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STATE OF ARIZONA
DEPARTMENT OF INSURANCE AND FINANCIAL INSTITUTIONS

In the Matter of:

MCPHERSON, MATTHEW JAMES
(National Producer No. 19296156)

Respondent.

No. 20A-041-INS

DEFAULT ORDER

On October 26, 2020, the Arizona Department of Insurance and Financial Institutions (the "Department") issued a Notice of Hearing ("Notice") in the above-captioned matter, a copy of which is attached as **Exhibit A** and incorporated by this reference. The Notice required Matthew James McPherson ("McPherson" or "Respondent") to provide a written answer to the allegations set forth in the Notice within twenty days of the issuance of the Notice. As of this date, Respondent has failed to file an answer. On November 24, 2020, counsel for the Department filed a Motion for Default, a copy of which is attached as **Exhibit B**. As of this date, Respondent has not responded to the Department's motion. Pursuant to A.A.C.R20-6-106(D), a party that fails to file an answer within the time provided shall be deemed to be in default and one or more of the allegations in the Notice of Hearing may be deemed to be admitted.

FINDINGS OF FACT

1. Notice was proper.
2. Respondent is in default.
3. The allegations in the Notice are deemed admitted.

///

1 **CONCLUSIONS OF LAW**

2 1. The conduct alleged in the Notice constitutes grounds for the Director to
3 suspend, revoke or refuse to renew Respondent's license to transact insurance in Arizona,
4 pursuant to A.R.S. §20-295(A).

5 **ORDER**

6 IT IS ORDERED:

7 1. The insurance license held by Respondent Matthew James McPherson is
8 revoked effective upon the issuance of this Order.

9 2. The hearing set for **December 11, 2020 at 1:00 p.m.** shall be vacated.

10 DATED this 8th day of December, 2020.

11 

12 _____
13 Evan G. Daniels, Director
14 Arizona Department of Insurance
15 and Financial Institutions

16 **COPY** of the foregoing electronically filed this
17 9th day of December, 2020 to:

18 Thomas Shedden, Administrative Law Judge
19 <https://portal.azoah.com/submission>
20 Office of Administrative Hearings

21 **COPY** of the foregoing delivered same date to:

22 Deian Ousounov, Regulatory Legal Affairs Officer
23 Ana Starcevic, Paralegal Project Specialist
24 Steven Fromholtz, Division Manager, Licensing
Aqueelah Currie, Licensing Supervisor
Arizona Department of Insurance and Financial Institutions
100 N. 15th Ave., #261
Phoenix, Arizona 85007

1 **COPY** of the foregoing emailed same date to:

2 Holly Wan, Assistant Attorney General

AdminLaw@azag.gov

3 Attorney for the Arizona Department of Insurance and Financial Institutions

4 Matthew James McPherson

Mattmcperson87@gmail.com

5 Respondent

6 **COPY** mailed same date by Certified Mail,
Return Receipt Requested, to:

7 Matthew James McPherson

8 7500 East Pinnacle Peak Road, Suite A104

Scottsdale, AZ 85255

9 Respondent

10 Matthew James McPherson

2033 S. 86th Dr.

11 Tolleson, AZ 85353

Respondent

12

13 *Ana Starcevic* **for**

14 9127428

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STATE OF ARIZONA
DEPARTMENT OF INSURANCE AND FINANCIAL INSTITUTIONS

In the Matter of:

Docket No. 20A-041-INS

MCPHERSON, MATTHEW JAMES
(National Producer No. 19296156)

NOTICE OF HEARING

Respondent.

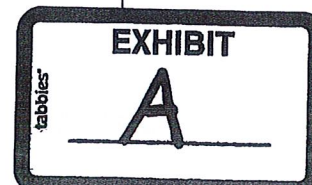
(ALJ Thomas Shedden)

PLEASE TAKE NOTICE that above-captioned matter will be heard before the Director of the Arizona Department of Insurance and Financial Institutions (the "Director") or a duly designated representative on December 11, 2020 at 1:00 p.m. at the Office of Administrative Hearings, 1740 West Adams St., Lower Level, Phoenix, Arizona 85007¹.

If you wish to continue this hearing to another date, you must file a motion in writing with the Office of Administrative Hearings not less than 15 days before the scheduled hearing date. Please send the motion to the attention of the Administrative Law Judge ("ALJ") and include the docket number listed above. You must also mail or hand-deliver a copy of any motion to continue to the Department of Insurance and Financial Institutions (the "Department") on the same date you file it with the Office of Administrative Hearings.

You are not required to have an attorney represent you. However, if you are represented, your attorney must be licensed to practice law in the State of Arizona. An insurance company may be represented by a corporate officer. A.R.S. § 20-161(B).

