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STATE OF ARIZONA

DEPT OF INSURANCE
BY 

DEPARTMENT OF INSURANCE

In the Matter of:

RUPP, KENDRA M.,
(Arizona License No. 939679)
(NPN # 13350163)

No. 10A-163-INS

ORDER

Respondent.

On February 23, 2011, 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 February 24, 2011, 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 7th day of March, 2011.

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5 
6 CHRISTINA URIAS, Director
7 Arizona Department of Insurance

8 COPY of the foregoing mailed this
9 8th day of March, 2011 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 Kendra M. Rupp
21 3320 North Pebble Rapids Place
22 Tucson, Arizona 85712
23 Respondent

24 Kendra M. Rupp
25 698 E. Wetmore Rd., Suite 410
26 Tucson, Arizona 85705
Respondent

27 
28 Curvey Burton

IN THE OFFICE OF ADMINISTRATIVE HEARINGS

FEB 24 2011

In the Matter of:

No. 10A-163-INS

DIRECTOR'S OFFICE
INSURANCE DEPT.Kendra M. Rupp
(Arizona License # 939679)
(NPN # 13350163)ADMINISTRATIVE
LAW JUDGE DECISION

Respondent

HEARING: February 8, 2011**APPEARANCES:** Special Assistant Attorney General Mary Kosinki for the Arizona Department of Insurance; Kendra M. Rupp did not appear at the hearing.**ADMINISTRATIVE LAW JUDGE:** Lewis D. Kowal**FINDINGS OF FACT**

1. At all times material to this matter, Kendra M. Rupp ("Respondent") was and currently is licensed by the Arizona Department of Insurance ("Department").
2. On March 11, 2009, the Department issued Respondent a casualty, accident/health, life, and property producer license, license number 939679 ("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, which includes a criminal history background check by the Federal Bureau of Investigation.
4. On September 1, 2009, the Department issued a letter to Respondent that was mailed to her business and mailing 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 Replacement Fingerprint Form. The Department provided a

1 deadline of October 2, 2009, for the return of the completed replacement fingerprint
2 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 on December 28, 2009, giving Respondent a deadline of January 31, 2010, to file with
6 the Department a new set of fingerprints and an Illegible Replacement Fingerprint Form
7 or a Voluntary Surrender of License Form. The Department indicated that the failure to
8 respond to the letter would result in the initiation of disciplinary action being taken
9 against Respondent's license.

10 **CONCLUSIONS OF LAW**

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

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

17 3. Respondent's conduct, as set forth above, constitutes a violation of A.R.S. § 20-
18 295(A)(1), by having failed to provide complete information in the license application.

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

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

23 **ORDER**

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

26
27 *In the event of certification of the Administrative Law Judge Decision by the*
28 *Director of the Office of Administrative Hearings, the effective date of the Order will be 5*
29 *days from the date of that certification.*

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Done this day, February 23, 2011.

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/s/ Lewis D. Kowal
Administrative Law Judge

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Transmitted electronically to:

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Christina Urias, Director
Department of Insurance

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