

NOV 18 2010

DEPT OF INSURANCE
BY 

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

STATE OF ARIZONA
DEPARTMENT OF INSURANCE

In the Matter of:

BRAMBILA, ISABEL,
(Arizona License No. 940775)
(NPN #11147238)

No. 10A-098-INS
ORDER

Respondent.

On November 12, 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 November 12, 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 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 18th day of November, 2010.

4
5 
6 CHRISTINA URIAS, Director
7 Arizona Department of Insurance

8 COPY of the foregoing mailed this
9 18th day of November, 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 Isabel Brambila
21 1526 W. St. Thomas Dr.
22 Gilbert, AZ 85233
23 Respondent

24 
25 Curvey Burton
26

NOV 12 2010

DIRECTOR'S OFFICE
INSURANCE DEPT.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30

IN THE OFFICE OF ADMINISTRATIVE HEARINGS

In the Matter of:

Brambila, Isabel
(Arizona License No. #940775)
(NPN No. 11147238)

Respondent.

No. 10A-098-INS

ADMINISTRATIVE
LAW JUDGE DECISION

HEARING: October 20, 2010

APPEARANCES: Special Assistant Attorney General Mary Kosinski on behalf of the Arizona Department of Insurance; Isabel Brambila did not appear at the hearing.

ADMINISTRATIVE LAW JUDGE: Lewis D. Kowal

FINDINGS OF FACT

1. At all times material to this matter, Isabel Brambila ("Respondent") was and currently is licensed by the Arizona Department of Insurance ("Department") as a casualty, accident/health, life and property producer.
2. On March 26, 2009, the Department issued Respondent a casualty, accident/health, life and property producer license, license number 940775 ("License"), which expires on August 31, 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. This includes processing by the Federal Bureau of Investigation for a criminal history background check to be conducted.
4. The Department received a report back from DPS advising, in effect, that the fingerprints submitted were illegible and a criminal history background check could not be performed based upon the fingerprints.

1 5. On March 24, 2009, the Department issued a letter to Respondent that was
2 mailed to Respondent's business/ mailing address, informing Respondent that the
3 Respondent's fingerprint card could not be processed and was returned by DPS as
4 illegible. In that letter, the Department requested that Respondent submit a
5 replacement set of fingerprints and enclosed a blank Illegible Replacement Fingerprint
6 Form. The Department provided a deadline of April 23, 2009, for the return of the
7 completed replacement fingerprint form.

8 6. Because the Department did not receive the requested replacement fingerprint
9 form from Respondent as requested, the Department sent another letter to Respondent
10 at Respondent's residential address on November 24, 2009, giving Respondent a
11 deadline of December 31, 2009, to file an a new set of fingerprints and an Illegible
12 Replacement Fingerprint Form with the Department or to submit a Voluntary Surrender
13 of License Form with the Department. The Department indicated that the failure to
14 respond to the letter would result in the initiation of disciplinary action being taken
15 against Respondent's license.

16 7. Mr. Fromholtz testified that the Department has not received any change of
17 address notification from Respondent and that the above-mentioned letters were sent
18 to the addresses of record the Department had for Respondent.

19 8. Mr. Fromholtz testified that to date the Respondent has not responded to the
20 above-mentioned letters and has not submitted to the Department a new set of
21 fingerprints.

22 CONCLUSIONS OF LAW

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

26 2. During the application process, the Director of the Department required
27 Respondent to submit a full set of fingerprints, and Respondent's illegible fingerprint
28 submission did not satisfy that requirement. See A.R.S. § 20-285(E)(2).¹

29 _____
30 ¹ At the outset of the hearing the Department noted that the Notice of Hearing issued in this matter
contained a typographical error and cited A.R.S. § 20-285(F)(2) instead of § 20-285(E)(2). The

1 3. Respondent's conduct, as set forth above, constitutes a violation of A.R.S. § 20-
2 295(A)(1) by having failed to provide complete information in the license application.

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

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

7 **ORDER**

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

10 Done this day, November 12, 2010.

11
12 /s/ Lewis D. Kowal
13 Administrative Law Judge
14

15 Transmitted electronically to:

16 Christina Urias, Director
17 Department of Insurance
18
19
20
21
22
23
24
25
26
27
28

29 Department also noted that A.R.S. § 20-285(F)(2) does not exist and, during the hearing, the Department
30 referenced A.R.S. § 20-285(E)(2).