

FEB 04 2020

STATE OF ARIZONA DEPT OF INSURANCE
DEPARTMENT OF INSURANCE BY AS 02/04/2020

In the Matter of:

**DAMRON, BONITA JEAN aka
BONITA OBERSTER**

(National Producer No. 1160727)

Respondent.

No. 19A-104-INS

ORDER

On January 29, 2020, the Office of Administrative Hearings, through Administrative Law Judge Kay A. Abramsohn issued an Administrative Law Judge Decision ("Recommended Decision"), received by the Director of the Arizona Department of Insurance ("Director") on January 29, 2020, a copy of which is attached and incorporated by this reference. The Director has reviewed the Recommended Decision and enters the following:

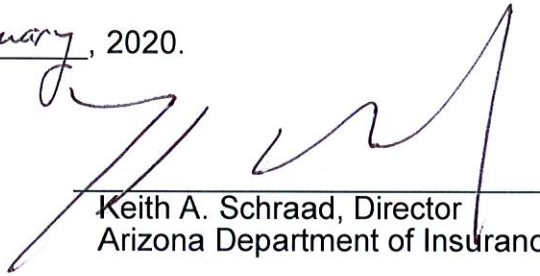
1. The Director adopts the Recommended Findings of Fact, except to correct the following:
Page 1, line 15, should read "**personal** lines insurance."
The Director adopts the Conclusions of Law and Recommended Order.
2. The Director orders that Bonita Jean Damron's insurance producer license number 1160727 is revoked, effective immediately.

NOTIFICATION OF RIGHTS

Pursuant to Arizona Revised Statutes ("A.R.S.") § 41-1092.09, Respondent may request a rehearing with respect to this order by filing a written motion with the Director of the Department of Insurance within 30 days of the date of this Order, setting forth the basis for relief under A.A.C. 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 Superior Court.

1 Respondent may appeal the final decision of the Director to the Superior Court of
2 Maricopa County for judicial review pursuant to A.R.S. § 20-166. A party filing an appeal
3 must notify the Office of Administrative Hearings of the appeal within ten days after filing
4 the complaint commencing the appeal, pursuant to A.R.S. § 12-904(B).

5 DATED this 4th day of February, 2020.

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Keith A. Schraad, Director
Arizona Department of Insurance

14 **COPY** of the foregoing electronically transmitted
15 this this 5th day of February, 2020, to:

16 Kay A. Abramsohn, Administrative Law Judge
17 Office of Administrative Hearings
<https://portal.azoah.com/submission>

18 **COPY** of the foregoing mailed same date
19 by U.S. First-Class Mail and Certified Mail,
20 Return Receipt requested, to:

21 Bonita Damron
22 18275 N. 59th Ave., Suite 160
23 Glendale, AZ 85308-1253
24 Respondent

25 Bonita Damron
26 5020 W. Peoria Ave., Apt. 267
Glendale, AZ 85302-1716
Respondent

1 Bonita Damron
2 c/o Norman Rubin
3 HC 30 Box 2577
4 Concho, AZ 85924
5 Respondent

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

7 Mary Kosinski, Regulatory Legal Affairs Officer
8 Ana Starcevic, Paralegal Project Specialist
9 Catherine O'Neil, Consumer Legal Affairs Officer
10 Steven Fromholtz, Assistant Director – Consumer Protection Division
11 Aqueelah Currie, Licensing Supervisor
12 Linda Lutz, Legal Assistant
13 Arizona Department of Insurance
14 100 North 15th Ave., Suite 102
15 Phoenix, Arizona 85007-2624

16 **COPY** sent same date via electronic mail to:

17 Bonita Damron
18 mommasgot3@gmail.com
19 boberster70@gmail.com
20 Respondent

21 Deian Ousounov, Assistant Attorney General
22 AdminLaw@azag.gov
23 Attorney for the Department of Insurance

24 Felicia DelSol
25 Felicia.DelSol@azoah.com
26 Office of Administrative Hearings

27 
28 Francine Juarez

JAN 29 2020

DEPT. OF INSURANCE
BY: AS 01/29/2020

IN THE OFFICE OF ADMINISTRATIVE HEARINGS

In the Matter of:

No. 19A-104-INS

DAMRON, BONITA JEAN
aka BONITA OBERSTER,
National Producer No. 1160727,
Respondent.

ADMINISTRATIVE LAW JUDGE
DECISION

HEARING: January 9, 2020.

APPEARANCES: Assistant Attorney General Deian Ousounov represented the Arizona Department of Insurance (Department). Bonita Jean Damron aka Bonita Oberster (Respondent) failed to appear.

ADMINISTRATIVE LAW JUDGE: Kay Abramsohn

FINDINGS OF FACT

1. At all times relevant, Respondent was licensed by the Department as an Arizona resident insurance provider with line of authority in person lines insurance, under National Producer Number 1160727. See Exhibit 1. Respondent's license was issued in March of 2015; the current licensing was set to expire on February 28, 2019.

