

AUG 29 2006

STATE OF ARIZONA

DEPARTMENT OF INSURANCE

DEPT OF INSURANCE
BY pas

In the Matter of:)

**WILLIAM EUGENE GARCIA dba
GARCIA BAIL BONDS, INC.**)

Respondent.)

No. 06A-175-INS

CONSENT ORDER

The State of Arizona Department of Insurance ("Department") has received evidence that William Eugene Garcia dba Garcia Bail Bonds, Inc. has 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. William Eugene Garcia dba Garcia Bail Bonds, Inc. ("Garcia" or "Respondent") is, and was at all material times, licensed as a bail bond agent, Arizona license number 186150, which expires October 31, 2006.
2. Richard William Garcia ("Richard Garcia") was not licensed, at all material times, as a bail bond agent.
3. Richard Garcia was not exempt from licensure as a bail bond agent.
4. On October 18, 2004, Garcia entered into a Bond Agent Contract with Seneca Insurance Company, Inc. ("Contract") through its general agent Bail USA, Inc. Richard Garcia signed the Contract as the indemnitor.
5. Between October 20, 2004 and August 16, 2006, Garcia transacted bail bond business under the name of Garcia Bail Bonds, Inc. without having notified the Director of the use of the name on the prescribed form.

1 4. Between October 20, 2004 and August 16, 2006, Richard Garcia transacted bail
2 bond business on behalf of Garcia without a license. Garcia paid Richard Garcia commissions
3 for those transactions.

4 5. Between September 30, 2005 and November 22, 2005, Garcia collected \$1,875
5 in premium for 10 bail bonds and failed to forward the premium monies to Bail USA, Inc.

6 **CONCLUSIONS OF LAW**

7 1. The Director has jurisdiction over this matter.

8 2. Respondent's conduct as described above constitutes failure to comply with any
9 requirement of Title 20, within the meaning of A.R.S. §20-295(A)(2).

10 3. Respondent's conduct as described above constitutes improperly withholding
11 monies received in the course of doing bail bond business within the meaning of A.R.S. §20-
12 295(A) (4).

13 4. Respondent's conduct as described above constitutes the use of any name other
14 than his real name without notifying the Director on the prescribed form within the meaning of
15 A.R.S. §20-297(A).

16 4. Respondent's conduct as described above constitutes the payment of
17 commission to a non-licensed person for selling, soliciting or negotiation bail bonds in this
18 state within the meaning of A.R.S. §20-298(A).

19 5. Respondent's conduct as described above constitutes authorizing a non-licensed
20 person to transact bail bonds on his behalf within the meaning of A.R.S. §20-340.03(A)(7).

21 6. Grounds exist for the Director to deny or suspend, revoke, or refuse to renew
22 any bail bond agent's license and, in addition or in lieu thereof, may levy a civil penalty and/or
23 order restitution pursuant to A.R.S. §§20-295(A) & (F).

1 7. Grounds exist for the Director to order Respondent to cease and desist from
 2 continuing the violation, engaging in the violation or doing any act in furtherance of the
 3 violation within the meaning of A.R.S. §20-292.

4 **ORDER**

5 **IT IS HEREBY ORDERED THAT**

- 6 1. Respondent's license is suspended effective immediately upon entry of this
 7 Order through October 31, 2006.
- 8 2. Respondent shall make restitution to Bail USA, Inc. in the amount of \$1,875
 9 within 14 days of the date of this Order.
- 10 3. Respondent shall pay a civil penalty in the amount of \$2,500 to the Director for
 11 deposit in the State General Fund in accordance with A.R.S. § 20-220(B) within 30 days from
 12 the date of this Order.
- 13 4. Respondent is prohibited from maintaining any action in any court of this state to
 14 enforce any right, claim or demand arising out of the transaction of the business of bail bonds
 15 until and unless Respondent obtains bail bond agent licenses as set forth in A.R.S. § 20-
 16 340.401.
- 17 5. This Order shall become effective immediately and shall remain in full force and
 18 effect until otherwise stayed, modified, vacated or set aside.

19 DATED AND EFFECTIVE this 28th day of August, 2006.

21 
 22 _____
 23 CHIISTINA 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 his right to notice and a hearing at which he may be
8 represented by counsel, present evidence and examine witnesses. Respondent irrevocably
9 waives the 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 Respondent to induce him to enter
13 into this Consent Order and that Respondent 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 him 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 8-24-06

20 Date

William Eugene Garcia

20 William Eugene Garcia
21 Arizona License Number 186150

22 COPIES of the foregoing mailed/delivered
23 this 29TH day of August, 2006, to:

1 William Eugene Garcia
1030 E Bethany Home Road #6
2 Phoenix AZ 85014
Respondent

3 William Eugene Garcia
4 c/o Garcia Bail Bonds
45 W Jefferson Street, Suite 32
5 Phoenix AZ 85003
Respondent

6 Mary E. Kosinski, Exec. Assistant for Reg. Affairs
7 Catherine M. O'Neil, Consumer Legal Affairs Officer
Terry Cooper, Assistant Director
8 Steve Fromholtz, Licensing Supervisor
Arnold Sniegowski, Investigations Supervisor
9 Bob Hill, Investigator
Department of Insurance
10 2910 North 44th Street, Suite 210
Phoenix, Arizona 85018

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13 Curvey Walters Burton

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