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STATE OF ARIZONA
DEPARTMENT OF INSURANCE

In the Matter of:

AUSTIN, ANGELA MARIE
(National Producer No. 18693856)

Respondent.

No. 19A-114-INS
ORDER

On February 28, 2020, 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 Arizona Department of Insurance ("Director") on March 2, 2020, a copy of which is attached and incorporated by this reference. The Director has reviewed the Recommended Decision and enters the following:

1. The Director adopts the Recommended Findings of Fact, except to correct the following:

Page 1, line 15, should read "December **20**, 2019"

Page 3, line 6, should read ""AFLAC complaint **and** the Department's"

In the Administrative Law Judge Decision Jeffrey Evanson should read "**Jeff Eavenson**"

The Director adopts the Conclusions of Law and Recommended Order.

2. The Director orders that Angela Marie Austin's insurance producer license number 18693856 is revoked, effective immediately.

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1 **NOTIFICATION OF RIGHTS**

2 Pursuant to Arizona Revised Statutes ("A.R.S.") § 41-1092.09, Respondent may
3 request a rehearing with respect to this order by filing a written motion with the Director of
4 the Department of Insurance within 30 days of the date of this Order, setting forth the basis
5 for relief under A.A.C. R20-6-114(B). Pursuant to A.R.S. § 41-1092.09, it is not necessary
6 to request a rehearing before filing an appeal to Superior Court.

7 Respondent may appeal the final decision of the Director to the Superior Court of
8 Maricopa County for judicial review pursuant to A.R.S. § 20-166. A party filing an appeal
9 must notify the Office of Administrative Hearings of the appeal within ten days after filing
10 the complaint commencing the appeal, pursuant to A.R.S. § 12-904(B).

11 DATED this 3rd day of March, 2020.

12 
13 _____
14 Christina Coreri, Interim Director
15 Arizona Department of Insurance

16
17 **COPY** of the foregoing electronically transmitted
18 this this 5th day of March, 2020, to:

19 Velva Moses-Thompson, Administrative Law Judge
20 Office of Administrative Hearings
<https://portal.azoah.com/submission>

21 **COPY** of the foregoing mailed same date
22 by U.S. First-Class Mail and Certified Mail,
23 Return Receipt requested, to:

24 Angela Marie Austin
25 1923 Artesia Drive
26 Bullhead City, AZ 86442
Respondent

9489 0090 0027 6152 2619 99

1 **COPY** of the foregoing delivered, same date, to:

2 Deian Ousounov, Regulatory Legal Affairs Officer
3 Ana Starcevic, Paralegal Project Specialist
4 Catherine O'Neil, Consumer Legal Affairs Officer
5 Steven Fromholtz, Division Manager
6 Aqueelah Currie, Licensing Supervisor
7 Linda Lutz, Legal Assistant
8 Arizona Department of Insurance
9 100 North 15th Ave., Suite 261
10 Phoenix, Arizona 85007-2624

11 **COPY** sent same date via electronic mail to:

12 Angela Marie Austion
13 Aaustin1025@gmail.com

14 Respondent

15 Lynette Evans, Assistant Attorney General
16 AdminLaw@azag.gov
17 Attorney for the Arizona Department of Insurance

18 Felicia DelSol
19 Felicia.DelSol@azoah.com
20 Office of Administrative Hearings

21 
22 Francine Juarez

23
24
25
26

MAR 02 2020

DEPT. OF INSURANCE
BY: AS 03/02/2020

IN THE OFFICE OF ADMINISTRATIVE HEARINGS

In the Matter of:

AUSTIN, ANGELA MARIE
(National Producer No. 18693856)

Respondent.

No. 19A-114-INS-RES

ADMINISTRATIVE LAW JUDGE
DECISION

HEARING: February 11, 2020

APPEARANCES: Respondent Angela Marie Austin did not appear. Assistant Attorney General Deian Ousounov appeared on behalf of the Arizona Department of Insurance.

ADMINISTRATIVE LAW JUDGE: Velva Moses-Thompson

FINDINGS OF FACT

1. On December 18, 2019, the Arizona Department of Insurance (Department) issued a Notice of Hearing and Complaint setting the above-captioned matter for hearing at 1:00 p.m. on February 11, 2020 at the Office of Administrative Hearings in Phoenix, Arizona.

