

JAN 18 2017

STATE OF ARIZONA DEPT OF INSURANCE
DEPARTMENT OF INSURANCE BY ms

In the Matter of:

DOBYNES, BRENDA RENEE
(Arizona License No. 1056480)
(National Producer No. 5063130)

No. 16A-086-INS

ORDER

Respondent.

On January 9, 2017, the Office of Administrative Hearings, through Administrative Law Judge Velva Moses-Thompson, issued an Administrative Law Judge Decision ("Recommended Decision"), received by the Director of the Department of Insurance ("Director") on January 9, 2017, 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:

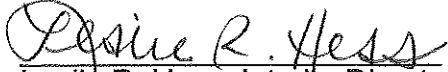
1. The Interim Director adopts the Recommended Findings of Fact and Conclusions of Law except the statutory reference on Page 3, Paragraph 7 which shall be changed from A.R.S. §.20-263(A)(1) to A.R.S. § 20-463(A)(1).
2. The Interim Director revokes the Arizona resident insurance producer license, No. 1056480, of **Brenda Renee Dobyne**s 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 13th day of January, 2017.

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

9 COPY of the foregoing mailed this
10 18th day of January, 2017, to:

11 Brenda Renee Dobyne
12 P.O. Box 51407
13 Mesa, Arizona 85208-0071
Respondent

14 Brenda Renee Dobyne
15 10661 E. Pantera Ave.
Mesa, Arizona 85212-1882
Respondent

16 Mary Kosinski, Regulatory Legal Affairs Officer
17 Catherine O'Neil, Consumer Legal Affairs Officer
Steven Fromholtz, Assistant Director – Consumer Protection Division
18 Wendy Greenwood, Investigator
Arizona Department of Insurance
19 2910 North 44th Street, Suite 210
Phoenix, Arizona 85018

20 Liane Kido
21 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

JAN 09 2017

DEPT. OF INSURANCE

BY: mk

IN THE OFFICE OF ADMINISTRATIVE HEARINGS

In the Matter of:

No. 16A-086-INS

DOBYNES, BRENDA RENEE,
(Arizona License Number 1056480)
(National Producer Number 5063130),

ADMINISTRATIVE LAW JUDGE

Respondent.

DECISION

HEARING: December 20, 2016

APPEARANCES: Respondent did not appear. Liane Kido, Esq. appeared on behalf of the Arizona Department of Insurance.

ADMINISTRATIVE LAW JUDGE: Velva Moses-Thompson

FINDINGS OF FACT

1. Respondent Brenda Renee Dobyne, (hereinafter "Respondent") was at all material times, licensed as an Arizona resident life, property, casualty, and accident/health insurance producer. Respondent's Arizona license number expires on February 28, 2017.

2. Respondent's business address of record is 10661 East Pantera Avenue, Mesa, Arizona 85212-1882. Respondent's mailing address of record is P.O. Box 51407, Mesa, Arizona 85208-0071.

3. On or about December 24, 2015, Allstate informed the Department by writing that it had terminated Respondent for-cause for falsifying documents.

4. On or about March 14, 2016, the Department received an e-mail from Allstate regarding which contained more information regarding the reasons why it terminated Respondent's employment. According to Allstate, Respondent falsified a print out of a county record regarding a homeowner policy. The information included a December 16, 2015 email from Respondent which stated in relevant part, "I made a huge mistake: Out of desperation to achieve my goal! As well as the agents goal! Not thinking

1 properly! This was not a maliscious [sic] act! Just desperation [sic] and anxious
2 anxiety.”

3 5. On or about March 16, 2016, Allstate mailed a copy of the falsified document
4 to the Department. Respondent substituted the name of her applicant/policy/holder of
5 the first-named property owner (one of two owners) on a Pinal County Treasurer’s Tax
6 Summary. Dobyne’s also altered the document by increasing the font size for the name
7 of her policyholder, and writing the name in reverse sequence (first name/last name
8 instead of the last name/first name). Respondent made it appear that the applicant
9 owned a home which afforded a better rate on the premium being charged by altering
10 the document.

11 6. On or about May 16, 2016, the Department obtained the original document
12 from the Pinal County Treasurer’s website.

13 7. On May 23, 2016, Respondent voluntarily appeared at the Department’s
14 offices for an Examination under Oath (hereinafter “EUO”). Respondent confirmed
15 altering the subject document at the EUO.

16 8. Respondent also advised that she had moved on November 1, 2015 at the
17 EUO.

18 9. Respondent did not notify the Department of her new residential and business
19 address within the statutorily-mandated thirty days.

20 **CONCLUSIONS OF LAW**

21 1. This matter lies within the Department’s jurisdiction.¹

22 2. The Notice of Hearing that the Department mailed to Respondent at her
23 address of record was reasonable, and Respondent is deemed to have received notice
24 of the hearing.²

25 3. This matter is a disciplinary proceeding wherein the Department must prove
26 by a preponderance of the evidence that Respondent violated the State’s Insurance
27 Laws.³

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¹ See A.R.S. §§ 20-281 to 20-302.

30 ² See A.R.S. §§ 41-1092.04; 41-1092.05(D).

³ See A.A.C. R2-19-119.

1 4. The Department has established by a preponderance of the evidence that
2 Respondent violated Title 20, within the meaning of A.R.S. § 20-295(A)(2).

3 5. The Department has established by a preponderance of the evidence that
4 Respondent intentionally misrepresented the terms of a proposed application for
5 insurance within the meaning A.R.S. § 20-295(A)(5).

6 6. The Department has established by a preponderance of the evidence that
7 Respondent used dishonest practices and demonstrated untrustworthiness in the
8 conduct of business in this state or elsewhere within the meaning of A.R.S. § 20-
9 295(A)(8).

10 7. The Department has established by a preponderance of the evidence that
11 Respondent used fraudulent practices by knowingly preparing an application for
12 insurance that contained untrue statements of material fact within the meaning of A.R.S.
13 § 20-263(A)(1).

14 8. The Department has established by a preponderance of the evidence that
15 Respondent failed to inform the Interim Director in writing within 30 days of a change in
16 residential address within the meaning of A.R.S. § 20-286(C)(1).

17 9. Grounds exist for the Director of the Department to suspend, revoke, or
18 refuse to renew the License pursuant to A.R.S. § 20-295(A).

19 **ORDER**

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

22 *In the event of certification of the Administrative Law Judge Decision by the*
23 *Director of the Office of Administrative Hearings, the effective date of the Order will be*
24 *five (5) days from the date of that certification.*

25 Done this day, January 9, 2017.

26 /s/ Velva Moses-Thompson
27 Administrative Law Judge
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1 Transmitted electronically to:

2 Leslie R. Hess, Interim Director
3 Arizona Department of Insurance

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