



1 renewal of the license could have been refused within the  
2 meaning of A.R.S. §20-316(A)(1).

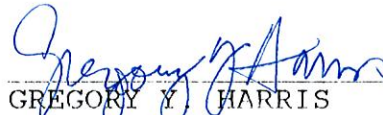
3 4. The conduct alleged in the Notice constitutes the  
4 wilful violation of, or wilful noncompliance with, any provision  
5 of Title 20, or any lawful rule, regulation or order of the  
6 director in violation of A.R.S. §20-316(A)(2).

7 5. All insurance licenses issued to Respondent  
8 Leonard Gordon Swartz are revoked effective immediately.

9 DATED this 1st day of June, 1995.

10  
11 

12 CHRIS HERSTAM  
13 Director of Insurance

14  
15 

16 GREGORY Y. HARRIS  
17 Chief Administrative Law Judge

18 COPY of the foregoing mailed/delivered  
19 this 1st day of June, 1995, to:

20 Gay Ann Williams, Deputy Director  
21 Charles R. Cohen, Executive Assistant Director  
22 John Gagne, Manager, Investigations  
23 Arnold Sniegowski, Investigator  
24 Maureen Catalioto, Supervisor, Licensing  
25 Department of Insurance  
26 2910 N. 44th Street, Suite 210  
27 Phoenix, Arizona 85018

28 Kathryn Leonard  
Assistant Attorney General  
1275 W. Washington  
Phoenix, Arizona 85007

Leonard Gordon Swartz  
1611 Dublin Rd.  
Dresher, PA 19025

J.C. Penney Life Insurance Company  
2700 W. Plano Parkway  
Plano, TX 75075

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

Allstate Insurance Company  
5343 N. 16th St., Ste. 300  
Phoenix, AZ 85016

  
Chris Crawford

APR 25 1995

6077c:CPA95-098:k11

DEPARTMENT OF INSURANCE  
By                     

STATE OF ARIZONA

DEPARTMENT OF INSURANCE

In the Matter of:	)	
	)	No. 95-081
LEONARD GORDON SWARTZ	)	
	)	
Respondent.	)	NOTICE OF HEARING

PLEASE TAKE NOTICE, that pursuant to the provisions of Arizona Revised Statutes ("A.R.S.") §§ 20-161 through and including 20-165 and 41-1061, et seq., the above-captioned matter will be heard before the Director of Insurance of the State of Arizona (the "Director"), or his duly designated representative, on the 20th day of June, 1995, at 9:00 o'clock a.m., at 2910 N. 44th Street, Suite 210, Phoenix, Arizona (the "Hearing").

Motions to continue this matter shall be made in writing to the Administrative Law Judge named below, not less than five (5) business days prior to the date set for the Hearing. A copy of any motion to continue shall be mailed or hand-delivered to the opposing party on the same date of filing with the Department of Insurance.

A.R.S. § 20-164 entitles any person affected by this Hearing to appear in person and by counsel, to be present during the giving of all evidence, to have a reasonable opportunity to inspect all documentary evidence, to examine witnesses, to present evidence in support of his/her interests, and to have

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

1 subpoenas issued by the Director to compel attendance of  
2 witnesses and production of evidence in on the person's behalf.

3 Questions concerning issues raised in this Notice of  
4 Hearing should be directed to Assistant Attorney General KATHRYN  
5 LEONARD (602-542-3702), 1275 West Washington, Phoenix, Arizona  
6 85007.

7 NOTICE OF APPLICABLE RULES

8 On January 23, 1992, the Arizona Department of Insurance  
9 adopted A.A.C. R20-6-101 through R20-6-115, setting forth the  
10 rules of practice and procedure applicable in contested cases  
11 before the Director of Insurance. The hearing will be conducted  
12 pursuant to these rules.

13 PURSUANT TO A.A.C. R20-6-106 RESPONDENT SHALL FILE A  
14 WRITTEN ANSWER WITHIN TWENTY (20) DAYS AFTER ISSUANCE OF THIS  
15 NOTICE OF HEARING AND SHALL MAIL OR DELIVER A COPY OF THE ANSWER  
16 TO THE ASSISTANT ATTORNEY GENERAL DESIGNATED ABOVE. THE ANSWER  
17 SHALL STATE RESPONDENT'S POSITION OR DEFENSE AND SHALL  
18 SPECIFICALLY ADMIT OR DENY EACH ASSERTION IN THE NOTICE OF  
19 HEARING. ANY ASSERTION NOT DENIED SHALL BE DEEMED TO BE  
20 ADMITTED. ANY DEFENSE NOT RAISED IN THE ANSWER SHALL BE DEEMED  
21 WAIVED. IF AN ANSWER IS NOT TIMELY FILED, THE RESPONDENT SHALL  
22 BE DEEMED IN DEFAULT AND THE DIRECTOR MAY DEEM THE ALLEGATIONS  
23 ARE TRUE, AND TAKE WHATEVER ACTION IS APPROPRIATE, INCLUDING  
24 SUSPENSION, REVOCATION, DENIAL OF A LICENSE, OR RENEWAL OF A  
25 LICENSE, IMPOSITION OF A CIVIL PENALTY AND/OR ORDER RESTITUTION  
26 TO ANY PARTY INJURED.

