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DEPT OF INSURANCE
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STATE OF ARIZONA
DEPARTMENT OF INSURANCE

In the Matter of:

No. 12A-025-INS

WHITESIDE, DARRIN GLEN,
(Arizona License # 977645)
(National Producer # 6812402)

PROPOSED FINDINGS OF FACT,
CONCLUSIONS OF LAW AND ORDER

Respondent.

On February 16, 2012, the Arizona Department of Insurance ("Department") issued a Notice of Hearing ("Notice") in the above-captioned matter, a copy of which is attached and incorporated by this reference. The Notice required **Darrin Glen Whiteside** ("Whiteside" or "Respondent") to provide a written answer to the allegations set forth in the Notice within twenty days of the issuance of the Notice. As of this date, Respondent has failed to file an answer. On March 16, 2012, counsel for the Department filed a Request for Default and Proposed Findings of Fact, Conclusions of Law and Order. As of this date, Respondent has not responded to the Department's request. Pursuant to A.A.C.R20-6-106(D), a party that fails to file an answer within the time provided shall be deemed to be in default and one or more of the allegations in the Notice of Hearing may be deemed to be admitted.

FINDINGS OF FACT

1. Notice was proper.
2. Respondent is in default.
3. The allegations in the Notice are deemed admitted.

///

1 CONCLUSIONS OF LAW

2 1. The conduct alleged in the Notice constitutes grounds for the Director to
3 suspend, revoke or refuse to renew Respondent's license to transact insurance in Arizona,
4 pursuant to A.R.S. §20-295(A).

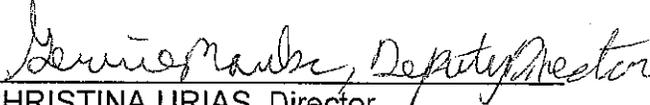
5 ORDER

6 IT IS ORDERED:

7 1. The insurance license held by Respondent is revoked effective upon the
8 issuance of this Order.

9 2. The hearing set for March 26, 2012, at 8:00 a.m. shall be vacated.

10 DATED this 22nd day of March, 2012.

11
12 
13 CHRISTINA URIAS, Director
14 Arizona Department of Insurance

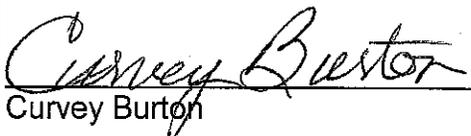
15 COPY of the foregoing mailed this
16 22nd day of March, 2012 to:

17 Sondra Vanella, Administrative Law Judge
18 Office of Administrative Hearings
19 1400 West Washington, Suite 101
20 Phoenix, Arizona 85007

21 Steven Fromholtz, Licensing Supervisor
22 Mary Butterfield, Assistant Director
23 Catherine O'Neil, Legal Affairs
24 Mary Kosinski, Executive Assistant for Regulatory Affairs
25 Arizona Department of Insurance
26 2910 North 44th Street, Suite 210
Phoenix, Arizona 85018

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Darrin Glen Whiteside
12651 N. Granville Canyon Way
Oro Valley, Arizona 85755
Respondent


Curvey Burton

FEB 16 2012

STATE OF ARIZONA

DEPARTMENT OF INSURANCE

DEPT OF INSURANCE
BY 

In the Matter of:)
)
4 **WHITESIDE, DARRIN GLEN,**)
(Arizona License # 977645))
5 (NPN # 6812402))
)
6 Respondent)
)
7 _____)

Docket No. 12A-025-INS
NOTICE OF HEARING

(Administrative Law Judge
Sondra Vanella)

PLEASE TAKE NOTICE that the above-captioned matter will be heard before the Director of Insurance of the State of Arizona (the "Director") or her duly designated representative on **March 26, 2012, at 8:00 a.m., at the Office of Administrative Hearings, 1400 West Washington, Suite 101, Phoenix, Arizona 85007¹.**

If you wish to continue this hearing to another date, you must file a motion in writing with the Office of Administrative Hearings not less than **15** days before the scheduled hearing date. Please send it to the attention of the Administrative Law Judge ("ALJ") and include the docket number listed above. You must also mail or hand-deliver a copy of any motion to continue to the Department of Insurance on the same date you file it with the Office of Administrative Hearings.

You are not required to have an attorney represent you. However, if you are represented, your attorney must be licensed to practice law in the State of Arizona. An insurance company may be represented by a corporate officer. A.R.S. § 20-161(B).

You are entitled to be present during the giving of all evidence and you will have a reasonable opportunity to inspect all documentary evidence, examine witnesses, present evidence that supports your case and to request that the ALJ issue subpoenas to compel the attendance of witnesses and production of evidence. A.R.S. §20-164(B).

¹As authorized under Arizona Revised Statutes ("A.R.S.") §§20-161 through and including 20-165 and Title 41, Chapter 6, Article 10 (A.R.S. § 41-1092 *et seq.*).

