

SEP 23 2005

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STATE OF ARIZONA
DEPARTMENT OF INSURANCE

In the Matter of:

SYLVIA CLAIRE KEPPY-DOW,

Respondent.

No. 05A-072-INS

CONSENT ORDER

On June 23, 2005, the State of Arizona, Department of Insurance (the "Department"), issued a Notice of Hearing in the matter of Sylvia Claire Keppy-Dow ("Keppy-Dow"). Keppy-Dow wishes to waive her right to a hearing and resolve this matter. Keppy-Dow admits the following Findings of Fact are true and consents to the entry of the following Conclusions of Law and Order.

FINDINGS OF FACT

1. Keppy-Dow is currently licensed as a residential property and casualty producer, Arizona license number 190791, which expires on December 31, 2006.
2. Keppy-Dow was previously licensed as a resident property and casualty producer, Arizona license number 61933, from November 28, 1977 through December 31, 1992.
3. On or about December 30, 2004, Keppy-Dow filed an Application for a property and casualty insurance producer's license with the Arizona Department of Insurance (the "Department").
4. Section VII, Question D4 of the application asks, "Have you EVER had any judgment, order or other determination made against you in any civil, administrative, judicial or quasi-judicial proceeding of any kind in any jurisdiction, including any criminal conviction, based on any of the following: 4. Committing any insurance unfair trade practice or fraud?"
5. Keppy-Dow answered, "No" to Section VII, Question D4 of her 2004 application.
6. On September 3, 1991, an Indictment was filed in *State of Arizona v. Sylvia Claire Dow*, Maricopa County Superior Court No. CR91-07271, charging Keppy-Dow with count 1: Conspiracy to Commit Fraudulent Schemes and Artifices, a class 2 felony, for planning the theft of

1 her car and submitting false reports to the police and the CNA Insurance Company stating that her
2 car was stolen; and Count 2: Conspiracy to Influence a Witness, a class 5 felony, for offering to pay
3 money to an individual so that he would not tell the police of her conspiracy to commit a fraud upon
4 her insurance company.

5 7. On or about May 22, 1992, Keppy-Dow entered a plea of no contest to Amended
6 Count 1: Facilitation to Commit Fraudulent Schemes and Artifices, a class 6 undesignated felony
7 offense and Amended Count 2: Influencing a Witness, a class 6 undesignated felony offense.

8 8. On June 22, 1992, the Court entered a Judgment and Sentencing Order in *State of*
9 *Arizona v. Sylvia Claire Dow*, Maricopa County Superior Court No. CR91-07271 convicting Keppy-
10 Dow of Amended Count 1: Facilitation to Commit Fraudulent Schemes and Artifices, a class 6
11 undesignated offense and Amended Count 2: Influencing a witness, a class 6 undesignated offense.

12 9. The Court suspended the imposition of sentence and placed Keppy-Dow on probation
13 for a period of three years. As terms of the probation, Keppy-Dow was ordered to pay restitution in
14 the amount of \$36,483.37; to pay a probation fee in the amount of \$30.00 per month and a
15 mandatory assessment fee in the amount of \$208.00.

16 10. On or about May 22, 1995, the Court extended Keppy-Dow's probation for an
17 additional three years to pay restitution.

18 11. On or about August 19, 1998, the Court entered an order discharging Keppy-Dow
19 from probation and designating the offenses as misdemeanors.

20 **CONCLUSIONS OF LAW**

21 1. The Director has jurisdiction over this matter.

22 2. Keppy-Dow's conduct, as alleged above, constitutes providing incorrect, misleading,
23 incomplete or materially untrue information in the license application, in violation of A.R.S. § 20-
24 295(A)(1).

25 3. Keppy-Dow's conduct, as alleged above, constitutes obtaining or attempting to obtain
26 a license through misrepresentation or fraud, a violation of A.R.S. § 20-295(A)(3).

1 4. Keppy-Dow states that no promise of any kind or nature, except as expressly
2 contained in this Consent Order, was made to her to induce her to enter into this Consent Order, and
3 that she has entered into this Consent Order voluntarily.

4 5. Keppy-Dow acknowledges that the acceptance of this Consent Order by the Director
5 is solely to settle this matter against her and does not preclude any other agency, officer or
6 subdivision of this state from instituting civil or criminal proceedings as may be appropriate now or
7 in the future.

8
9 Sept. 22, 2005
10 Date

Sylvia Claire Keppy-Dow
SYLVIA CLAIRE KEPPY-DOW

11 COPY of the foregoing mailed this
12 23rd of September, 2005, to:

13 Lewis D. Kowal, Administrative Law Judge
14 Office of Administrative Hearings
15 1400 W. Washington, Suite 101
16 Phoenix, Arizona 85007

17 Mary E. Kosinski, Executive Assistant for Regulatory Affairs
18 Steve Fromholtz, Licensing Supervisor
19 Scott Greenberg, Chief Operating Officer
20 Arnold Sniegowski, Investigations Supervisor
21 Mark Denman, Investigator
22 Arizona Department of Insurance
23 2910 N. 44th Street, Suite 210
24 Phoenix, Arizona 85018

25 Moirra McCarthy
26 Assistant Attorney General
27 1275 West Washington Street
28 Phoenix, Arizona 85007
29 Attorney for the Arizona Department of Insurance

30 AND COPY MAILED SAME DATE by
31 Certified Mail, Return Receipt Requested, to:

32 Sylvia Claire Keppy-Dow
33 64 North 63rd Street, #63
34 Mesa, AZ 85205
35 Respondent

36 925344: CPA04-357

Carey Burton