101  
Phoenix, Arizona 85007  
(602) 542-9826

1 Replacement Fingerprint Form. The Department provided a deadline of August 5, 2008  
2 for the return of the completed replacement fingerprint form.

3 5. Because the Department did not receive the requested replacement fingerprint  
4 form from Respondent as requested, the Department sent another letter to Respondent  
5 at her residential address on December 29, 2008, giving Respondent a deadline of  
6 January 21, 2009 to file an Illegible Replacement Fingerprint Form with the Department  
7 or a Voluntary Surrender of License Form with the Department. The Department  
8 indicated that the failure to respond to the letter would result in the initiation of  
9 disciplinary action being taken against Respondent's license.

10 6. Mr. Fromholtz testified that the Department has not received any change of  
11 address notification from Respondent and that the above-mentioned letters were sent  
12 to the mailing addresses of record the Department had for Respondent.

13 7. Mr. Fromholtz testified that, to date, the Respondent has not responded to the  
14 above-mentioned letters and has not submitted to the Department a new set of  
15 fingerprints or an executed voluntary surrender form.

#### 16 CONCLUSIONS OF LAW

17 1. This matter is a disciplinary proceeding wherein the Department must prove by a  
18 preponderance of the evidence that Respondent violated the State's Insurance Laws.  
19 See A.AC. R2-19-119.

20 2. During the application process, the Director of the Department required  
21 Respondent to submit a full set of fingerprints and Respondent's illegible fingerprint  
22 submission did not satisfy that requirement. See A.R.S. § 20-285(F)(2).

23 3. Respondent's conduct, as set forth above, constitutes a violation of A.R.S. § 20-  
24 295(A)(1), by having failed to provide complete information in the license application.

25 4. Respondent's conduct, as set forth above, constitutes the violation of any  
26 provision of A.R.S., Title 20, within the meaning of A.R.S. § 20-295(A)(2).

27 5. Grounds exist for the Director of the Department to suspend, revoke, or refuse to  
28 renew the License pursuant to A.R.S. § 20-295(A).

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**ORDER**

Based upon the above, the License shall be revoked on the effective date of the Order entered in this matter.

Done this day, January 19, 2010.

/s/ Lewis D. Kowal  
Administrative Law Judge

Transmitted electronically to:  
Christina Urias, Director  
Department of Insurance