2. Respondent's addresses with the Department are as follows: 18275 North 59th Avenue, Suite 160, Glendale, Arizona 85308-1253 (Business); 5020 West Peoria Avenue, #267, Glendale, Arizona 85302-1716 (Mailing); BOBERSTER70@GMAIL.COM (Email).

3. Respondent had been employed with Canyon Lands Insurance (Canyon).

4. On December 12, 2018, she executed a resignation letter. See Exhibit 4.

5. On January 25, 2019, David Coast, the agency principal for Canyon, filed a complaint regarding Respondent with the Department, stating "[s]he diverted money, and pretended to issue a policy." See Exhibit 2.

6. Mr. Coast was unaware of any diversion until a customer, Julie Z., came to the office for a meeting on December 13, 2019 with Respondent and Respondent was not there. Ms. Z. informed Mr. Coast that she had been receiving premium non-payment

1 notices and Mr. Coast was able to determine that Respondent had not been applying
2 premium payments to Ms. Z.'s policy.

3 7. Mr. Coast discovered Respondent's resignation letter when he was looking for
4 a file containing Ms. Z's policy.

5 8. Mr. Coast later discovered that another customer, Robin S., had also been
6 bringing in premium payments in cash; Respondent had written receipts to Ms. Z and to
7 Ms. S. in an approximate total amount of \$700.00. See Exhibits 5 and 6.

8 9. The Department's letter dated May 25, 2019 to Respondent was sent to
9 Respondent at her business address and at an address provided by Mr. Coast, and by
10 email. The certified mail was returned by the postal service to the Department. See
11 Exhibits 7 and 8.

12 10. The Department's subpoena dated June 13, 2019 for Respondent to provide
13 records at a meeting on June 25, 2019 was sent to Respondent at her business address
14 and at her mailing address, and by email. The certified mail was returned by the postal
15 service to the Department. See Exhibits 9 and 10.

16 11. On June 18, 2019, Respondent emailed the Department indicating she was
17 unable to come to the meeting, as she lacked transportation and the resources to travel to
18 Phoenix. See Exhibit 11. Respondent asked about "other options." Respondent also
19 noted:

20 Please understand, I had no intentions of renewing my
21 license and because of this intent, I did not update my
22 address with the Department upon its expiration.

23 12. Respondent failed to appear on June 25, 2019 and failed to produce any
24 documents that had been subpoenaed.

25 13. The Department replied to Respondent's email and offered a Consent
26 Agreement to Respondent. Although Respondent had informed the Department that she
27 would sign it and send it back, the Department has not received an executed Consent
28 Agreement from Respondent.

29 14. The Department noticed an administrative hearing in this matter, and
30 Respondent failed to appear at the date and time of the noticed hearing.

1 15. At the hearing, the Department requested that Respondent's license be
2 revoked based on Respondent's failure to respond to the Department's subpoena,
3 indicating that such failure is an indication that she cannot be regulated. The Department
4 specified that, due to Respondent's noncooperation with the investigation, it was unable
5 to conduct a full investigation. The Department argued that the lack of contact, lack of
6 response to the subpoenas, and returned mail demonstrated that Respondent could not
7 be regulated to protect the public.

8 **CONCLUSIONS OF LAW**

- 9 1. This matter lies within the Department's jurisdiction.¹
- 10 2. The Department bears the burden of proof to establish cause to discipline
11 Respondent's bail bond agent's license by a preponderance of the evidence.²
- 12 3. "A preponderance of the evidence is such proof as convinces the trier of fact
13 that the contention is more probably true than not."³
- 14 4. The Department established that Respondent's conduct, as described above,
15 constituted violations of the applicable statutes and rules, and orders and subpoenas of
16 the Director, within the meaning of A.R.S. § 20-295(A)(2).
- 17 5. The Department established that Respondent's conduct, as described above,
18 most demonstrates failure to inform the Department of any change in residential,
19 mailing, business, and e-mail addresses.
- 20 6. Respondent's conduct, as described above, provides grounds for the Director
21 of the Department to suspend or revoke the license and to impose a civil penalty and/or
22 order restitution, pursuant to A.R.S. § 20-295(A) and (F).

23 **RECOMMENDED ORDER**

24 Based on the foregoing, it is recommended that the Director revoke Respondent
25 Bonita Jean Damron's National Producer License No. 1160727.

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27
28 ¹ See A.R.S. § 20-340 *et seq.*

² See A.R.S. § 41-1092.07(G)(2); A.A.C. R2-19-119(A) and A.A.C. R2-19-119(B)(1); *see also Vazanno v. Superior Court*, 74 Ariz. 369, 372, 249 P.2d 837 (1952).

³ MORRIS K. UDALL, ARIZONA LAW OF EVIDENCE § 5 (1960).

1 *In the event of certification of the Administrative Law Judge Decision by the*
2 *Director of the Office of Administrative Hearings, the effective date of the Order will be*
3 *five days from the date of that certification.*

4 Done this day, January 29, 2020.

5 /s/ Kay Abramsohn
6 Administrative Law Judge

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9 Transmitted electronically to:
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11 Keith A. Schraad, Director
12 Arizona Department of Insurance
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