STATE OF ARIZONA FILED

### STATE OF ARIZONA

MAY 18 2007

# DEPARTMENT OF INSURANCE

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In the Matter of:	) No. 07A- 091-INS
CHERYL LYNN JORGENSEN and MIKE'S BAIL BONDS, LLC	ý )
	) CONSENT ORDER
Respondents.	)

The State of Arizona Department of Insurance ("Department") has received evidence that Cheryl Lynn Jorgensen and Mike's Bail Bonds, LLC, ("Respondents") violated provisions of Title 20, Arizona Revised Statutes. Respondents wish to resolve this matter without the commencement of formal proceedings, and admit the following Findings of Fact are true and consent to entry of the following Conclusions of Law and Order.

## **FINDINGS OF FACT**

- 1. Cheryl Lynn Jorgensen ("Jorgensen") is, and was at all material times licensed as an Arizona bail bond agent, Arizona license number 105367, which license expires July 31, 2008. Jorgensen is, and was at all material times, a licensed member of Mike's Bail Bonds, LLC.
- 2. Mike's Bail Bonds, LLC is an Arizona Limited Liability Company formed by Cheryl Jorgensen, Adolfo Marquez and Vanessa Camargo on February 10, 2006. Mike's Bail Bonds is also registered as a trade name with the Arizona Secretary of State's Office naming Mike's Bail Bonds, LLC as the owner. Mike's Bail Bonds, LLC, Adolfo Marquez and Vanessa Camargo are not licensed to transact insurance in the state of Arizona.

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3. Between January 18, 2004 and October 4, 2006, Jorgensen wrote 597 bail bonds and charged additional "posting" fees totaling \$48,989.95 on 543 of those bonds. On October 4, 2006, the Department advised Jorgensen that pursuant to ARS Title 20 she may not charge or collect monies other than to pay the premium at the rates that are established by the surety and that are approved by the Director, to provide collateral or to be reimbursed for actual and reasonable expenses incurred with the individual bail transaction. Between October 5, 2006 and December 24, 2006, Respondents charged an additional \$575 in fees on seven other bonds.

#### **CONCLUSIONS OF LAW**

- 1. The Director has jurisdiction over this matter.
- 2. Respondents' conduct as described above constitutes a violation of any provision of Title 20, within the meaning of A.R.S. § 20-295(A)(2).
- 3. Jorgensen's conduct as described above constitutes accepting anything of value from a principal except the premium and expenses and collateral security in a bail transaction, within the meaning of A.R.S. § 20-340.03(A)(6).
- 4. Jorgensen's conduct as described above constitutes charging or collecting monies other than to be reimbursed for actual and reasonable expenses incurred in connection with the individual bail transaction, within the meaning A.R.S. § 20-340.03(D)(3) and A.A.C. R20-6-601(E)(2)(c).
- 5. Mike's Bail Bonds, LLC's conduct as described above constitutes acting as a bail bond agent in this state, within the meaning of A.R.S. § 20-340.01(A).
- 6. Grounds exist for the Director to suspend, revoke, or refuse to renew Jorgensen's insurance license, impose a civil penalty and/or order restitution pursuant to A.R.S. §§20-295(A) and (F).

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Grounds exist for the Director to order Mike's Bail Bonds LLC to cease and 7. desist its unlicensed activity within the meaning of A.R.S. §§ 20-340.06 and 20-292.

#### ORDER

#### IT IS HEREBY ORDERED THAT

- Jorgensen's license is suspended for 90 days effective immediately upon entry 1. of this Order.
- Mike's Bail Bonds shall immediately cease and desist from transacting bail 2. bonds in the State of Arizona until such time as respondent is in compliance with the relevant Arizona licensing requirements.
- Jorgensen shall immediately cease and desist from accepting anything of value from a principal except the premium and expenses and collateral security incurred in connection with a bail transaction and from charging or collecting monies other than to be reimbursed for actual and reasonable expenses incurred in connection with a bail transaction.
- Respondents shall pay a civil penalty in the amount of \$20,000.00 to the Director 4. for deposit in the State General Fund in accordance with A.R.S. § 20-295(G). A down payment of \$500.00 will be due at the signing of the Consent Order and the first of each month until the license suspension expires. Thereafter, \$2,500.00 will be due the first of each month until paid in full.

DATED AND EFFECTIVE this gray day of May, 2007.

CHRISTINA URIAS

Director of Insurance

#### **CONSENT TO ORDER**

- 1. Respondents have reviewed the foregoing Findings of Fact, Conclusions of Law and Order (with changes)
- Respondents admit the jurisdiction of the Director of Insurance, State of Arizona, and admit the foregoing Findings of Fact and consents to the entry of the foregoing
   Conclusions of Law and Order.
- 3. Respondents are aware of their right to notice and a hearing at which they may be represented by counsel, present evidence and examine witnesses. Respondents irrevocably waive their right to such notice and hearing and to any court appeals relating to this Consent Order.
- 4. Respondents state that no promise of any kind or nature whatsoever, except as expressly contained in this Consent Order, was made to them to induce them to enter into this Consent Order and that they have entered into this Consent Order voluntarily.
- 5. Respondents acknowledge that the acceptance of this Consent Order by the Director is solely to settle this matter against them and does not preclude any other agency, including the Department, officer, or subdivision of this state or this agency from instituting civil or criminal proceedings as may be appropriate now or in the future.
- 6. Jorgensen represents that she is a licensed member of Mike's Bail Bonds, LLC, and as such is authorized to enter this Consent Order on its behalf.

5/1/07 Date

Chery Lynn Jorgensen, License Number 105367

5/1/07

Mike's Bail Bonds, LLC

Chery Lygn Jorgensen, Owner and Operator

Date

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1	COPIES of the foregoing mailed/delivered this 18th day of May, 2007, to:
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