

MAR 24 2011

STATE OF ARIZONA
DEPARTMENT OF INSURANCE

DEPT OF INSURANCE
BY 

In the Matter of:)

PROHASKA, ANN MARIE,)
(License number # 963840))
(NPN # 15728468))

Respondent)

No. 10A-203-INS

CONSENT ORDER

Hearing 03/24/11, 8:00 a.m.
ALJ Lewis Kowal

The State of Arizona Department of Insurance ("Department") has received evidence that **Ann Marie Prohaska** has violated provisions of Title 20, Arizona Revised Statutes ("A.R.S."). Respondent wishes to resolve this matter without the commencement of formal proceedings, and admits the following Findings of Fact are true and consents to entry of the following Conclusions of Law and Order.

FINDINGS OF FACT

1. Ann Marie Prohaska ("Respondent") is, and was at all material times licensed as a resident life producer, Arizona license number 963840, which expires October 31, 2013.
2. Respondent's mailing, business and residence addresses of record with the Department are: c/o Primerica Financial Services, 4515 S. McClintock Dr., #201, Tempe, Arizona 85282 (business and mailing); 2040 W. Rockwell Dr., Chandler, Arizona 85224 (residence).
3. On or about April 8, 2010, the Department issued to Respondent an insurance license as a resident life producer, Arizona license number 963840.
4. On August 11, 2010, the Department notified Respondent by mail at her business/ mailing address of record that her fingerprint card had been processed and returned by the Arizona Department of Public Safety (DPS) as illegible. The Department requested a replacement set of fingerprints along with a completed "Illegible Fingerprint Replacement Form" on or before September 11, 2010.

1 5. On October 26, 2010, the Department notified Respondent a second time by
2 mail at her residence address of record that it was about to initiate an administrative action
3 against her license for failure to comply with the fingerprint requirement. The Department
4 requested a response by November 15, 2010.

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

7 **CONCLUSIONS OF LAW**

8 1. The Director has jurisdiction over this matter.

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

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

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

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

20 **ORDER**

21 IT IS HEREBY ORDERED THAT:

22 1. Respondent may surrender her insurance producer license, Arizona license
23 number 963840.

...
...
...
...
...

1 2. The hearing, Docket #10A-203-INS, scheduled for March 24, 2011, at 8:00 a.m.
2 is vacated.

3 DATED AND EFFECTIVE this 24th day of March, 2011.

4
5 
6 CHRISTINA URIAS
7 Director of Insurance

8 **CONSENT TO ORDER**

9 1. Respondent has reviewed the foregoing Findings of Fact, Conclusions of Law
10 and Order.

11 2. Respondent admits to the jurisdiction of the Director of Insurance, State of
12 Arizona, and admits the foregoing Findings of Fact and consents to the entry of the foregoing
13 Conclusions of Law and Order.

14 3. Respondent is aware of her right to notice and a hearing at which she may be
15 represented by counsel, present evidence and examine witnesses. Respondent irrevocably
16 waives her right to such notice and hearing and to any court appeals relating to this Consent
17 Order.

18 4. Respondent states that no promise of any kind or nature whatsoever, except as
19 expressly contained in this Consent Order, was made to her to induce her to enter into this
20 Consent Order and that she has entered into this Consent Order voluntarily.

21 5. Respondent acknowledges that the acceptance of this Consent Order by the
22 Director is solely to settle this matter against her and does not preclude any other agency,
23 officer, or subdivision of this state including the Department from instituting civil or criminal
proceedings as may be appropriate now or in the future not related to this matter.

1 6. Respondent acknowledges that this Consent Order is an administrative action
2 that the Department will report to the National Association of Insurance Commissioners
3 (NAIC). Respondent further acknowledges that she must report this administrative action to
4 any and all states in which she holds an insurance license and must disclose this
5 administrative action on any license application.

6 3/24/11
7 Date

Ann Marie Prohaska
Ann Marie Prohaska, Arizona License # 963840

8
9 COPIES of the foregoing mailed/delivered
this 24th day of March, 2011, to:

10 Ann Marie Prohaska
11 2040 West Rockwell Drive
12 Chandler, Arizona 85224
Respondent

13 Mary E. Kosinski, Exec. Assistant for Regulatory Affairs
14 Catherine M. O'Neil, Consumer Legal Affairs Officer
15 Steven Fromholtz, Licensing Supervisor
Department of Insurance
2910 North 44th Street, Suite 210
Phoenix, Arizona 85018

16 Lewis Kowal, Administrative Law Judge
17 Office of Administrative Hearings
18 1400 West Washington, Suite 101
Phoenix, AZ 85007

19 Curvey Walters Burton
20 Curvey Walters Burton