

STATE OF ARIZONA
DEPARTMENT OF INSURANCE

EPABOX
W

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

In the Matter of) Docket No. 7048
MARIO AMODEO,)
Respondent.)
ORDER

On January 4, 1990 a hearing was held at the Arizona Department of Insurance, 3030 North Third Street, Suite 1100, Phoenix, Arizona. Respondent was represented pro se. The Department of Insurance was represented by Alisan M.B. Patten, Esq., Assistant Attorney General.

Based upon testimony and other evidence received at the hearing, the Director of Insurance finds as follows:

1. Notice of the hearing was mailed to Respondent at his address of last record.

2. On August 15, 1989, a hearing was held in the above-referenced matter. Respondent did not appear in person or through counsel. On August 22, 1989, an Order was issued revoking Respondent's insurance agent's license based upon findings that Respondent had failed to disclose on his license application a conviction for the crime of sale of dangerous drugs and that Respondent had been convicted by final judgment of a felony involving moral turpitude.

3. On December 5, 1989, Respondent submitted a letter to the Director indicating that he did not receive notice of the hearing held on August 15, 1989, and had first learned of the order revoking his license on December 4, 1989.

1 4. Counsel for the Department of Insurance did not
2 oppose the vacation of the order revoking Respondent's license,
3 and a new notice of hearing was issued on December 14, 1989.

4 5. At the hearing, evidence was presented by the
5 Department of Insurance to show that on or about July 19, 1988,
6 Respondent submitted a license application to the Department of
7 Insurance. In this application, Respondent was asked whether
8 Respondent had ever been convicted of a felony. Respondent
9 answered "no" to this question.

10 6. On or about February 20, 1975, Respondent was
11 convicted of the crime of sale of dangerous drugs, a felony, in
12 the Superior Court of the County of Maricopa. On March 6, 1978,
13 an Order Vacating Judgment of Guilt, Dismissing Charges and
14 Restoring Civil Rights was entered in the Superior Court.

15 7. Respondent testified that he did not disclose this
16 felony conviction on his license application because the
17 judgment of guilt had been vacated and the charges set aside.
18 Under these circumstances, Respondent believed that he had not
19 been convicted by a final judgment, and therefore he believed
20 that he did not have to disclose this matter on his license
21 application.

22 8. Respondent testified that he has not had any
23 subsequent felony or misdemeanor convictions, and has learned
24 from his earlier mistakes. Respondent has been successfully
25 employed as an insurance agent since July, 1988, and has not
26 been the subject of complaints to the Department of Insurance or
27 to his employer. Respondent testified that his employer is

28

1 aware of his background and is willing to retain Respondent as
2 an agent.

3 9. We find that Respondent's failure to disclose his
4 felony conviction was not unreasonable under the circumstances,
5 and that Respondent did not intentionally misrepresent his
6 background on the license application.

7 10. Respondent was convicted in 1975 of a felony
8 involving moral turpitude within the meaning of A.R.S.
9 §20-316(A)(6). However, Respondent's subsequent conduct and
10 activities, as well as his positive attitude, indicate that
11 Respondent will not pose a threat to the public if he is allowed
12 to retain his license.

13 IT IS HEREBY ORDERED that:

14 1. Respondent's insurance license(s) shall remain in
15 full force and effect.

16 2. The aggrieved party may request a rehearing with
17 respect to this Order by filing a written petition with the
18 Hearing Officer within 30 days of the date of this Order,
19 setting forth the basis for such relief pursuant to A.R.S.
20 §20-1062(B) and A.A.C. R4-14-159.

21 DATED this 5th day of January, 1990.

22

23

24

25

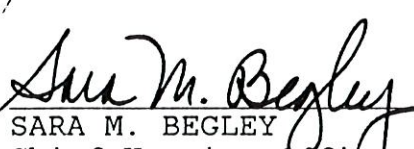
26

27

28



SUSAN GALLINGER
Director of Insurance



SARA M. BEGLEY
Chief Hearing Officer

1 COPY of the foregoing mailed/delivered
2 this ^{8th} day of January, 1990, to:

3 Alisan M.B. Patten, Esq.
4 Assistant Attorney General
5 1275 W. Washington
6 Phoenix, Arizona 85007

7 Jay Rubin, Assistant Director
8 Maureen Catalioto, Supervisor
9 Department of Insurance
10 3030 N. Third Street, Ste. 1100
11 Phoenix, Arizona 85012

12 Mario Amodeo
13 1223 S. Farmer
14 Tempe, Arizona 85281

15 Mid-West National Life Co. of Tennessee
16 1990 W. Camelback Road
17 Phoenix, Arizona 85015

18 *Curry Walters*
19
20
21
22
23
24
25
26
27
28