

JUN 13 2006

STATE OF ARIZONA

DEPARTMENT OF INSURANCE

DEPT OF INSURANCE  
BY CL

In the Matter of: )  
 )  
 **MELISSA D. MORRIS** )  
 )  
 Respondent. )  
 )  
 \_\_\_\_\_ )

No. 06A- 094-INS

**CONSENT ORDER**

The State of Arizona Department of Insurance ("Department") has received evidence that Melissa D. Morris ("Respondent") violated provisions of Title 20, Arizona Revised Statutes. Respondent wishes to resolve this matter without the commencement of formal proceedings, and admits the following Findings of Fact are true and consents to entry of the following Conclusions of Law and Order.

**FINDINGS OF FACT**

1. Respondent is, and was at all material times licensed as a life insurance producer, Arizona license number 102883, which license expires November 30, 2006.
2. Respondent is, and was at all material times employed as a licensed producer to sell life insurance policies for Morris-David's Funeral Home of which she is part owner.
3. On January 25, 2004, Respondent completed an application for life insurance with Great Western Insurance Company in the amount of \$3,710.00 on behalf of Thomas Lopez and his son Richard Lopez. On January 26, 2004, Thomas Lopez paid Respondent \$3,710.00 with check number #656658073, for which she gave him a receipt from Morris-David's Safford Funeral Home. Respondent never sent the application or money to Great Western Insurance Company and a policy was never issued.

1           4.     On February 18, 2005, Respondent presented a life insurance application to  
2 Great Western Insurance Company ("Great Western") in the amount of \$5,200.00 on behalf of  
3 Thomas Lopez and his son Richard Lopez for \$5,200.00 with a down payment of \$127.00  
4 from Morris-David's Funeral Home. Great Western issued policy # 24676125.

5           5.     On September 29, 2005, Great Western changed policy #24676125 to a  
6 reduced paid up policy for \$364.00 due to lack of payments.

7           6.     On February 6, 2006, Respondent presented a life insurance application to  
8 Great Western in the amount of \$5,200.00 on behalf of Thomas Lopez and his son Richard  
9 Lopez for \$5,200.00 with a down payment of \$127.00 from Morris-David's Funeral Home.  
10 Respondent signed the application as the agent and forged Thomas Lopez's signature as the  
11 insured. Great Western issued policy # 1000318419.

12           7.     Great Western subsequently terminated policy # 1000318419 as being  
13 fraudulent and used \$3,710.00 from Respondent's reserve account to issue Mr. Lopez the  
14 paid in full policy which he had originally applied for in January 2004.

15           8.     Between March 31, 2004 and August 30, 2005, Respondent collected \$6,500.00  
16 in insurance premium from five additional clients for life insurance policies written through  
17 Great Western. Respondent deposited the premium in her bank account and failed to remit  
18 the premium and insurance policy applications to Great Western.

19           9.     Great Western Insurance Company issued those five policies based on the  
20 original contracts written by Respondent despite her failure to remit the applications and  
21 premium.

22           10.    Great Western Insurance Company subsequently used another \$825.00 from  
23 Respondent's reserve account to recover some of its losses.

1 **CONCLUSIONS OF LAW**

2 1. The Director has jurisdiction over this matter.

3 2. Respondent's conduct as described above constitutes the improper withholding,  
4 misappropriation or conversion of any monies or properties received in the course of doing  
5 insurance business within the meaning of A.R.S. §20-295(A)(4).

6 3. Respondent's conduct as described above constitutes demonstrating  
7 incompetence, untrustworthiness or financial irresponsibility in the conduct of business in this  
8 state or elsewhere within the meaning of A.R.S. §20-295(A)(8).

9 4. Respondent's conduct as described above constitutes forging another's name to  
10 any document related to an insurance transaction within the meaning of A.R.S. § 20-  
11 295(A)(10).

12 5. Grounds exist for the Director to suspend, revoke, or refuse to renew  
13 Respondent's insurance license, impose a civil penalty and/or order restitution pursuant to  
14 A.R.S. §§20-295(A)&(F).

15 **ORDER**

16 IT IS HEREBY ORDERED THAT:

17 1. Respondent's license is revoked effective immediately upon entry of this  
18 Order.

19 2. Respondent shall pay restitution to Great Western Insurance Company in  
20 the amount of \$5,675.00.

21 DATED AND EFFECTIVE this 13<sup>th</sup> day of June, 2006.

22   
23 \_\_\_\_\_  
CHISTINA URIAS  
Director of Insurance



1 **CONSENT TO ORDER**

2 1. Respondent has reviewed the foregoing Findings of Fact, Conclusions of Law  
3 and Order.

4 2. Respondent admits the jurisdiction of the Director of Insurance, State of Arizona,  
5 and admits the foregoing Findings of Fact and consents to the entry of the foregoing  
6 Conclusions of Law and Order.

7 3. Respondent is aware of her right to notice and a hearing at which she may be  
8 represented by counsel, present evidence and examine witnesses. Respondent irrevocably  
9 waives her right to such notice and hearing and to any court appeals relating to this Consent  
10 Order.

11 4. Respondent states that no promise of any kind or nature whatsoever, except as  
12 expressly contained in this Consent Order, was made to her to induce her to enter into this  
13 Consent Order and that she has entered into this Consent Order voluntarily.

14 5. Respondent acknowledges that the acceptance of this Consent Order by the  
15 Director is solely to settle this matter against her and does not preclude any other agency,  
16 officer, or subdivision of this state from instituting civil or criminal proceedings as may be  
17 appropriate now or in the future nor does it preclude the Department from instituting  
18 proceedings not related to this matter as may be appropriate now or in the future.

19 5-31-08

20 Date

20 Melissa D. Morris

21 Melissa D. Morris  
22 License Number 102883  
23

1 COPIES of the foregoing mailed/delivered  
this 13th day of June, 2006, to:

2 Melissa D. Morris  
3 501 Relation St.  
4 Safford, AZ 85548  
Respondent

5 Mary Kosinski, Executive Assistant for regulatory Affairs  
6 Catherine M. O'Neil, Consumer Legal Affairs Officer  
7 Steve Fromholtz, Licensing Supervisor  
8 Terry Cooper, Assistant Director  
9 Arnold Sniegowski, Investigations Supervisor  
Mark Denman, Investigator  
10 Department of Insurance  
11 2910 North 44<sup>th</sup> Street, Suite 210  
12 Phoenix, Arizona 85018

10   
11 Curvey Walters Burton