

FEB 17 2016

STATE OF ARIZONA
DEPARTMENT OF INSURANCE

DEPT OF INSURANCE
BY MS

In the Matter of:

HUNT, ANTHONY SCOTT (II)
(Arizona License No. 1085995)
(National Producer No. 17355016)

No. 15A-144-INS

ORDER

Respondent.

On February 1, 2016, the Office of Administrative Hearings, through Administrative Law Judge Diane Mihalsky, issued an Administrative Law Judge Decision ("Recommended Decision"), received by the Director of the Department of Insurance ("Director") on February 1, 2016, a copy of which is attached and incorporated by this reference. The Interim Director of the Department of Insurance has reviewed the Recommended Decision and enters the following Order:


1. The Interim Director adopts the Recommended Findings of Fact and Conclusions of Law.
2. The Interim Director revokes the Arizona resident insurance producer license, No. 1085995, of **Anthony Scott Hunt, II**, 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 Interim 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 Interim Director to the Superior
2 Court of Maricopa County for judicial review pursuant to A.R.S. § 20-166. A party filing an
3 appeal must notify the Office of Administrative Hearings of the appeal within ten days after
4 filing the complaint commencing the appeal, pursuant to A.R.S. § 12-904(B).

5 DATED this 12th day of February, 2016.

6
7 
8 Leslie R. Hess, Interim Director
Arizona Department of Insurance


9 COPY of the foregoing mailed this
10 17th day of February, 2016 to:

11 Anthony Scott Hunt, II
12 Bankers Life and Casualty
13 432 S. Williams Blvd.
Tucson, AZ 85711
Respondent

14 Mary Kosinski, Executive Assistant for Regulatory Affairs
15 Catherine O'Neil, Consumer Legal Affairs Officer
16 Steven Fromholtz, Licensing Director
Arizona Department of Insurance
2910 North 44th Street, Suite 210
Phoenix, Arizona 85018

17 Liane Kido
18 Assistant Attorney General
1275 West Washington Street
19 Phoenix, Arizona 85007-2926

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

22 
23 Maidene Scheiner

24
25
26

IN THE OFFICE OF ADMINISTRATIVE HEARINGS

RECEIVED

FEB 01 2016

In the Matter of:

No. 15A-144-INS

ARIZONA DEPT. OF INSURANCE
ADMINISTRATIVE SERVICES

ANTHONY SCOTT HUNT (III)
(Arizona License #1085995)

ADMINISTRATIVE LAW JUDGE

Respondent

DECISION

HEARING: January 26, 2016, at 1:00 p.m.

APPEARANCES: The Arizona Department of Insurance ("the Department") was represented by Liane Kido, Esq., Assistant Attorney General; Anthony Scott Hunt (III) ("Respondent") failed to appear.

ADMINISTRATIVE LAW JUDGE: Diane Mihalsky

FINDINGS OF FACT

1. On or about August 26, 2014, Respondent applied for an insurance license.¹ Respondent submitted a fingerprint card with the application.

2. The Department issued license number 1085995 to Respondent ("the License"). The License was active on the date of the hearing.²

3. Steven Fromholtz, Producer Licensing Administrator of the Licensing Section of the Department, testified that when the Department receives an application for a license and fingerprint card, the Department forwards the fingerprint card to the Arizona Department of Public Safety ("DPS") for processing, which includes processing by the Federal Bureau of Investigation for a criminal history background check to be conducted.

4. Mr. Fromholtz testified that although the application is not complete until the Department receives the results of the criminal background check, the Department issues the license based on the information contained in the application until the

¹ See the Department's Exhibit 1.

² See the Department's Exhibit 2.

1 Department can confirm the information in the application with the results of the
2 criminal background check.

3 5. On February 9, 2015, the Department issued a letter to Respondent by mail
4 to his address of record, informing him that the fingerprint card that he submitted with
5 the application was illegible and had been returned by DPS.³ The Department
6 requested that Respondent submit a replacement set of fingerprints on or before March
7 11, 2015.

