

FEB 17 2016

STATE OF ARIZONA
DEPARTMENT OF INSURANCE

DEPT OF INSURANCE
BY ms

In the Matter of:

MAIJALA, JAMES ISAAC
(Arizona License No. 1096930)
(National Producer No. 1732222)

No. 15A-147-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. 1096930, of **James Isaac Maijala** 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 James Maijala
12 c/o Bankers Life and Casualty Company
13 1839 S. Alma School Rd., #141
Mesa, AZ 85210
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
Phoenix, Arizona 85007-2926

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

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23 Maidene Scheiner

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RECEIVED

FEB 01 2016

IN THE OFFICE OF ADMINISTRATIVE HEARINGS

In the Matter of:

JAMES ISAAC MAIJALA
(Arizona License #1096930)

Respondent.

No. 15A-147-INS

ARIZONA DEPT. OF INSURANCE
ADMINISTRATIVE SERVICES

ADMINISTRATIVE LAW JUDGE

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; James Isaac Maijala ("Respondent") failed to appear.

ADMINISTRATIVE LAW JUDGE: Diane Mihalsky

FINDINGS OF FACT

1. On or about November 19, 2014, Respondent applied for an insurance license.¹ Respondent submitted a fingerprint card with the application.
2. The Department issued license number 1096930 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 business address of record, informing him that the fingerprint card that he
5 submitted with the application was illegible and had been returned by DPS.³ The
6 Department requested that Respondent submit a replacement set of fingerprints on or
7 before March 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 business address of
11 record 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 business address, on July 31, 2015, the
17 Department sent a third letter to Respondent at his residential address of record
18 requesting that he submit a full set of fingerprints on or before August 24, 2015, and
19 informing him that if he failed to do so, the Department would take disciplinary action
20 against his license.⁵

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

26 9. The Department appeared for the duly noticed hearing, presented Mr.
27 Fromholtz' testimony, and submitted five exhibits.

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29 ³ See the Department's Exhibit 3.

30 ⁴ See the Department's Exhibit 4.

⁵ See the Department's Exhibit 5.

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

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

8 **ORDER**

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

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

14 Done this day, February 1, 2016.

15 /s/ Diane Mihalsky
16 Administrative Law Judge

17 Transmitted electronically to:

18 Andy Tobin, Director
19 Arizona Department of Insurance
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