

MAR 31 2011

DEPT OF INSURANCE
BY CB

STATE OF ARIZONA
DEPARTMENT OF INSURANCE

In the Matter of:

DANDRIDGE, MARCELLUS AUGUSTUS,
(Arizona License No. 962912)
(NPN # 15710046)

No. 10A-198-INS
ORDER

Respondent.

On March 29, 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 March 30, 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 30th 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 31st 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 Marcellus Augustus Dandridge
21 555 N. 7th Street, #314
22 Sierra Vista, Arizona 85635
23 Respondent

24 Marcellus Augustus Dandridge
25 c/o Bankers Life & Casualty
26 440 S. William Blvd.
Tucson, Arizona 85711
Respondent

27 
28 Curvey Burton

MAR 30 2011

DIRECTOR'S OFFICE
INSURANCE DEPT.

IN THE OFFICE OF ADMINISTRATIVE HEARINGS

In the Matter of:

No. 10A-198-INS

Dandridge, Marcellus Augustus,
(Arizona License No. 962912)
(NPN No. 15710046)

ADMINISTRATIVE
LAW JUDGE DECISION

Respondent.

HEARING: March 10, 2011

APPEARANCES: Special Assistant Attorney General Mary Kosinski appeared on behalf of the Arizona Department of Insurance; Marcellus Augustus Dandridge did not appear at the hearing.

ADMINISTRATIVE LAW JUDGE: Lewis D. Kowal

FINDINGS OF FACT

1. At all times material to this matter, Marcellus Augustus Dandridge ("Respondent") was and currently is licensed by the Arizona Department of Insurance ("Department").
2. On March 22, 2010, the Department issued Respondent an accident/health and life producer license, license number 962912 ("License"), which expires on December 31, 2013.
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 August 11, 2010, the Department issued a letter to Respondent by mail, informing him that his 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

1 Form. The Department provided a deadline of September 11, 2010, for the return of
2 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 on October 26, 2010, giving Respondent a deadline of November 15, 2010, to file with
6 the Department an Illegible Replacement Fingerprint Form or a Voluntary Surrender of
7 License Form. The Department indicated that the failure to respond to the letter would
8 result in the initiation of disciplinary action being taken against the License.

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

12 7. Mr. Fromholtz testified that to date, Respondent has not responded to the
13 above-mentioned letters and has not submitted to the Department a new set of
14 fingerprints.

15 **CONCLUSIONS OF LAW**

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

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

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

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

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

28 **ORDER**

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

1 *In the event of certification of the Administrative Law Judge Decision by the*
2 *Director of the Office of Administrative Hearings, the effective date of the Order is 5*
3 *days from the date of that certification.*

4 Done this day, March 29, 2011.

5
6 /s/ Lewis D. Kowal
7 Administrative Law Judge

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9 Transmitted electronically to:
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11 Christina Urias, Director
12 Department of Insurance
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