8 6. Mr. Fromholtz testified that the Department's policy is to send two letters to
9 licensees. After the Department did not receive a response to its first letter, on June 9,
10 2015, the Department sent a second letter to Respondent at his address of record
11 requesting that he submit a full set of fingerprints on or before July 9, 2015, and
12 informing him that if he failed to do so, the Department would take disciplinary action
13 against his License.⁴

14 7. Mr. Fromholtz testified that because the Department's policy is to send the
15 letters to different addresses and because both the February 9, 2015 and June 9, 2015
16 letters had been sent to Respondent's address of record, on July 31, 2015, the
17 Department sent a third letter to Respondent at an alternative address requesting that
18 he submit a full set of fingerprints on or before August 24, 2015, and informing him that
19 if he failed to do so, the Department would take disciplinary action against his license.⁵

20 8. The United States Postal Service returned the July 31, 2015 letter to the
21 Department as undeliverable.⁶

22 9. On December 22, 2015, the Department issued a Notice of Hearing that an
23 evidentiary hearing would be held at the Office of Administrative Hearings ("the OAH"),
24 an independent state agency, on January 26, 2016, at 1:00 p.m. The Department sent
25 the Notice of Hearing to Respondent at his address of record and at the alternative
26 address.

27
28 _____
29 ³ See the Department's Exhibit 3.

30 ⁴ See the Department's Exhibit 4.

⁵ See the Department's Exhibit 5.

⁶ See the Department's Exhibit 6.

1 10. The Department appeared for the duly noticed hearing, presented Mr.
2 Fromholtz' testimony, and submitted six exhibits.

3 11. Respondent did not request to appear telephonically and did not request
4 that the hearing be continued. Although the start of the duly noticed hearing was
5 delayed more than fifteen minutes to allow Respondent additional travel time,
6 Respondent did not appear, personally or through an attorney, and did not contact the
7 OAH to request that the start of the hearing be further delayed. Consequently,
8 Respondent did not present any evidence to defend his license.

9 12. Mr. Fromholtz testified that to date, Respondent had not responded to any
10 of the Department's letters and had not submitted to the Department a legible set of
11 fingerprints.

12 CONCLUSIONS OF LAW

13 1. This matter lies within the Department's jurisdiction.⁷

14 2. The Notices of Hearing that the Department mailed to Respondent at his
15 address of record and at an alternative address were reasonable. A.R.S. § 20-
16 286(C)(1) required Respondent to notify the Department within 30 days of any change
17 in his residential or business address. Respondent is deemed to have received notice
18 of the hearing.⁸

19 3. The Department bears the burden of proof to establish cause to discipline
20 Respondent's License by a preponderance of the evidence.⁹ "A preponderance of the
21 evidence is such proof as convinces the trier of fact that the contention is more
22 probably true than not."¹⁰

23 4. During the application process, pursuant to statute, the Department required
24 Respondent to submit a full set of fingerprints. Respondent's illegible fingerprint
25 submission did not satisfy the requirement set forth in A.R.S. § 20-285(E)(2).
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27

28 ⁷ See A.R.S. §§ 20-281 to 20-301.

29 ⁸ See A.R.S. §§ 41-1092.04; 41-1092.05(D).

30 ⁹ See A.R.S. § 41-1092.07(G)(1); A.A.C. R2-19-119; see also *Vazanno v. Superior Court*, 74 Ariz. 369,
372, 249 P.2d 837 (1952).

¹⁰ MORRIS K. UDALL, ARIZONA LAW OF EVIDENCE § 5 (1960).

1 5. Respondent thereby failed to submit a complete application, in violation of
2 A.R.S. § 20-295(A)(1).

3 6. Respondent's conduct, as set forth above, constitutes the violation of any
4 provision of A.R.S., Title 20, or any rule, subpoena, or order of the Department within
5 the meaning of A.R.S. § 20-295(A)(2).

6 7. Grounds exist for the Director of the Department to suspend, revoke, or
7 refuse to renew the License pursuant to A.R.S. § 20-295(A) and (F). Respondent's
8 failures to respond to the Department's letters or to appear at the hearing indicate that
9 at this time, he cannot be regulated.

10 **ORDER**

11 Based upon the above, Respondent's License shall be revoked on the effective
12 date of the Order entered in this matter.

13 *In the event of certification of the Administrative Law Judge Decision by the*
14 *Director of the Office of Administrative Hearings, the effective date of the Order will be*
15 *five days from the date of that certification.*

16 Done this day, February 1, 2016.

17
18 /s/ Diane Mihalsky
19 Administrative Law Judge

20 Transmitted electronically to:

21 Andy Tobin, Director
22 Arizona Department of Insurance
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