1 A clear and accurate record of the proceedings will be made either by a court reporter
2 or by electronic means. A.R.S. §41-1092.07(E). If you want a copy of an electronic recording,
3 you must contact the Office of Administrative Hearings at (602) 542-9826. If the hearing was
4 transcribed by a court reporter and you want a copy of the transcript, you must pay the cost of
5 the transcript to the court reporter or other transcriber

6 If you have questions concerning this Notice of Hearing please direct them to Mary
7 Kosinski, Arizona Department of Insurance, (602) 364-3471, 2910 North 44th Street, Suite 210,
8 Phoenix, Arizona 85018.

9 **NOTICE OF APPLICABLE RULES**

10 On January 23, 1992, we adopted the rules of practice and procedure applicable in
11 contested cases before the Director of Insurance. The hearing will be conducted pursuant to
12 these rules. A.A.C. R20-6-101 through R20-6-115.

13 YOU MUST FILE A WRITTEN RESPONSE (ANSWER) TO THE ALLEGATIONS IN
14 THIS NOTICE WITH US WITHIN **20** DAYS AFTER WE ISSUE THIS NOTICE. A.A.C.
15 R20-6-106. YOUR RESPONSE SHOULD STATE YOUR POSITION OR DEFENSE AND
16 SHOULD SPECIFICALLY ADMIT OR DENY EACH ASSERTION IN THE NOTICE. IF YOU
17 DO NOT SPECIFICALLY DENY AN ASSERTION, WE WILL CONSIDER IT ADMITTED. ANY
18 DEFENSE YOU DO NOT RAISE WILL BE CONSIDERED WAIVED.

19 IF YOU DO NOT FILE YOUR RESPONSE ON TIME, WE WILL CONSIDER YOU IN
20 DEFAULT AND THE DIRECTOR MAY DEEM THE ALLEGATIONS IN THE NOTICE AS
21 TRUE. ACCORDINGLY, WE WILL TAKE WHATEVER ACTION IS APPROPRIATE
22 INCLUDING SUSPENSION, REVOCATION, IMPOSITION OF A CIVIL PENALTY AND
23 ORDERING RESTITUTION TO ANY INJURED PERSON.

24 **PERSONS WITH DISABILITIES**

PERSONS WITH DISABILITIES MAY REQUEST REASONABLE
ACCOMMODATIONS SUCH AS INTERPRETERS, ALTERNATIVE FORMATS, OR
ASSISTANCE WITH PHYSICAL ACCESSIBILITY. REQUESTS FOR ACCOMMODATIONS
SHOULD BE MADE AS EARLY AS POSSIBLE TO ALLOW TIME TO ARRANGE THE

1 ACCOMMODATIONS. IF YOU REQUIRE ACCOMMODATIONS, PLEASE CONTACT THE
2 OFFICE OF ADMINISTRATIVE HEARINGS AT (602) 542-9826.

3 The allegations supporting this Notice of Hearing are as follows:

4 1. Darrin Glen Whiteside ("Respondent") is, and was at all material times licensed
5 as a resident accident/health and life producer, Arizona license number 977645, which expires
6 April 30, 2014.

7 2. Respondent's mailing, business and residence address of record with the
8 Department is: 12651 N. Granville Canyon Way, Oro Valley, Arizona 85755 (business,
9 mailing and residence).

10 3. On or about October 19, 2010, the Department issued to Respondent an
11 insurance license as a resident accident/health and life producer, Arizona license number
12 977645.

13 4. On March 22, 2011, the Department notified Respondent by mail at his
14 business/mailling/residence address of record that his fingerprint card had been processed and
15 returned by the Arizona Department of Public Safety (DPS) as illegible. The Department
16 requested a replacement set of fingerprints along with a completed "Illegible Fingerprint
17 Replacement Form" on or before April 21, 2011.

18 5. On August 17, 2011, the Department notified Respondent a second time by mail
19 at his business/mailling/residence address of record that it was about to initiate an
20 administrative action against his license for failure to comply with the fingerprint requirement.
21 The Department requested a response by September 15, 2011.

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

24 VIOLATIONS

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

1 Oro Valley, Arizona 85755
Respondent

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3 COPIES of the foregoing mailed/delivered
this 16th day of February, 2012, to:

4 Darrin Glen Whiteside
12651 N. Granville Canyon Way
5 Oro Valley, Arizona 85755
Respondent

6
7 Mary E. Kosinski, Exec. Assistant for Regulatory Affairs
Mary Butterfield, Assistant Director
8 Catherine M. O'Neil, Consumer Legal Affairs Officer
Steven Fromholtz, Licensing Supervisor
9 Department of Insurance
2910 North 44th Street, Suite 210
Phoenix, Arizona 85018

10
11 Sondra Vanella, Administrative Law Judge
Office of Administrative Hearings
12 1400 West Washington, Suite 101
Phoenix, Arizona 885007

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14 Curvey Walters Burton

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20 PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT
OF THE RETURN ADDRESS; FOLD AT DOTTED LINE

CERTIFIED MAIL



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