1 PERSONS WITH DISABILITIES MAY REQUEST REASONABLE  
2 ACCOMMODATIONS SUCH AS INTERPRETERS, ALTERNATIVE FORMATS, OR  
3 ASSISTANCE WITH PHYSICAL ACCESSIBILITY. REQUESTS FOR  
4 ACCOMMODATIONS MUST BE MADE WITH 72 HOURS PRIOR NOTICE. IF YOU  
5 REQUIRE ACCOMMODATIONS, PLEASE CONTACT CHRIS CRAWFORD IN THE  
6 ADMINISTRATIVE LAW DIVISION AT 912-8454.

7 This Hearing is being called by the Director because he  
8 is informed and has cause to believe and therefore alleges the  
9 following:

10 1. Leonard Gardon Swartz ("Respondent") is currently  
11 licensed as a non-resident life and disability insurance agent in  
12 the State of Arizona (License No. 6236).

13 Count I

14 2. On or about November 30, 1994, an Order was entered  
15 after hearing, In the Matter of Leonard Gordon Swartz, Docket No.  
16 8502. In that Order the Director held Respondent's conduct to  
17 have constituted the existence of misrepresentation or fraud in

18 § 20-316(A)(3). The Director further held that Respondent's  
19 conduct constituted a record of suspension or revocation of an  
20 insurance license in any jurisdiction in violation of A.R.S.

21 § 20-316(A)(5).

22 3. Pursuant to the Order, Respondent was ordered to  
23 pay a civil penalty to the Department on or before December 30,  
24 1994. Respondent was further ordered to provide to the  
25 Department, by that same date, a full and adequate disclosure of  
26

1 the nature of every regulatory action taken against any insurance  
2 license which he holds, in any jurisdiction, between January 1,  
3 1990 and November 30, 1994.

4 4. Respondent failed to pay the civil penalty and  
5 failed to comply with the Order of the Director requiring  
6 disclosure of other regulatory actions against his insurance  
7 licenses.

8 5. Respondent's conduct constitutes the existence of  
9 any cause for which original issuance or any renewal of the  
10 license could have been refused within the meaning of A.R.S.  
11 § 20-316(A)(1).

12 6. Respondent's conduct constitutes the wilful  
13 violation of, or wilful noncompliance with, any provision of  
14 Title 20, or any lawful rule, regulator or order of the director  
15 in violation of A.R.S. § 20-316(A)(2).

16 WHEREFORE, if after hearing the Director makes a finding  
17 of one or more of the above-alleged violations, he may suspend,  
18 revoke or refuse to renew Respondent's insurance license, impose  
19 civil penalties and order restitution, pursuant to A.R.S.  
20 §§ 20-316(A) and 20-316(C).

21 Pursuant to A.R.S. § 20-150, the Director delegates all  
22 authority, powers, duties and functions, whether ministerial or  
23 discretionary vested in Director of Insurance of the State of  
24 Arizona, whether implied or expressed, to GREGORY Y. HARRIS to

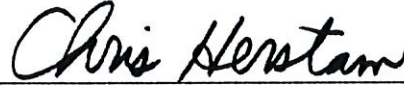
25 . . .

26 . . .

act as the Administrative Law Judge in this matter. This  
1 delegation of authority shall continue until specifically revoked.

2 DATED in Phoenix, Arizona this 25th day of

3 April, 1995.

4 

5 CHRIS HERSTAM, Director  
6 Arizona Department of Insurance

7 COPY of the foregoing mailed this  
8 25th day of April, 1995, to:

9 Kathryn Leonard  
10 Assistant Attorney General  
11 1275 West Washington, Room 259  
12 Phoenix, Arizona 85007

13 Gay Ann Williams, Deputy Director  
14 Charles R. Cohen, Executive Assistant Director  
15 John Gagne, Manager of Investigations  
16 Maureen Catalioto, Supervisor  
17 Department of Insurance  
18 2910 North 44th Street, Suite 210  
19 Phoenix, Arizona 85018

20 Leonard Gordon Swartz  
21 1611 Dublin Rd.  
22 Dresher, PA 19025

23 J.C. Penney Life Insurance Company  
24 2700 W. Plano Parkway  
25 Plano, TX 75075

26 Allstate Insurance Company  
5343 N. 16th Street, Ste. 300  
Phoenix, Arizona 85016

  
6077c:CPA95-098



\*\*\*\*\*  
\*\*\* ACTIVITY REPORT \*\*\*  
\*\*\*\*\*

TRANSMISSION OK

TX/RX NO.	1399
CONNECTION TEL	95424377
CONNECTION ID	
START TIME	06/14 11:26
USAGE TIME	04'20
PAGES	5
RESULT	OK