

STATE OF ARIZONA

JAN 4 1999

DEPARTMENT OF INSURANCE

DEPT. OF INSURANCE  
BY Kath

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

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

3 DATED this 4<sup>th</sup> of January, 1999

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7 Charles R. Cohen  
8 Director of Insurance

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

11 Gerrie L. Marks, Executive Assistant for Regulatory Affairs  
12 John Gagne, Assistant Director  
13 Catherine O'Neil, Consumer Affairs Legal Officer  
14 Arnold Sniegowski, Investigations Supervisor  
15 Maureen Catalioto, Supervisor  
16 Department of Insurance  
17 2910 N. 44th Street, Suite 210  
18 Phoenix, AZ 85018

19 Office of Administrative Hearings  
20 1700 W. Washington, Suite 602  
21 Phoenix, AZ 85007

22 Michael J. De La Cruz  
23 Assistant Attorney General  
1275 W. Washington  
Phoenix, AZ 85007

Curtis Lester Abbott  
308 E. Limberlost  
Tucson, AZ 85705

National Life Insurance Company  
One National Life Drive  
Montpelier, VT 05604

1 PFL Life Insurance Company  
4333 Edgewood Road, Northeast  
2 Cedar Rapids, Iowa 52499

3 Pioneer Life Insurance Company  
1750 E. Gold Road  
4 Schaumburg, IL 60173

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*Kathy Bender*

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

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

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

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

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

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

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

### 28 CONCLUSIONS OF LAW

29 1. Respondent's conduct, as set forth above in the Findings of Fact, constitutes  
30 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).

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

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

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

6 4. The above-mentioned suspension established that Respondent has a record of  
7 suspension or revocation of an insurance license in any jurisdiction, in violation of A.R.S. §  
8 20-316(A) (5).

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

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

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

18 **RECOMMENDED ORDER**

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

21 Done this day, December 28 , 1998.

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23 Lewis D. Kowal  
24 Administrative Law Judge  
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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 Thomas