

NOV 4 1996

DEPT. OF INSURANCE
BY RDJ

STATE OF ARIZONA
DEPARTMENT OF INSURANCE

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In the Matter of:)	Docket No. 96A-068-INS
)	
RONALD VON SHUMAKER)	ORDER
)	
Respondent.)	
)	
)	

On October 8, 1996, the Office of Administrative Hearings, through Administrative Law Judge Lewis D. Kowal submitted "Recommended Decision of Administrative Law Judge" ("Recommended Decision"), a copy of which is attached and incorporated by this reference. The Director of the Arizona Department of Insurance has reviewed the Recommended Decision, and enters the following order:

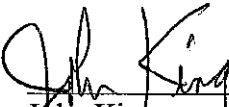
1. The recommended findings of fact and conclusions of law are adopted.
2. All insurance licenses issued to Ronald Von Shumaker are immediately revoked.

NOTIFICATION OF RIGHTS

The aggrieved party may request a rehearing with respect to this Order by filing a written petition with the Office of Administrative Hearings within 30 days of the date of this Order, setting forth the basis for such relief pursuant to A.A.C. R20-6-114(B).

1 The final decision of the Director may be appealed to the Superior Court of Maricopa
2 County for judicial review pursuant to A.R.S. § 20-166.

3 EFFECTIVE this 4th day of November, 1996

4
5 
6 John King
Director of Insurance

7 A copy of the foregoing mailed
8 this 4th day of Nov., 1996

9 Charles R. Cohen, Deputy Director
10 Gregory Y. Harris, Executive Assistant Director
11 Catherine O'Neil, Assistant Director
12 John Gagne, Assistant Director
13 Maureen Catalioto, Supervisor
14 Arnold Sniegowski, Investigator
15 Department of Insurance
16 2910 North 44th Street, Suite 210
17 Phoenix, AZ 85018

18 Office of Administrative Hearings
19 1700 West Washington, Suite 602
20 Phoenix, AZ 85007

21 Kathryn Leonard
22 Assistant Attorney General
23 1275 West Washington
Phoenix, AZ 85012

Ronald Von Shumaker
3924 E. Devonshire
Phoenix, AZ 85014

Mr. Michael Corcoran
P.O. Box 26170
Tempe, AZ 85285-6170

...

...

1 Mr. Obie Weaver
Agency One
2 Weaver Insurance Group, Inc.
405 W. Southern, #1
3 Tempe, AZ 85282

4
5 Mr. James Mann
Horizon Insurance Group
2960 East Northern, #C126
6 Phoenix, AZ 85028

7 *Rosemary D. Padilla*
8 _____

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Office of Administrative Hearings

1700 West Washington, Suite 602 - Phoenix, Arizona 85007
Telephone (602)-542-9826 FAX (602)-542-9827

STATE OF ARIZONA
RECEIVED

OCT 9 1996

Cliff Vanell
INSURANCE DEPT.

Fife Symington
Governor

October 8, 1996

John King, Director
Department of Insurance
2910 North 44th Street, #210
Phoenix AZ 85018-7256

ATTN: Curvey Burton

Re: 96A-068-INS

In the Matter of:


RONALD VON SHUMAKER

Respondent.

Dear Mr. King:

Please find the decision of the Office of Administrative Hearings for the above entitled matter.

Sincerely,



Cliff J. Vanell
Director



Mission Statement: We will contribute to the quality of life in the State of Arizona by fairly and impartially hearing the contested matters of our fellow citizens arising out of State regulation.

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IN THE OFFICE OF ADMINISTRATIVE HEARINGS

In the Matter of:

No. 96A-068-INS

RONALD VON SHUMAKER

**RECOMMENDED DECISION
OF ADMINISTRATIVE
LAW JUDGE**

Respondent.

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HEARING: October 3, 1996

APPEARANCES: Assistant Attorney General Kathryn Leonard appeared on behalf of the Arizona Department of Insurance. Ronald Von Shumaker appeared on his own behalf.

ADMINISTRATIVE LAW JUDGE: Lewis D. Kowal

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Based upon the record in this matter, the following Findings of Fact, Conclusions of Law and Recommended Order are made:

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FINDINGS OF FACT

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1. At all times material to this matter, Ronald Von Shumaker was licensed as an insurance agent by the Arizona Department of Insurance (the "Department").
 2. Mr. Shumaker's Arizona insurance agent license expired in July, 1996 and has not been renewed.
 3. From March, 1994 through July 10, 1995, Mr. Shumaker worked at Agency One/Weaver Insurance Group, Inc. ("Agency One") as an insurance agent.
 4. In November, 1994, Michael Corcoran purchased a motor vehicle liability and renter's insurance policy from Mr. Shumaker at Agency One's office.
 5. In September, 1995, Mr. Corcoran was contacted by Agency One which left a message on his answering machine inquiring as to why Mr. Corcoran had left that agency.

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1700 West Washington, Suite 602
Phoenix, Arizona 85007
(602) 542-9826

1 6. Subsequent to Agency One's above-mentioned telephone message, Mr.
2 Corcoran placed a telephone call to Agency One and spoke with Obie Weaver. Mr.
3 Weaver informed Mr. Corcoran that Agency One had in its possession an agent of
4 record form purportedly signed by Mr. Corcoran which listed the agent of record for Mr.
5 Corcoran as being Horizon Insurance Group, Inc. ("Horizon"), effective September 22,
6 1995. During that telephone conversation, Mr. Corcoran informed Mr. Weaver that he
7 had not switched insurance agencies.

8 7. Mr. Corcoran credibly testified at the hearing that he did not sign the above-
9 mentioned agent of record form nor did he authorize Mr. Shumaker to sign an agent of
10 record form on his behalf.

11 8. At all times material to this matter, the accounts of Agency One belonged to
12 Agency One unless an agent of record form transferred the account to another agency.
13 Those accounts were not owned by individual agents.

14 9. It is undisputed that Mr. Shumaker was terminated from his employment
15 with Agency One in July, 1995. Approximately six months later, Mr. Shumaker was
16 employed by Horizon as an insurance agent.

17 10. Mr. Shumaker testified that he signed Mr. Corcoran's name to the above-
18 mentioned agent of record form. However, Mr. Shumaker contended that he signed Mr.
19 Corcoran's name on that document after he had a telephone conversation with Mr.
20 Corcoran wherein Mr. Corcoran authorized Mr. Shumaker to sign the agent of record
21 form. Mr. Shumaker did not present any evidence to corroborate that contention.

22 11. Mr. Corcoran credibly testified that he did not have a telephone
23 conversation with Mr. Shumaker concerning the agent of record form.

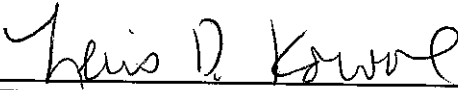
24 12. The weight of the evidence established that Mr. Shumaker signed Mr.
25 Corcoran's name to the agent of record form without the knowledge or consent of Mr.
26 Corcoran.

27 13. Upon receiving a complaint from Mr. Weaver concerning the activities of
28 Mr. Shumaker, Arnold Sniegowski, Investigator Supervisor with the Department,
29 conducted an investigation.
30

RECOMMENDED ORDER

The Administrative Law Judge recommends that all insurance licenses issued to Ronald Von Shumaker be immediately revoked.

Done this day, October 8, 1996.



LEWIS D. KOWAL
Administrative Law Judge

Original transmitted by mail this
8 day of October, 1996, to:

John King, Director
ATTN: Curvey Burton
Department of Insurance
2910 North 44th Street, #210
Phoenix, AZ 85018-7256

By 