

FEB 15 1995

STATE OF ARIZONA

DEPARTMENT OF INSURANCE

DEPARTMENT OF INSURANCE  
By                     

In the Matter of	)	Docket No. 8499
	)	
KEVIN R. CHMIEL, ROBERT L.	)	ORDER ON REQUEST
DITCHEY, II and FIRST RATE	)	FOR REHEARING
INSURANCE, INC.,	)	
	)	
Respondents.	)	
_____	)	

On January 27, 1995, the Arizona Department of Insurance ("the Department") received via facsimile a Request for Rehearing that was sent by Respondent Robert L. Ditchey, II ("Ditchey"). While it appears that the receipt of a request for rehearing via facsimile does not comply with the service requirements set forth in A.A.C. R4-14-103, the Department stamped Ditchey's Request for Rehearing so as to indicate that it had been filed with the Department on January 27, 1995. At this time, the Department has not raised as an issue whether there was proper service of the Request for Rehearing upon the Director.

Pursuant to A.A.C. R4-14-114 requests for rehearing or review of an order of the Director must be made within 30 days after service of the Director's order on the hearing. A.A.C. R4-14-113(B) prohibits the Director or hearing officer from extending that time limit.

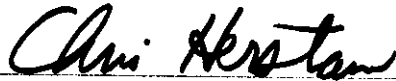
On December 27, 1994, the order on the hearing of this matter was served upon the parties by mail. In accordance with A.A.C. R4-14-114, a request for rehearing or review of the Director's order in this matter dated December 27, 1994 should have been served upon the Director on or before January 26, 1995. Respondent Ditchey's Request for Rehearing was not served

1 upon the Director within the prescribed 30 day time period and is  
2 untimely.

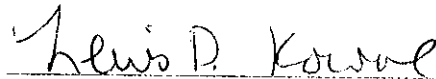
3           However, even if Ditchey's Request for Rehearing had  
4 been properly served in a timely manner, a review of the issues  
5 raised by the parties and the record of this matter including all  
6 pleadings, motions, testimony and exhibits admitted during the  
7 hearing of this matter, shows that the December 27, 1994 Order is  
8 fully supported by law and fact and Ditchey's Request for  
9 Rehearing would be denied on that basis.

10           IT IS HEREBY ORDERED that the Request for Rehearing  
11 filed by Respondent Robert L. Ditchey, II is denied.

12           DATED this 15<sup>th</sup> day of February, 1995.

13  
14 

15 CHRIS HERSTAM  
16 Director of Insurance

17 


18 LEWIS D. KOWAL  
19 Administrative Law Judge

20 COPY of the foregoing mailed/delivered  
21 this 15th day of February, 1995, to:

22 Gay Ann Williams, Deputy Director  
23 Charles R. Cohen, Executive Assistant Director  
24 John Gagne, Acting Manager, Investigations  
25 Maureen Catalioto, Supervisor, Licensing  
26 Department of Insurance  
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- 4 Kevin Chmiel  
5 2900 W. Highland, #261  
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- 7 Kevin Chmiel  
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9 Omaha, NE 68144
- 10 Century-National Insurance Company  
11 P.O. Box 3999  
12 North Hollywood, CA 91609
- 13 Midland Risk Insurance Company  
14 825 Crossover Lane, #112  
15 Memphis, TN 38117-4936
- 16 Prestige Casualty Company  
17 5454 W. Fargo Ave.  
18 Skokie, IL 60077
- 19 Coronet Insurance Company  
20 c/o Insurance Service Underwriters  
21 8723 E. Via De Commercio  
22 Scottsdale, AZ 85258
- 23 Phoenix Indemnity Insurance Company  
24 P.O. Box 52166  
25 Phoenix, AZ 85072
- 26 Safeway Insurance Company  
27 500 S. Racine Ave.  
28 Chicago, IL 60607
- 29 Mark Weight  
30 Emerald Finance Company  
31 1750 S. Mesa Dr., #100  
32 Mesa, AZ 85210
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- 37   
38 Chris Crawford