¹ As authorized under Arizona Revised Statutes ("A.R.S.") §§ 20-161 through and including 20-165 and Title 41, Chapter 6, Article 10 (A.R.S. § 41-1092 *et seq.*).



1 You are entitled to be present during the presentation of all evidence and you
2 will have a reasonable opportunity to inspect all documentary evidence, examine
3 witnesses, present evidence that supports your case and to request that the ALJ issue
4 subpoenas to compel the attendance of witnesses and production of evidence. A.R.S.
5 § 20-164(B).

6 A clear and accurate record of the proceedings will be made either by a court
7 reporter or by electronic means. A.R.S. § 41-1092.07(E). If you want a copy of an
8 electronic recording, you must contact the Office of Administrative Hearings at (602)
9 542-9826. If the hearing was transcribed by a court reporter and you want a copy of
10 the transcript, you must pay the cost of the transcript to the court reporter or other
11 transcriber.

12 Questions concerning issues raised in this Notice of Hearing should be directed
13 to Assistant Attorney General Holly Wan, telephone number (602) 542-8956, 2005 N.
14 Central Ave., Phoenix, Arizona 85004, Holly.Wan@azag.gov.

15 **NOTICE OF APPLICABLE RULES**

16 The hearing will be conducted pursuant to A.A.C. R20-6-101 through R20-6-115.

17 YOU MUST FILE A WRITTEN RESPONSE (ANSWER) TO THE
18 ALLEGATIONS IN THIS NOTICE WITH US WITHIN **20 DAYS** AFTER WE ISSUE
19 THIS NOTICE. A.A.C. R20-6-106. YOUR RESPONSE SHOULD STATE YOUR
20 POSITION OR DEFENSE AND SHOULD SPECIFICALLY ADMIT OR DENY EACH
21 ASSERTION IN THE NOTICE.

22 ///

1 IF YOU DO NOT SPECIFICALLY DENY AN ASSERTION, WE WILL CONSIDER IT
2 ADMITTED. ANY DEFENSE YOU DO NOT RAISE WILL BE CONSIDERED
3 WAIVED.

4 IF YOU DO NOT FILE YOUR RESPONSE ON TIME, WE WILL CONSIDER
5 YOU IN DEFAULT AND THE DIRECTOR MAY DEEM THE ALLEGATIONS IN THE
6 NOTICE AS TRUE. ACCORDINGLY, WE WILL TAKE WHATEVER ACTION IS
7 APPROPRIATE INCLUDING SUSPENSION, REVOCATION, IMPOSITION OF A
8 CIVIL PENALTY AND ORDERING RESTITUTION TO ANY INJURED PERSON.

9 **PERSONS WITH DISABILITIES**

10 PERSONS WITH DISABILITIES MAY REQUEST REASONABLE
11 ACCOMMODATIONS SUCH AS INTERPRETERS, ALTERNATIVE FORMATS, OR
12 ASSISTANCE WITH PHYSICAL ACCESSIBILITY. REQUESTS FOR
13 ACCOMMODATIONS SHOULD BE MADE AS EARLY AS POSSIBLE TO ALLOW
14 TIME TO ARRANGE THE ACCOMMODATIONS. IF YOU REQUIRE
15 ACCOMMODATIONS, PLEASE CONTACT THE OFFICE OF ADMINISTRATIVE
16 HEARINGS AT (602) 542-9826.

17 The allegations supporting this Notice of Hearing are as follows:

- 18 1. Matthew James McPherson ("McPherson" or "Respondent") is licensed as
19 an Arizona resident insurance producer with lines of authority in property and casualty
20 insurance, National Producer Number 19296156, since September 26, 2019.
21 Respondent's license is scheduled to expire on March 31, 2023.

1 2. Respondent's addresses of record with the Department are: 7500 East
2 Pinnacle Peak Road, Suite A104, Scottsdale, AZ 85255 (business), 220 West Bell
3 Road, #2008, Phoenix, AZ 85023 (mailing) and mattmcpherson87@gmail.com
4 (business e-mail).

5 3. On September 23, 2019, Respondent submitted an application for an
6 Arizona insurance producer license ("Application") to the Department.

7 4. In the Application, under Background Questions, Respondent answered
8 "No" to the following question:

9 1B. "Have you ever been convicted of a felony, had a judgment withheld
10 or deferred, or are you currently charged with committing a felony? You may exclude
11 juvenile adjudications (offenses where you were adjudicated delinquent in a juvenile
12 court)."

13 5. Respondent answered "Yes" to the Attestation section of the Application.

