STATE OF ARIZONA
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DEPT. OF INSURANCE
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STATE OF ARIZONA

DEPARTMENT OF INSURANCE

In the Matter of:	)	Docket No. 98A-162-INS
	)	
CURTIS LESTER ABBOTT,	)	**ORDER**
	)	
Respondent.	)	
	)	

On December 28, 1998, the Office of Administrative Hearings, through Administrative Law Judge Lewis D. Kowal, issued a Recommended Decision of Administrative Law Judge ("Recommended Decision"), a copy of which is attached and incorporated by this reference. The Director of the 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 by the Department to the Respondent are revoked.

NOTIFICATION OF RIGHTS

Pursuant to A.R.S. § 41-1092.09, the aggrieved party may request a rehearing with respect to this Order by filing a written motion with the 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).

The final decision of the Director may be appealed to the Superior Court of Maricopa County for judicial review pursuant to A.R.S. §§ 12-904 and 20-166. A party filing an appeal must

notify the Office of Administrative Hearings of the appeal within ten days after filing the complaint commencing the appeal, pursuant to A.R.S. § 12-904(B).

PAY TO THE ORDER OF ANY BANK
FOR DEPOSIT ONLY

JAN 04 1999

STATE TREASURER OF ARIZONA
INSURANCE DEPARTMENT

DATED this 4th of January, 1999

Charles R. Cohen
Director of Insurance

A copy of the foregoing mailed
this 4 day of January, 1999

Gerrie L. Marks, Executive Assistant for Regulatory Affairs
John Gagne, Assistant Director
Catherine O'Neil, Consumer Affairs Legal Officer
Arnold Sniegowski, Investigations Supervisor
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Pioneer Life Insurance Company
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Schaumberg, IL 60173

Kathy Heider

IN THE OFFICE OF ADMINISTRATIVE HEARINGS

In the Matter of:	No. 98A-162-INS
CURTIS LESTER ABBOTT, Respondent.	**RECOMMENDED DECISION OF ADMINISTRATIVE LAW JUDGE**

HEARING: December 14, 1998

APPEARANCES: Assistant Attorney General Michael J. De La Cruz on behalf of the Arizona Department of Insurance; Respondent did not appear at the hearing

ADMINISTRATIVE LAW JUDGE: Lewis D. Kowal

FINDINGS OF FACT

1. Respondent Curtis Lester Abbott ("Respondent") is currently, and was at all material times, licensed as a life and disability insurance agent.

2. On May 19, 1997, Respondent filed an application to renew his life and disability insurance agent's license with the Department (the "1997 Renewal Application")

3. Respondent answered "No" to Section V, Question C of the 1997 Renewal Application which asks:

> Have you had any professional, vocational, business license or certification refused, denied, suspended, revoked or restricted or a fine imposed by any public authority that has not previously been disclosed by you to this agency in a license application?

4. Respondent answered "No" to Section V, Question E of the 1997 Renewal Application which asks:

> Have you had any judgment, order or other determination been issued or made against you in any criminal, civil, administrative or other judicial or quasi-judicial proceeding of any kind in any jurisdiction that has not

previously been disclosed by you to this agency in a license application based on any of the following:

1. Misappropriation, conversion or the withholding of moneys?
2. Incompetence or a source of injury and/or loss to anyone?
3. Dishonesty in business or financial matters?
4. Fraud or misrepresentation?
5. Any cause arising out of an insurance transaction?
6. Any other reason?

5. On March 25, 1996, Respondent's Florida insurance licenses were suspended by the Florida Department of Insurance for misappropriating premiums from elderly Florida consumers.

6. Respondent failed to disclose on the 1997 Renewal Application the above-described suspension of his Florida insurance licenses.

7. On September 22, 1997, an Information was filed in the Circuit Court in and for Sarasota County, Florida, State of Florida v. Curtis L. Abbott, Case No. 97-14697F ("Case No. 97-l4697F") charging Respondent with one count, Grand Theft, a Third Degree Felony. The Information was based on allegations that Respondent knowingly and unlawfully obtained or used or endeavored to obtain or use, certain property of another, namely, monies belonging to others, with the intent to either permanently or temporarily deprive the persons of a right to the property or the benefit therefrom, or to appropriate the property to his own use or to the use of any person not entitled to the property.

8. On June 25, 1998, the Court entered a Judgment in Case No. 97-14697F, convicting Respondent of one count, Grand Theft, a Third Degree Felony. The Court ordered that Respondent be placed on probation for a period of four and one-half years.

9. Respondent did not present any evidence to refute or rebut the evidence presented by the Department as set forth above.

CONCLUSIONS OF LAW

1. Respondent's conduct, as set forth above in the Findings of Fact, constitutes the wilful misrepresentation of any fact required to be disclosed in any application or accompanying statement, in violation of A.R.S. §20-291(G).

2. Respondent's conduct, as set forth above in the Findings of Fact, constitutes

the wilful violation of, or wilful noncompliance with, any provision of this title, or any lawful rule, regulation or order of the director, in violation of A.R.S. § 20-316 (A) (2).

3. Respondent's conduct as set forth above in the Findings of Fact, constitutes the existence of misrepresentation or fraud in obtaining or attempting to obtain any insurance license, in violation of A.R.S. § 20-316 (A) (3).

4. The above-mentioned suspension established that Respondent has a record of suspension or revocation of an insurance license in any jurisdiction, in violation of A.R.S.§ 20-316(A) (5).

5. The above-mentioned suspension established that Respondent has a record of dishonesty in business or financial matters, in violation of A.R.S. § 20-316(A) (1) together with A.R.S. § 20-290 (B) (2).

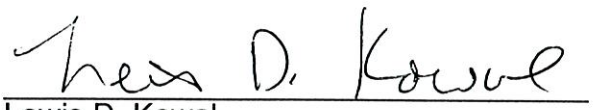
6. The Judgment in Case No. 97-14697F, as set forth above in the Findings of Fact, constitutes a conviction by final judgment of a felony involving moral turpitude, in violation of A.R.S. § 20-316 (A) (6).

7. Grounds exist for the Director to suspend, revoke or refuse to renew Respondent's insurance licenses and/or impose a civil penalty upon him pursuant to A.R.S.§§ 20-290, 20-316 (A) and 20-316(C).

RECOMMENDED ORDER

Based on the above, all insurance licenses issued by the Department to the Respondent shall be revoked.

Done this day, December 28 , 1998.



Lewis D. Kowal
Administrative Law Judge

Original transmitted by mail this
28 day of December, 1998, to:

Mr. Charles R. Cohen, Director
Department of Insurance
2910 North 44th Street, Ste. 210
Phoenix, AZ 85018

Attention: Curvey Burton

By Chris Crawford Thomson