

STATE OF ARIZONA
FILED

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DEPT OF INSURANCE
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STATE OF ARIZONA
DEPARTMENT OF INSURANCE

In the Matter of:

GOLDNEY, LYNN ROBERT
(Arizona License No. 462692)
(National Producer No. 235003)

No. 15A-045-INS

ORDER

Respondent.

On July 31, 2015, the Office of Administrative Hearings, through Administrative Law Judge Thomas Shedden, issued an Administrative Law Judge Decision ("Recommended Decision"), received by the Director of the Department of Insurance ("Director") on July 31, 2015, 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.
2. The Director revokes the Arizona non-resident insurance producer license, No. 462692, of **Lynn Robert Goldney** 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 filling 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.

1 Respondent may appeal the final decision of the Director to the Superior Court of
2 Maricopa County for judicial review pursuant to A.R.S. § 20-166. A party filing an appeal
3 must notify the Office of Administrative Hearings of the appeal within ten days after filing
4 the complaint commencing the appeal, pursuant to A.R.S. § 12-904(B).

5 DATED this 3rd day of August, 2015.

6
7 
8 GERMAINE L. MARKS, Director
Arizona Department of Insurance

9 COPY of the foregoing mailed this
10 3rd day of August, 2015 to:

11 Lynn Robert Goldney
12 2550 Kiowa Blvd N, Suite 200
Lake Havasu City, Arizona 86403
Respondent

13 Lynn Robert Goldney
14 1806 Swanson, Unit 106
Lake Havasu City, Arizona 86403
15 Respondent

16 Mary Kosinski, Executive Assistant for Regulatory Affairs
Darren Ellingson, Deputy Director
17 Catherine O'Neil, Consumer Legal Affairs Officer
Yvonne Hunter, Consumer Affairs Assistant Director
18 Steven Fromholtz, Licensing Director
Barbara Beltran, Business Office
19 Arizona Department of Insurance
2910 North 44th Street, Suite 210
20 Phoenix, Arizona 85018

21 Liane Kido
Assistant Attorney General
1275 West Washington Street
22 Phoenix, Arizona 85007-2926

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

25 
26 Maidene Scheiner

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JUL 31 2015

AZ DEPT. OF INSURANCE
ADMINISTRATIVE SERVICES

IN THE OFFICE OF ADMINISTRATIVE HEARINGS

In the Matter of:

No. 15A-045-INS

GOLDNEY, LYNN ROBERT,
(Arizona License Number 462692)
(National Producer Number 235003)

ADMINISTRATIVE LAW JUDGE

Respondent

DECISION

HEARING: July 15, 2015

APPEARANCES: No one appeared for Respondent; Liane Kido, Esq. for
Respondent

ADMINISTRATIVE LAW JUDGE: Thomas Shedden

FINDINGS OF FACT

1. On June 2, 2015, the Arizona Department of Insurance ("Department") issued a Notice of Hearing and Complaint setting the above-captioned matter for hearing at 1:00 p.m. July 15, 2015, at the Office of Administrative Hearings in Phoenix, Arizona.

2. In the Notice of Hearing and Complaint, the Department alleges Respondent Lynn Robert Goldney has violated ARIZ. REV. STAT. sections 20-301(A) and 20-295(A)(1) and (A)(2).

3. Mr. Goldney did not appear at the scheduled hearing time and the matter was convened in his absence at about 1:20 p.m.

4. The Department presented the testimony of its Licensing Manager, Steven Fromholtz.

5. Mr. Goldney holds license number 462692 that will expire on March 31, 2017.

6. The Department received a Financial Industry Regulatory Authority, Inc. ("FINRA") report showing that as of December 7, 2012 Mr. Goldney had been

Office of Administrative Hearings
1400 West Washington, Suite 101
Phoenix, Arizona 85007
(602) 542-9826

1 suspended from FINRA and that as of February 19, 2014 FINRA had entered a
2 permanent bar against him.

3 7. The FINRA report shows that the Arizona Corporation Commission had
4 taken disciplinary action against Mr. Goldney because he inappropriately borrowed
5 money from customers.

6 8. In an Order dated May 8, 2013, the Arizona Corporation Commission
7 revoked Mr. Goldney's securities salesman registration and imposed a civil penalty
8 against him.

9 9. Mr. Goldney did not report to the Department that he had been twice
10 sanction by FINRA or that he had been disciplined by the Arizona Corporation
11 Commission.

12 10. On April 8, 2013, Mr. Goldney filed with the Department an application to
13 renew his license. In that application, Mr. Goldney answered "no" in response to
14 whether he had been named or involved as a party in any administrative proceedings
15 that had not been previously reported to the Department. The question specifically
16 identified FINRA sanctions as being subject to this reporting requirement.

17 11. At the hearing, the Department requested that Mr. Goldney's license be
18 revoked.

19 **CONCLUSIONS OF LAW**

20 1. The Department bears the burden of persuasion. ARIZ. REV. STAT. § 41-
21 1092.07(G)(2).

22 2. The standard of proof on all issues is that of a preponderance of the
23 evidence. ARIZ. ADMIN. CODE § R2-19-119(A).

24 3. A preponderance of the evidence is "[e]vidence which is of greater weight
25 or more convincing than the evidence which is offered in opposition to it; that is,
26 evidence which as a whole shows that the fact sought to be proved is more probable
27 than not." BLACK'S LAW DICTIONARY 1182 (6th ed. 1990).

28 4. The preponderance of the evidence shows that Mr. Goldney did not report
29 to the Department that the Arizona Corporation Commission had entered a disciplinary
30

1 Order against him, which is a violation ARIZ. REV. STAT. sections 20-301(A) and 20-
2 295(A)(2).

3 5. The preponderance of the evidence shows that the April 8, 2013 renewal
4 application Mr. Goldney submitted to the Department contained incorrect or materially
5 untrue information, which is a violation of ARIZ. REV. STAT. sections 20-295(A)(1) and
6 (A)(2).

7 6. Based on the proven violations of ARIZ. REV. STAT. sections 20-295(A)(1)
8 and (A)(2) and 20-301(A), the Department has authority to impose discipline against
9 Mr. Goldney's license.

10 7. Mr. Goldney's failure to appear at the hearing is considered to be a factory
11 in aggravation.

12 8. Based on the facts and circumstances of this matter, Mr. Goldney's
13 license should be revoked.

14 **ORDER**

15 **IT IS ORDERED** that Lynn Robert Goldney's license number 462692 is revoked.

16
17 *In the event of certification of the Administrative Law Judge Decision by the Director of*
18 *the Office of Administrative Hearings, the effective date of the Order will be five days*
19 *after the date of that certification.*

20 Done this day, July 31, 2015.

21 /s/ Thomas Shedden
22 Thomas Shedden
23 Administrative Law Judge

24 Transmitted electronically to:

25
26 Darren Ellingson, Deputy Director
27 Arizona Department of Insurance
28
29
30