



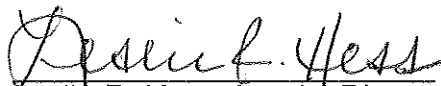
1 **Requesting a Rehearing:**

2 Pursuant to A.R.S. § 41-1092.09, a party may request a rehearing with respect to the  
3 final administrative decision by filing a written motion with the Interim Director of the  
4 Department of Insurance within 30 days of receipt of the final administrative decision. The  
5 motion must set forth the basis for relief under A.A.C. R20-6-114(B).

6 **Appealing the Final Administrative Decision:**

7 A party may appeal the final administrative decision to the Superior Court of Maricopa  
8 County for judicial review pursuant to A.R.S. §§ 20-166 and 41-1092.08. It is not necessary to  
9 request a rehearing before filing an appeal to Superior Court. A.R.S. § 41-1092.08. A party  
10 filing an appeal must notify the Office of Administrative Hearings of the appeal within ten days  
11 after filing the complaint commencing the appeal, pursuant to A.R.S. § 12-904(B).

12 DATED this 26<sup>th</sup> day of January, 2017.

13   
14 Leslie R. Hess, Interim Director  
15 Arizona Department of Insurance

16 COPY of the forgoing mailed/delivered  
17 this 27<sup>th</sup> day of January, 2017, to:

18 Robin Wade Lippitt  
19 1415 E. Baseline Rd.  
20 Phoenix, AZ 85042  
21 Petitioner

22 Robin Wade Lippitt  
23 c/o OPES Financial Solutions  
4742 N. 24<sup>th</sup> St., Suite 300  
Phoenix, AZ 85016  
Respondent

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

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

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

*Maidene Scheiner*  
Maidene Scheiner

JAN 12 2017

IN THE OFFICE OF ADMINISTRATIVE HEARINGS

In the Matter of the Application for the  
Insurance License for:

No. 16A-137-INS

DEPT. OF INSURANCE

BY: MEK

ROBIN WADE LIPPITT, Petitioner.

ADMINISTRATIVE LAW JUDGE  
DECISION

**HEARING: December 22, 2016**

**APPEARANCES:** Petitioner Robin Wade Lippett represented himself. Assistant Attorney General Liane Kido represented the Arizona Department of Insurance.

**ADMINISTRATIVE LAW JUDGE:** Kay A. Abramsohn

**FINDINGS OF FACT**

1. On or about October 12, 2016, Robin Wade Lippitt submitted an Application for an Insurance License for an Individual ("Application") with the Arizona Department of Insurance ("Department"). See Exhibit 1.

2. In Section V, Additional Information, Mr. Lippitt answered "Yes" to Question C, Subpart 1. Question C asked: "Have you EVER been found guilty of, have you had a judgment made against you for, or have you admitted to, any of the following." Mr. Lippitt answered yes to Subpart 1, "A felony (of any kind)?" Mr. Lippitt also answered "Yes" to Question C, Subpart 4: Withholding, misappropriating, converting or stealing money or property?"

3. Mr. Lippitt provided a two page typed letter thoroughly explaining his past substance abuse, criminal activities, and incarcerations. See Exhibit 1. Mr. Lippitt argued therein that he was reformed and was diligently rebuilding his life, having paid his debt to society. Mr. Lippitt noted that the U.S. Department of Labor had issued rulings stating that discrimination against people with a criminal history unrelated to their profession is a form a discrimination in violation of the Equal Employment Opportunity Act.<sup>1</sup>

4. In its letter dated October 25, 2016, the Department informed Mr. Lippitt that his application had been denied. See Exhibit 2.

5. Mr. Lippitt requested a hearing. See Exhibit 3.

<sup>1</sup> Mr. Lippitt also indicated that the Department of Labor had created a bonding program that promoted the hiring and licensing of persons with a criminal past unrelated to their profession. Copies of such rulings were not provided to the hearing record.

1           6.     The Notice of Hearing shows that the Department denied Mr. Lippitt's  
2 application based on A.R.S. § 20-295(A)(6), the statutory provision giving the  
3 Department the discretionary authority to deny an applicant's request for a license when  
4 the applicant has been convicted of a felony.

5           7.     On or about August 19, 1991, Mr. Lippitt was convicted of a felony offense,  
6 Armed Robbery, in Case No. 91-CR-633, in Circuit Branch #4, Rock County Wisconsin.<sup>2</sup>  
7 See Exhibit 4. He was sentenced to seven (7) years in prison.

8           8.     On or about November 30, 1995, Mr. Lippitt was convicted of two felony  
9 offenses, Conspiracy to Manufacture Methamphetamine and Possession with Intent to  
10 Distribute, in Case No. 3:95CR00036-002, in U.S. District Court, Western District of  
11 Wisconsin.<sup>3</sup> See Exhibit 5. He was sentenced to forty-six (46) months in prison and five  
12 (5) years of probation on his release.

