

1 3. Question 2 in Section F of the Application asks,
2 "Have you EVER been convicted of a felony?" Mr. Stevens
3 responded "yes" to Question 2 in Section F.

4 4. Question 3 in Section F of the Application asks,
5 "Have you EVER been arrested, questioned, served a criminal
6 summons, taken into custody, charged with, tried for, or ever
7 been the subject of an investigation concerning the violation of
8 any felony or misdemeanor, or are any charges now pending against
9 you?" Mr. Stevens responded "yes" to Question 3 in Section F.

10 5. On November 4, 1994, the Department notified Mr.
11 Stevens by mail that his application for an insurance license was
12 denied. Mr. Stevens filed a timely written request for a hearing
13 with the Department.

14 6. In 1974, Mr. Stevens was arrested for burglary.
15 On June 10, 1974, the District Court of Sherman County, for the
16 Judicial District of Texas, found Mr. Stevens guilty of the above
17 charge.

18 7. In 1975, Mr. Stevens was arrested and convicted of
19 criminal trespass in Potter County, Texas.

20 8. On December 12, 1986, Mr. Stevens was charged with
21 causing, under circumstances other than those likely to produce
22 death or serious physical injury, recklessly caused Michele Reed,
23 a child, to suffer physical injury or abuse, in violation of
24 A.R.S. §§13-3623(A)(B), 13-701, 13-702, 13-801 and 13-812. On
25 February 17, 1987, a waiver of Preliminary Hearing with Plea
26 Agreement was entered by the Maricopa County Superior Court case
27 number CR87-01135. Mr. Stevens pled guilty to child abuse, a
28 class 6 felony, and the Court placed Mr. Stevens on 3 years

1 probation with counseling. On October 27, 1988, the court
2 released Mr. Stevens from probation and redesignated his child
3 abuse conviction as a misdemeanor.

4 9. On May 2, 1991, Mr. Stevens was charged with
5 knowingly disobeying or resisting the lawful order, process or
6 mandate of the Court, a class 1 misdemeanor, in violation of
7 A.R.S. §13-2810(A)(2). These charges stemmed from Mr. Stevens'
8 violation of an order of protection entered against him in
9 connection with a domestic relations proceeding. On February 18,
10 1992, City of Phoenix Municipal Court found Mr. Stevens guilty of
11 the above charge and placed him on 2 years probation for
12 Complaint charges 8618480 and 8618759.

13 10. Mr. Stevens' convictions involving burglary and
14 trespass occurred nearly 20 years ago. Since that time, rather
15 than demonstrating his rehabilitation or his ability or
16 willingness to refrain from further violations of the law, Mr.
17 Stevens has committed other crimes. These continuing occurrences
18 of violations of the law bear directly upon the Director's
19 assessment of whether Mr. Stevens has met the burden imposed by
20 law to demonstrate that he qualifies to hold an insurance license.
21 Mr. Stevens' conviction of burglary in 1974, an offense of moral
22 turpitude, when considered along with his subsequent
23 convictions, do not resolve the serious questions about Mr.
24 Stevens' honesty, integrity or personal values first raised by
25 the burglary conviction.

26 11. Mr. Stevens has failed to meet his burden to
27 demonstrate his qualification for the issuance of a license.
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CONCLUSIONS OF LAW

1. Mr. Stevens received notice of this proceeding as prescribed by A.R.S. §§20-163 and 41-1061.
2. The Director has jurisdiction over this matter pursuant to A.R.S. §20-142.
3. Mr. Stevens has a record of conviction by final judgment of a felony involving moral turpitude pursuant to A.R.S. §20-290(B)(6).

ORDER

IT IS ORDERED:

The application submitted by Petitioner Richard A. Stevens for the issuance of an individual property and casualty insurance agent license shall not be approved, and the requested license shall not be issued.

EFFECTIVE this 15th day of February, 1995.


CHRIS HERSTAM
Director of Insurance


GREGORY Y. HARRIS
Chief Administrative Law Judge

NOTIFICATION OF RIGHTS

The aggrieved party may request a rehearing with respect to this Order by filing a written petition with the Administrative Law Division within 30 days of the date of this Order, setting forth the basis for such relief pursuant to A.A.C. R4-14-114(B).

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The final decision of the Director may be appealed to the Superior Court of Maricopa County for judicial review pursuant to A.R.S. §20-166.

COPY of the foregoing mailed/delivered this 15th day of February, 1995, to:

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