

OCT 29 1997

STATE OF ARIZONA

DEPARTMENT OF INSURANCE

DEPT. OF INSURANCE
BY ED

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23


In the Matter of:)	Docket No. 97A-090-INS
)	
DANA ALAN KEMP,)	ORDER DENYING REHEARING
)	
Applicant.)	
_____)	

On September 30, 1997, the Office of Administrative Hearings, through Administrative Law Judge Robert I. Worth, submitted "Recommended Order Denying Petition for 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 adopts the Administrative Law Judge's Recommended Order to deny Petitioner's request for rehearing.

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 29 day of October, 1997



 John A. Greene
 Director of Insurance

1 A copy of the foregoing mailed
this 29th day of October, 1997

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

10 Shelby Cuevas
11 Assistant Attorney General
12 1275 W. Washington
13 Phoenix, AZ 85007

14 Office of Administrative Hearings
15 1700 W. Washington, Suite 602
16 Phoenix, AZ 85007

17 Dana Alan Kemp
18 14647 N. 23rd Place
19 Phoenix, AZ 85022

20 Esther Davis

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
29
30

IN THE OFFICE OF ADMINISTRATIVE HEARINGS

In the Matter of:

Docket No. 97A-090-INS

DANA ALAN KEMP,
Applicant.

RECOMMENDED ORDER DENYING
PETITION FOR REHEARING

Applicant has filed a petition for rehearing in the above-entitled matter, and counsel for the Arizona Department of Insurance Complainant has filed a response thereto.

Upon review and consideration of the contents of the aforesaid petition and response, as well as of the entire record in this matter, it is recommended that Applicant's aforesaid petition be denied for the reason that no sufficient showing of any compelling legal or factual basis for the granting of a rehearing has been demonstrated and there is no showing of any newly discovered evidence or of evidence which was not reasonably available for the hearing held in this case, and for the further reason that the findings, conclusions and recommendations are fully supported by the testimony and evidence presented to the tribunal. It must be specifically noted that, a subsequent expressed desire to retain an attorney after having elected to appear at a hearing without legal representation does not constitute valid grounds for a rehearing, and moreover, in this case, a similar request by Applicant prior to the hearing was successfully urged as a basis for a granted continuance of the originally scheduled hearing date. However, Applicant did not retain a lawyer but instead appeared at the continued hearing *in propria persona*.

This Order denying the petition for rehearing, if and when approved and adopted by the Director of the Department, shall be a final administrative decision, reviewable pursuant to the provisions of A.R.S. §12-901.

Dated: September 30, 1997.

OFFICE OF ADMINISTRATIVE HEARINGS



Robert I. Worth
Administrative Law Judge

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

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
29
30

Original transmitted on 9/30/97

By: Chris Crawford Thomas, to:

Mr. John A. Greene, Director
Department of Insurance
2910 North 44th Street, #210
Phoenix, AZ 85018-7256

ATTN: Curvey Burton