

AUG 11 1998

STATE OF ARIZONA

DEPARTMENT OF INSURANCE

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In the Matter of:)	Docket No. 98A-044-INS
)	
FRANCO CASTENADA dba,)	ORDER DENYING REHEARING
INSURE IT!)	
)	
Respondent.)	
_____)	


On August 7, 1998, the Office of Administrative Hearings, through Administrative Law Judge Lewis D. Kowal, submitted a Recommended Order Denying Rehearing ("Recommended Order"), a copy of which is attached and incorporated by this reference. The Director of the Arizona Department of Insurance has reviewed the Recommended Order and enters the following order:

The Respondent's request for rehearing or reconsideration is denied.

NOTIFICATION OF RIGHTS

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. 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 to A.R.S. § 41-1092.10.

DATED this 11 of August, 1998



 John A. Greene
 Director of Insurance

1 A copy of the foregoing mailed
this 11th day of August, 1998, to:

2 Charles R. Cohen, Deputy Director
3 Gregory Y. Harris, Executive Assistant Director
4 John Gagne, Assistant Director
5 Catherine O'Neil, Assistant Director
6 Maureen Catalioto, Supervisor
7 Department of Insurance
8 2910 N. 44th Street, Suite 210
9 Phoenix, AZ 85018

10 Office of Administrative Hearings
11 1700 W. Washington, Suite 602
12 Phoenix, AZ 85007

13 Michael J. De La Cruz
14 Assistant Attorney General
15 1275 W. Washington
16 Phoenix, AZ 85007

17 Franco Castaneda
18 5869 N. 81st Street
19 Scottsdale, AZ 85250

20 Berglund Insurance Agency
21 5602 W. Indian School Road
22 Phoenix, AZ 85018

23 Betty L. Bryant

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IN THE OFFICE OF ADMINISTRATIVE HEARINGS

In The Matter Of:

FRANCO CASTENADA dba
INSURE IT!,

Respondent.

No. 98A-044-INS

RECOMMENDED ORDER
DENYING REHEARING

STATE OF ARIZONA
RECEIVED

AUG 10 1998

DIRECTOR'S OFFICE
INSURANCE DEPT.

On July 27, 1998, Respondent filed a request for a rehearing or reconsideration of this matter for the reason that Respondent disagrees with the determination made that he willfully misrepresented information on his renewal applications. Further, although not expressly stated, it appears Respondent also asserts that the penalties imposed are excessive. On August 6, 1998, counsel for the Arizona Department of Insurance ("Department") filed a Response to Request for Rehearing or Reconsideration wherein the Department asserts that the Respondent has not demonstrated that he is entitled to a rehearing or reconsideration of this matter.

Upon review of the above-mentioned documents as well as the record of this matter, it is determined that , under the facts and circumstances, Respondent has failed to adequately set forth a sufficient basis to warrant a rehearing or reconsideration of this matter.

Based on the above, it is recommended that the Respondent's request for rehearing or reconsideration be denied.

Done this day, August 7, 1998.

Lewis D. Kowal

Lewis D. Kowal
Administrative Law Judge

Office of Administrative Hearings
1700 West Washington, Suite 602
Phoenix, Arizona 85007
(602) 542-9826

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Original

Copy mailed this 7 day of
August, 1998, to:

Mr. John A. Greene, Director
Department of Insurance
2910 North 44th Street, Ste. 210
Phoenix, AZ 85018

Attention: Curvey Burton

By *Chris Crawford Thomson*