13           9.     On or about November 21, 1995, the State of Wisconsin filed a criminal  
14 complaint against Mr. Lippitt in Walworth County, in Case No. 99-CF-344, alleging that he  
15 and accomplices burglarized a home and stole property from that home.<sup>4</sup> See Exhibit 6.  
16 He was later convicted of burglary and theft in that case.

17           10.    On or about August 29, 1997, Mr. Lippitt was convicted of Possession of  
18 Contraband in Prison, in Case No. 1:97CR10030-001, in U.S. District Court, Central  
19 District of Illinois.<sup>5</sup> See Exhibit 7. He was sentenced to thirty-seven (37) months in prison  
20 to be served consecutively with the sentence in Case No. 3:95CR00036-002.

21           11.    On or about April 18, 2005, Mr. Lippitt was convicted of a felony offense,  
22 Importation of Marijuana, in Case No. CR 04-02238-001-TUC-CKJ(GEE), in U.S. District  
23 Court, District of Arizona.<sup>6</sup> See Exhibit 8. He was sentenced to twenty-seven (27)  
24 months in prison and thirty-six (36) months of supervised release.

25           12.    On or about February 25, 2009, Mr. Lippitt was convicted of Possession of  
26 Contraband in Prison, in Case No. CR 08-00984-R, in U.S. District Court, Central District  
27 of California. See Exhibit 9. He was sentenced to forty-one (41) months in prison

28 <sup>2</sup> This conviction stemmed from a March 1991 incident. See Exhibit 4A.

29 <sup>3</sup> This conviction stemmed from a March 1995 incident.

30 <sup>4</sup> This conviction stemmed from a March 1995 incident.

<sup>5</sup> This conviction stemmed from an August 1996 incident.

<sup>6</sup> Mr. Lippitt had entered a guilty plea in February of 2005.

1 consecutive with time served and, upon his release, one year supervised release; he was  
2 subsequently moved to a Pennsylvania facility.

3 13. On or about May 8, 2011, Mr. Lippitt was convicted of Assault Resulting in  
4 Serious Bodily Injury, in Case No. 09-00131-GAF-1, in U.S. District Court, Central District  
5 of California. See Exhibit 10. He was sentenced to fifty-two (52) months in prison to be  
6 served consecutively with the sentence in Case No. CR08-00984-R.

7 14. On or about October 1, 2012, Mr. Lippitt was convicted of Possession of  
8 Heroin, in Case No. 04F09298X, in Justice Court, Las Vegas Township, Clark County  
9 Regional Justice Center.<sup>7</sup> See Exhibit 11. He was sentenced to six (6) months in prison  
10 to run concurrently with his sentence from the prison assault conviction.

11 15. At hearing, Mr. Lippitt was forthcoming and open about his past, not  
12 making any excuses for his past actions. He did not dispute his background having  
13 raised departmental concerns regarding licensure but argued that these convictions with  
14 the exception of the prison assault (which he since realized was not a fruitful action)  
15 were years ago, or were based on actions he took years ago, and that ten years had  
16 passed. Mr. Lippitt argued that he had made substantial changes in his life and should  
17 not be prevented from making a living. Mr. Lippitt acknowledged that he has  
18 approximately two more years of probation.

19 16. Since his release from prison in August 2015, Mr. Lippitt lived in a  
20 transitional halfway house for 6 months and moved to Arizona in May of 2016 from Los  
21 Angeles where he had driven for Uber with over 1000 rides in her personal vehicle with  
22 no incidents. Mr. Lippitt is driving for Lyft with over 1000 rides to date. Mr. Lippitt is  
23 now drug-free for 3½ years.

24 17. Mr. Lippitt is in training with OPES Financial Solutions, a company that  
25 educates the public about equity annuities and alternatives to retirement accounts.

26 18. Mr. Lippitt did not present any character witnesses; however, he indicated  
27 that persons from OPES had offered to come to the hearing with him but he had told  
28 them it was not necessary as it was so close to the holidays.  
29

30 \_\_\_\_\_  
<sup>7</sup> This conviction stemmed from a 2004 arrest.



1 deny Mr. Lippitt's application, the Administrative Law Judge concludes that Mr. Lippitt's  
2 application should be granted.

3 **RECOMMENDED ORDER**

4 **IT IS ORDERED** that Robin Wade Lippitt's appeal be granted.

5 *In the event of certification of the Administrative Law Judge Decision by the*  
6 *Director of the Office of Administrative Hearings, the effective date of the Order will be*  
7 *five days after the date of that certification.*

8 Done this day, January 11, 2017.

9  
10 /s/ Kay A. Abramsohn  
11 Administrative Law Judge

12  
13 Transmitted electronically to:

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