2. Respondent did not appear at the scheduled time and the matter was convened in her absence at about 1:15 p.m.

3. The Department presented the testimony of Department Investigator Jeffrey Evanson, and submitted exhibits 1 through 7.

4. Respondent Angela Marie Austin was at all material times, licensed as an Arizona resident insurance producer with a line of authority in accident and health or sickness insurance, National Producer Number 18693856.¹

5. Respondent's Arizona license number expires on October 31, 2021.² Respondent's addresses of record are 1923 Artesia Drive, Bullhead City, AZ 86442 (business and mailing) and aaustin1025@gmail.com (e-mail).³

¹ See Exhibit 1.

² See Exhibit 1.

³ See id.

1 6. On or about September 6, 2018, American Family Life Assurance Company
2 of Columbus (AFLAC) notified the Department that Respondent created false insurance
3 applications while contracted with AFLAC and failed to respond to AFLAC'S requests
4 for cooperation with its internal investigation (AFLAC complaint).⁴

5 7. On October 2, 2018, the Department issued a subpoena to Respondent.⁵
6 Through the October 2, 2018 subpoena, the Department ordered Respondent to appear
7 at the Department's office on October 24, 2018 and give testimony regarding alleged
8 fraudulent insurance transactions. The Department also ordered Respondent to
9 produce documents.⁶

10 8. Respondent did not appear and produce documents on October 24, 2018.⁷

11 9. On April 25, 2019, the Department notified Respondent of the AFLAC
12 complaint by e-mail and requested that she provide current residential and business
13 address in which the Department could send correspondence because the home
14 address in her file was vacant. See Exhibit 5 .The Department informed Respondent
15 that producers are responsible for updating addresses within 30 days of the change
16 taking place. See id.

17 10. Respondent did not respond to the Department's April 25, 2019 e-mail.

18 11. On May 7, 2019, the Department issued a subpoena to Respondent and
19 ordered Respondent to appear at the Department's office on May 22, 2019 and give
20 testimony regarding alleged fraudulent insurance transactions.⁸ The Department also
21 ordered Respondent to produce documents through the subpoena.⁹ The May 7, 2019
22 subpoena was returned to the Department as undeliverable.¹⁰

23 12. Respondent did not appear and produce documents on May 22, 2019.¹¹

24
25 _____
26 ⁴ See Exhibit 3 and the Testimony of Jeffrey Evanson (Evanson Testimony) at 3:11 – 4:30

27 ⁵ See Exhibit 4.

28 ⁶ See id.

29 ⁷ See Evanson Testimony at 4:43 – 5:05.

30 ⁸ See Exhibit 6.

⁹ See Exhibit id.

¹⁰ See Exhibit 6.

¹¹ See Evanson Testimony at 6:10 – 6:33.

1 13. On May 7, 2019, the Department notified Respondent by e-mail that it had
2 issued a subpoena and ordered Respondent to appear for an Examination Under
3 Oath.¹²

4 14. Respondent did not respond to the May 7, 2019 e-mail.¹³

5 15. At hearing, Investigator Evanson testified regarding the Department's receipt
6 of the AFLAC complaint the Department's repeated attempts to contact Respondent.
7 Investigator Evanson explained that Respondent's failure to communicate hinders the
8 Department's ability to investigate the complaint.

9 16. The Department requested revocation to hold the license holder accountable.

10 **CONCLUSIONS OF LAW**

11 1. This matter lies within the Department's jurisdiction.¹⁴

12 2. The Notice of Hearing that the Department mailed to Respondent at her
13 address of record was reasonable, and Respondent is deemed to have received notice
14 of the hearing.¹⁵

15 3. This matter is a disciplinary proceeding wherein the Department must prove
16 by a preponderance of the evidence that Respondent violated the State's Insurance
17 Laws.¹⁶

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

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

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

26
27 ¹² See Exhibit 7.

28 ¹³ See Evanson Testimony at 6:10 – 6:33.

29 ¹⁴ See A.R.S. §§ 20-281 to 20-302.

30 ¹⁵ See A.R.S. §§ 41-1092.04; 41-1092.05(D).

¹⁶ See A.A.C. R2-19-119.

ORDER

1
2 Based upon the above, Respondent's License shall be revoked on the effective
3 date of the Order entered in this matter.

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

7 Done this day, February 28, 2020.

8 /s/ Velva Moses-Thompson
9 Administrative Law Judge

10
11 Transmitted electronically to:

12
13 Keith A. Schraad, Director
14 Arizona Department of Insurance