14 6. On September 26, 2019, the Department issued an insurance producer
15 license to Respondent.

16 7. The Federal Bureau of Investigations conducted a criminal history check
17 of Respondent's fingerprint card and notified the Department that he had a felony
18 conviction in the State of Washington.

19 8. A search of Respondent's criminal record showed that on April 4, 2007,
20 McPherson pleaded guilty to and was convicted of TAKE VEHICLE W/O
21 PERMISSION-2, a felony, in the King County Superior Court, case number 06-1-
22 12233-6 KNT.

1 Administrative Hearings or his designee to preside over the hearing of this matter as
2 the Administrative Law Judge, to make written recommendations to the Director
3 consisting of proposed findings of fact, proposed conclusions of law, and a proposed
4 order. This delegation does not include delegation of the authority of the Director to
5 make an order on the hearing or any other final decision in this matter. A.R.S. § 20-
6 150.

7 Pursuant to A.R.S. § 41-1092.01, your hearing will be conducted through the
8 Office of Administrative Hearings, an independent agency. Further hearing information
9 may be found at the Office of Administrative Hearings website: www.azoah.com.

10 DATED this **22nd** day of **October**, 2020.

11 *Deian Ousounov*

12 Deian Ousounov, Regulatory Legal Affairs Officer
13 Arizona Department of Insurance and
Financial Institutions

14
15 **E-FILE** of the foregoing delivered electronically
this **26th** day of **October**, 2020, to:

16 Thomas Shedden, Administrative Law Judge
17 <https://portal.azoah.com/submission>
Office of Administrative Hearings

18 **COPY** of the foregoing delivered same date to:

19 Deian Ousounov, Regulatory Legal Affairs Officer
20 Ana Starcevic, Paralegal Project Specialist
Steven Fromholtz, Assistant Director for Consumer Protection
21 Aqueelah Currie, Licensing Supervisor
Arizona Department of Insurance and Financial Institutions
100 N 15th Ave. #261
22 Phoenix, Arizona 85007

1 **COPY** mailed same date by Certified Mail,
Return Receipt Requested, to:

2
3 Matthew James McPherson
7500 East Pinnacle Peak Road, Suite A104
Scottsdale, AZ 85255
4 Respondent

5 Matthew James McPherson
220 West Bell Road, #2008
6 Phoenix, AZ 85023
Respondent

7
8 **COPY** sent same date via electronic mail to:

9 Matthew James McPherson
Mattmcperson87@gmail.com
Respondent

10
11 Holly Wan, Assistant Attorney General
AdminLaw@azag.gov
Attorney for the Department

12 *Ana Starcevic* for

13 Francine Juarez

14 9026347

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1 MARK BRNOVICH
2 Attorney General
3 Firm Bar No. 14000

4 Holly Wan
5 State Bar No. 030653
6 Assistant Attorney General
7 Public Law Section
8 2005 N. Central Ave.
9 Phoenix, Arizona 85004
10 Telephone: (602) 542-8956
11 Facsimile: (602) 542-4385
12 E-mail: Holly.Wan@azag.gov
13 Attorney for the Arizona Department of Insurance and Financial Institutions

14 STATE OF ARIZONA
15 DEPARTMENT OF INSURANCE AND FINANCIAL INSTITUTIONS

16 In the Matter of:

No. 20A-041-INS

17 **MCPHERSON, MATTHEW JAMES**
18 **(National Producer # 19296156)**

MOTION FOR DEFAULT

19 Respondent.

20 The Arizona Department of Insurance and Financial Institutions (the "Department"),
21 by and through undersigned counsel, hereby requests that the Findings of Fact and
22 Conclusions of Law set forth in the Notice of Hearing and incorporated herein by reference
23 be entered in this matter, deeming Matthew James McPherson ("McPherson" or
24 "Respondent") in default, deeming the allegations set forth in the Notice as true, and
25 ordering that Respondent's insurance license be revoked.

26 On October 26, 2020, a Notice of Hearing ("Notice") was filed in this matter and
served upon McPherson at his address of record via certified mail pursuant to A.R.S. § 41-
1092.04. Certified mail return receipt No. 9489 0090 0027 6266 7857 87 shows that the
Notice was forwarded to the address: 2033 S. 86th Dr., Tolleson, AZ 85353 and accepted at

1 this address. A copy of the certified mail receipt is attached to this request as **Exhibit A**.

