

STATE OF ARIZONA
Department of Insurance and Financial Institutions
FILED October 25, 2023 by AS

STATE OF ARIZONA

DEPARTMENT OF INSURANCE AND FINANCIAL INSTITUTIONS

In the Matter of:

CAFARO, STEVEN

Petitioner

No. 23A-055-INS

ORDER

On October 5, 2023, the Office of Administrative Hearings, through Administrative Law Judge Sondra J. Vanella, issued an Administrative Law Judge Decision (“Recommended Decision”). The Arizona Department of Insurance and Financial Institutions’ (“Department”) Executive Deputy Director (“EDD”) received the Recommended Decision on the same date, a copy of which is attached and incorporated by reference. Petitioner failed to accept the Recommended Decision within ten days of receipt. Therefore, the EDD has reviewed the Recommended Decision and enters the following:

1. The Department ADOPTS the Findings of Fact,
2. The Department ADOPTS the Conclusions of Law,
3. The Department ADOPTS the Recommended Order, and
4. The Department ORDERS that the Department’s denial of Steven Cafaro’s insurance producer license application is affirmed.

NOTIFICATION OF RIGHTS

Pursuant to Arizona Revised Statutes (“A.R.S.”) § 41-1092.09, Petitioner may request a rehearing or review with respect to this Order by filing a written motion with the Department within 30 days after the date of this Order, setting forth the basis for relief under Arizona Administrative Code R20-6-114(B). Pursuant to A.R.S. § 41-1092.09, it is not necessary to request a rehearing before filing an appeal to the Superior Court.

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Petitioner may appeal the final decision of the Department to the Superior Court of Maricopa County for judicial review, pursuant to A.R.S. § 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 A.R.S. § 12-904(B).

DATED and EFFECTIVE this 25th day of october, 2023.

Barbara D. Richardson
Barbara D. Richardson
Cabinet Executive Officer
Executive Deputy Director
Arizona Department of Insurance and Financial Institutions

1 ORIGINAL of the foregoing filed electronically
2 this 26th day of October, 2023, to:

3 Sondra J. Vanella, Administrative Law Judge
4 <https://portal.azoah.com/submission>
5 Office of Administrative Hearings

6 COPY of the foregoing delivered the same date, to:

7 Deian Ousounov, Assistant Director
8 Gio Espinosa, Regulatory Legal Affairs Officer
9 Ana Starcevic, Paralegal Project Specialist
10 Steven Fromholtz, Licensing Division Manager
11 Linda Lutz, Legal Assistant
12 Aqueelah Currie, Licensing Supervisor
13 Arizona Department of Insurance and Financial Institutions
14 100 North 15th Avenue, Suite 261
15 Phoenix, Arizona 85007

16 COPY mailed the same date by U.S First Class and
17 Certified Mail[®] Return Receipt Requested to:
18 (Receipt No. 9489 0090 0027 6556 1716 03)

19 Steven Cafaro
20 724 North 10th Avenue
21 Tuscon, Arizona 85705
22 Petitioner

23 COPY sent via electronic mail the same date, to:

24 Steven Cafaro
25 scafaro@geico.com
26 Petitioner

Raya Gardner, Assistant Attorney General
Raya.Gardner@azag.gov
AdminLaw@azag.gov
Attorney for the Department

Ana Starcevic

IN THE OFFICE OF ADMINISTRATIVE HEARINGS

In the Matter of:

No. 23A-055-INS

STEVEN CAFARO,

**ADMINISTRATIVE LAW JUDGE
DECISION**

Petitioner.

HEARING: October 2, 2023

APPEARANCES: Assistant Attorney General Raya Gardner represented the Arizona Department of Insurance and Financial Institutions. Aqueelah Currie appeared as a witness. Petitioner Steven Cafaro failed to appear.

ADMINISTRATIVE LAW JUDGE: Sondra J. Vanella

FINDINGS OF FACT

1. On August 28, 2023, the Arizona Department of Insurance and Financial Institutions ("Department") issued a Notice of Hearing advising the parties that the hearing in this matter was scheduled to convene on October 2, 2023, at 1:00 p.m., before the Office of Administrative Hearings, to determine whether grounds existed to affirm the Department's intent to deny Edward Cafaro's ("Petitioner") application for an Arizona insurance producer license. The Notice of Hearing was sent via certified mail to Petitioner at his mailing address of record with the Department, as well as by email at Petitioner's email address of record with the Department.

2. On September 26, 2023, Petitioner filed with the Office of Administrative Hearings a request to appear virtually for the scheduled hearing.

3. At Petitioner's request, on September 26, 2023, the Office of Administrative Hearings issued to the parties an Order Setting Hearing Via Google Meet. The Order contained the Google Meet information to participate in the hearing either by video or by phone. The Order was sent to Petitioner at his email address of record which is the same email address that he placed on his request to appear virtually.

4. On the date and time set for hearing, Assistant Attorney General Raya Gardner represented the Department. Aqueelah Currie appeared as a witness for the Department. Petitioner failed to appear. The Tribunal waited fifteen (15) minutes beyond

1 the scheduled start time, however, Petitioner continued in his non-appearance and did
2 not notify the Office of Administrative Hearings of any cause for the absence or delay.

3 5. The Department made a Motion to Dismiss based upon Petitioner's failure
4 to appear.

5 **CONCLUSIONS OF LAW**

6 1. Pursuant to A.R.S. § 41-1092.07(G)(1), at a hearing on an agency's denial
7 of a license or permit or a denial of an application, the applicant has the burden of
8 persuasion.

9 2. A.A.C. R2-19-119(B)(1) places the burden of proof on the party asserting a
10 claim, right or entitlement.

11 3. Petitioner requested a hearing to contest the Department's denial of his
12 application for an Arizona insurance producer license. Therefore, Petitioner, as the
13 applicant, bears the burden of persuasion in this matter. By failing to appear for the
14 hearing, Petitioner did not meet his burden.

15 **RECOMMENDED ORDER**

16 Based on the foregoing, it is recommended that the Department's denial of
17 Petitioner's application for an Arizona insurance producer license be affirmed.

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19 ***Pursuant to A.R.S. § 41-1092.08(I), the licensee may accept the***
20 ***Administrative Law Judge Decision by advising the Office of Administrative***
21 ***Hearings in writing not more than ten (10) days after receiving the decision. If the***
22 ***licensee accepts the Administrative Law Judge Decision, the decision shall be***
certified as the final decision by the Office of Administrative Hearings.

23 ***In the event of certification of the Administrative Law Judge Decision by the***
24 ***Director of the Office of Administrative Hearings, the effective date of the Order will***
25 ***be forty (40) days from the date of that certification.***

26 Done this day, October 5, 2023.

27 /s/ Sondra J. Vanella
28 Administrative Law Judge
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1 Transmitted by either mail, e-mail, or facsimile to:

2
3 Barbara D. Richardson,
4 Department of Insurance and Financial Institutions - Insurance
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By: OAH Staff