

OCT 5 2016

STATE OF ARIZONA  
DEPARTMENT OF INSURANCE

DEPT OF INSURANCE  
BY MS

In the Matter of:

**NIELD, TROY DOUGLAS**  
(Arizona License No. 1128819)  
(National Producer No. 8391297)

**No. 16A-058-INS**

**ORDER**

Respondent.

On September 29, 2016, 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 September 30, 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. 1128819, of **Troy Douglas Nield**, 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 4<sup>th</sup> day of October, 2016.

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

9  
10 COPY of the foregoing mailed this  
5<sup>th</sup> day of October, 2016 to:

11 Troy Douglas Nield  
12 7229 W. Ellis  
13 Laveen, AZ 85339  
Respondent

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

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

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

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23 Maidene Scheiner

24  
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IN THE OFFICE OF ADMINISTRATIVE HEARINGS

SEP 30 2016

DEPT. OF INSURANCE  
BY: gmk

In the Matter of:

No. 16A-058-INS

NIELD, TROY DOUGLAS  
(Arizona License #1128819)  
(National Producer # 8391297),

ADMINISTRATIVE LAW JUDGE  
DECISION

Respondent.

**HEARING:** September 27, 2016

**APPEARANCES:** No one appeared for Respondent; Liane Kido, Esq. for the  
Department of Insurance

**ADMINISTRATIVE LAW JUDGE:** Thomas Shedden

**FINDINGS OF FACT**

1. On August 4, 2016, the Arizona Department of Insurance ("Department") issued a Notice of Hearing setting the above-captioned matter for hearing at 1:00 p.m. September 27, 2016.
2. No representative for Respondent Troy Douglas Nield appeared at the scheduled time and the matter was convened in his absence at about 1:30 p.m.
3. On October 10, 2015, Respondent submitted to the Department an application for a property insurance producer's license. With the application, Respondent included a copy of his fingerprints.
4. The Department issued to Respondent License No. 1128819, which is scheduled to expire on August 31, 2019.
5. The Department forwarded Respondent's fingerprints the Arizona Department of Public Safety ("DPS") for a criminal records background check. Respondent's fingerprints were not of sufficient quality for use in conducting the background check.
6. An applicant who submits illegible fingerprints is considered by the Department to have submitted an incomplete application.

1 7. In a letter dated December 2, 2015, the Department informed Respondent that  
2 on or before January 4, 2016, he was required to submit to the Department a  
3 replacement set of fingerprints.

4 8. The Department did not receive from Respondent any response to its December  
5 2, 2015 letter.

6 9. In a letter dated February 4, 2016, the Department informed Respondent that it  
7 was preparing to initiate an administrative action against his license because he had  
8 failed to submit a full set of fingerprints.

9 10. The Department's February 4, 2016 letter also informed Respondent that on or  
10 before March 4, 2016, he was required to submit the replacement set of fingerprints, or  
11 in the alternative, he could surrender her license.

12 11. Respondent did not submit a replacement set of fingerprints and he did not  
13 surrendered his license.

14 12. The Department requested that Respondent's license be revoked.

#### 15 CONCLUSIONS OF LAW

16 1. The Department bears the burden of persuasion. ARIZ. REV. STAT. § 41-  
17 1092.07(G)(2).

18 2. The standard of proof on all issues is that of a preponderance of the evidence.  
19 Ariz. Admin. Code § R2-19-119.

20 3. A preponderance of the evidence is:

21 The greater weight of the evidence, not necessarily established  
22 by the greater number of witnesses testifying to a fact but by  
23 evidence that has the most convincing force; superior  
24 evidentiary weight that, though not sufficient to free the mind  
25 wholly from all reasonable doubt, is still sufficient to incline a fair  
26 and impartial mind to one side of the issue rather than the other.  
27 BLACK'S LAW DICTIONARY 1373 (10th ed. 2014).

28 4. With his application, Respondent was required to submit to the Department a  
29 complete set of fingerprints. Respondent's submission of fingerprints did not satisfy this  
30 requirement because the quality was not sufficient for DPS's use in conducting the  
required background check. See ARIZ. REV. STAT. § 20-285(E)(2).

5. Because Respondent did not submit fingerprints of sufficient quality, his  
application is incomplete, which is a violation of ARIZ. REV. STAT. section 20-295(A)(1).

1 6. Respondent's conduct constitutes a violation of ARIZ. REV. STAT., Title 20, which  
2 provides grounds for the Director of the Department to revoke Respondent's license.  
3 ARIZ. REV. STAT. § 20-295(A)(2).

4 **RECOMMENDED ORDER**

5 **IT IS ORDERED** that Respondent Troy Douglas Nield's License No. 1128819 is  
6 revoked.

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

10 Done this day, September 30, 2016.

11 /s/ Thomas Shedden  
12 Thomas Shedden  
13 Administrative Law Judge

14 Transmitted electronically to:

15 Leslie R. Hess, Interim Director  
16 Arizona Department of Insurance  
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