2 Respondent had twenty (20) days from the date of issuance of the Notice to file a
3 written answer to the allegations contained therein pursuant to Arizona Administrative Code
4 ("A.A.C") R20-6-106. As of the date of this Motion, Respondent has not filed an answer nor
5 has he appeared through counsel. Rule 20-6-106(D) of the Arizona Administrative Code
6 provides that if an answer is not timely filed, the Respondent shall be deemed in default
7 and the Director may deem the allegations set forth in the Notice of Hearing as true and
8 take whatever action is appropriate including revoking the license.

9 The allegations supporting the Notice of Hearing are as follows:

10 1. Matthew James McPherson ("McPherson" or "Respondent") is licensed as an
11 Arizona resident insurance producer with lines of authority in property and casualty
12 insurance, National Producer Number 19296156, since September 26, 2019. Respondent's
13 license is scheduled to expire on March 31, 2023.

14 2. Respondent's addresses of record with the Department are: 7500 East
15 Pinnacle Peak Road, Suite A104, Scottsdale, AZ 85255 (business), 220 West Bell Road,
16 #2008, Phoenix, AZ 85023 (mailing) and mattmcperson87@gmail.com (business e-mail).

17 3. On September 23, 2019, Respondent submitted an application for an Arizona
18 insurance producer license ("Application") to the Department.

19 4. In the Application, under Background Questions, Respondent answered "No"
20 to the following question:

21 1B. "Have you ever been convicted of a felony, had a judgment withheld or
22 deferred, or are you currently charged with committing a felony? You may exclude juvenile
23 adjudications (offenses where you were adjudicated delinquent in a juvenile court)."
24
25
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1 5. Respondent answered "Yes" to the Attestation section of the Application.

2 6. On September 26, 2019, the Department issued an insurance producer
3 license to Respondent.

4 7. The Federal Bureau of Investigations conducted a criminal history check of
5 Respondent's fingerprint card and notified the Department that he had a felony conviction
6 in the State of Washington.

7 8. A search of Respondent's criminal record showed that on April 4, 2007,
8 McPherson pleaded guilty to and was convicted of TAKE VEHICLE W/O PERMISSION-2,
9 a felony, in the King County Superior Court, case number 06-1-12233-6 KNT.
10

11 9. On November 25, 2019, the Department contacted Respondent by telephone
12 inquiring about the 2007 felony conviction and requested that he provide records and
13 information pertinent to the conviction.

14 10. Respondent never provided the Department with any records or information.

15 Based upon the foregoing, the Department respectfully requests that the allegations
16 set forth in the October 26, 2020 Notice of Hearing be deemed admitted and that
17 Respondent's insurance license be revoked.

18 RESPECTFULLY SUBMITTED this 24th day of November, 2020.

19 MARK BRNOVICH, Attorney General

20 By /s/ Holly Wan

21 Holly Wan, Assistant Attorney General
22 Attorney for the Arizona Department of Insurance
23 and Financial Institutions
24
25
26

1 **COPY** of the foregoing electronically filed this
24th day of November, 2020 with:

2 Deian Ousunov, Regulatory Legal Affairs Officer
3 Ana Starcevic, Paralegal Project Specialist
4 Steven Fromholtz, Division Manager, Licensing
5 Aqueelah Currie, Licensing Supervisor
Arizona Department of Insurance and Financial Institutions

6 **COPY** mailed and emailed same date to:

7 Matthew James McPherson
7500 East Pinnacle Peak Road, Suite A104
8 Scottsdale, AZ 85255
Respondent

9 Matthew James McPherson
10 2033 S. 86th Dr.
11 Tolleson, AZ 85353
Respondent

9489 0090 0027 6265 2235 94

12 Matthew James McPherson
13 Mattmcperson87@gmail.com
Respondent

14 /s/ S. Hack

15 9099927



November 16, 2020

Dear Susan Hack:

The following is in response to your request for proof of delivery on your item with the tracking number:
9489 0090 0027 6266 7857 87.

Item Details

Status:	Delivered, Left with Individual
Status Date / Time:	November 5, 2020, 12:50 pm
Location:	TOLLESON, AZ 85353
Postal Product:	First-Class Mail®
Extra Services:	Certified Mail™ Return Receipt Electronic

Shipment Details

Weight: 3lb, 10.6oz

Recipient Signature

Signature of Recipient:	<i>Jenna McPherson</i> <i>1. W. W. R. H. - 219</i>
Address of Recipient:	2033 S 86TH DR TOLLESON, AZ 85353

Note: Scanned image may reflect a different destination address due to Intended Recipient's delivery instructions on file.

Thank you for selecting the United States Postal Service® for your mailing needs. If you require additional assistance, please contact your local Post Office™ or a Postal representative at 1-800-222-1811.

Sincerely,
United States Postal Service®
475 L'Enfant Plaza SW
Washington, D.C. 20260-0004

