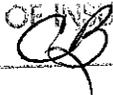


APR 13 2012

DEPT OF INSURANCE
BY 

STATE OF ARIZONA
DEPARTMENT OF INSURANCE

In the Matter of:

**DELEON, DAVID G.,
(Arizona License No. 985084)
(NPN # 16144353)**

No. 12A-018-INS

ORDER

Respondent.

On April 10, 2012, the Office of Administrative Hearings, through Administrative Law Judge ("ALJ") Sondra J. Vanella, issued an Administrative Law Judge Decision ("Recommended Decision"), received by the Director of the Department of Insurance ("Director") on April 12, 2012, 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.

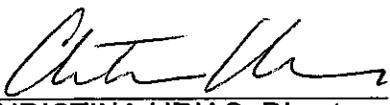
NOTIFICATION OF RIGHTS

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 13th day of April, 2012.

4
5 
6 CHRISTINA URIAS, Director
Arizona Department of Insurance

7
8 COPY of the foregoing mailed this
9 13th day of April, 2011 to:

10 Office of Administrative Hearings
1400 West Washington, Suite 101
Phoenix, Arizona 85007

11 Mary Butterfield, Assistant Director
12 Mary Kosinski, Exec. Asst. for Regulatory Affairs
13 Catherine O'Neil, Consumer Legal Affairs Officer
Steven Fromholtz, Licensing Administrator
Arizona Department of Insurance
2910 North 44th Street, Suite 210
14 Phoenix, Arizona 85018

15 David G. De Leon
16 16101 N. El Mirage Rd., #5
El Mirage, Arizona 85335
17 Respondent

18 
19 Curvey Burton

20
21
22
23
24
25
26

APR 12 2012

DIRECTOR'S OFFICE
INSURANCE DEPT.

IN THE OFFICE OF ADMINISTRATIVE HEARINGS

In the Matter of:

No. 12A-018-INS

DeLeon, David G.
(Arizona License # 985084)
(NPN # 16144353)

ADMINISTRATIVE LAW JUDGE

DECISION

Respondent

HEARING: March 26, 2012

APPEARANCES: Special Assistant Attorney General Mary Kosinski represented the Arizona Department of Insurance. Respondent David G. DeLeon did not appear.

ADMINISTRATIVE LAW JUDGE: Sondra J. Vanella

FINDINGS OF FACT

1. At all times material to this matter, David G. DeLeon ("Respondent") was and currently is licensed by the Arizona Department of Insurance ("Department").
2. On February 4, 2011, the Department issued Respondent a life producer license, license number 985084 ("License"), which expires on December 31, 2014.
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 ("FBI") for a criminal history background check to be conducted. The Department submits completed fingerprint forms to DPS and DPS submits the fingerprint forms to the FBI for national processing.
4. On March 30, 2011, 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 Fingerprint Replacement

1 Form. The Department provided a deadline of April 29, 2011, for the return of the
2 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 dated August 17, 2011, giving Respondent a deadline of September 15, 2011, to file
6 with the Department an Illegible Fingerprint Replacement Form with a new set of
7 fingerprints or submit a Voluntary Surrender of Insurance License Form. The
8 Department indicated that the failure to respond to the letter would result in the
9 initiation of disciplinary action being taken against the License.

10 6. On September 15, 2011, Respondent contacted the Department to request an
11 extension of time for the submittal of the replacement fingerprint form. The Department
12 granted Respondent an extension until September 30, 2011.

13 7. Mr. Fromholtz testified that the Department has not received any change of
14 address notification from Respondent and that the above-mentioned letters were sent
15 to the mailing/business and/or residential addresses of record the Department had for
16 Respondent.

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

20 9. Respondent did not present any evidence to refute or rebut the evidence
21 presented by the Department.

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).

29 3. Respondent's conduct, as set forth above, constitutes a violation of A.R.S. § 20-
30 295(A)(1) by having failed to provide complete information in the license application.

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

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

5 **ORDER**

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

8 *In the event of certification of the Administrative Law Judge Decision by the*
9 *Director of the Office of Administrative Hearings, the effective date of the Order will be 5*
10 *days from the date of that certification.*

11
12
13 Done this day, April 10, 2012.

14
15 /s/ Sondra J. Vanella
16 Administrative Law Judge

17
18 Transmitted electronically to:

19 Christina Urias, Director
20 Department of Insurance
21
22
23
24
25
26
27
28
29
30