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STATE OF ARIZONA
DEPARTMENT OF INSURANCE

In the Matter of:

PERUMEAN, MERLIND J.,
Petitioner.

No. 11A-141-INS
ORDER DENYING NOTICE AND
MOTION TO SET ASIDE ORDER FILED
OCTOBER 8, 1996

On January 27, 2012, Merlind J. Perumean ("Perumean") filed a Notice and Motion to Set Aside Order Filed October 8, 1996 ("Motion") with the Office of the Arizona Attorney General in the above-captioned matter. The Motion requests that the Arizona Department of Insurance ("Department") vacate its final administrative Order filed In the Matter of Merlind J. Perumean, Jr., Docket No. 96A-106-INS ("Docket 96A-106-INS").

On September 26, 1996, the Office of Administrative Hearings ("OAH") conducted a hearing in Docket 96A-106-INS. Perumean attended the hearing and was represented by counsel, Randy J. Hurwitz. Administrative Law Judge Robert Worth filed a Recommended Decision of Administrative Law Judge on October 4, 1996, which was transmitted to the Department on that same date.

On October 8, 1996, the Department filed its final administrative Order in Docket 96A-106-INS ("Docket 96A-106-INS Order") denying Perumean's application for a resident life and disability agent license, which was mailed to Perumean at 843 S. Longmore, #2157, Mesa, Arizona 85202 on that same date.

Each party to an administrative action shall inform the Department and OAH of any change in address within five days of the change. A.R.S. § 41-1092.04. Perumean did not inform the Department or OAH of any change in his address. Service is complete on personal service or five days after the date that the final administrative decision is mailed to

1 the party's last known address. A.R.S. § 41-1092.09(C) and § 12-904(A).

2 Arizona law imposes deadlines on a party to an administrative hearing to either
3 request rehearing or review of a final administrative order pursuant to A.R.S. §41-1092.09
4 (30 days plus 5 days for mailing) or appeal the final administrative order to Superior Court
5 pursuant to A.R.S. § 41-1098.08(H) and Title 12, Chapter 7, Article 6 (35 days plus 5 days
6 for mailing).

7 Perumean did not request rehearing or review of the Docket 96A-106-INS Order
8 within 35 days of the date of the final administrative order. A party who fails to request
9 rehearing or review of the Director's order on the hearing shall be barred from raising a
10 claim in any proceeding in which the Director, the hearing officer or the Department is a
11 party, except as otherwise required by law. A.A.C. R20-6-114(F).

12 Perumean did not appeal the Docket 96A-106-INS Order to the Superior Court
13 within 40 days of the date of the final administrative order. Unless an appeal is made to the
14 Superior Court within the time and manner provided for Title 12, Chapter 7, Article 6, a
15 party to an administrative decision is barred from obtaining judicial review of the decision.
16 A.R.S. § 12-902(B).

17 THEREFORE IT IS ORDERED,

18 1. Denying Perumian's "Notice and Motion.

19 DATED and EFFECTIVE this 31st day of January, 2012.

20
21 *Bernie Mankos, Deputy Director*
22 for CHRISTINA URIAS, Director
23 Arizona Department of Insurance
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1 COPY of the foregoing mailed this 1st
day of February, 2012 to:

2
3 Merlind J. Perumean
9191 N. 70th Drive
Peoria, Arizona 85345
4 Petitioner

5 Lewis Kowal, Administrative Law Judge
Office of Administrative Hearings
6 1400 West Washington Street, Suite 101
Phoenix, Arizona 85007

7 Gerrie Marks, Deputy Director
8 Mary E. Kosinski, Executive Assistant for Regulatory Affairs
Stephen Fromholtz, Licensing Administrator
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14 *Maidene Scheinin*
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