

SEP 24 2007

STATE OF ARIZONA
DEPARTMENT OF INSURANCE

DEPT OF INSURANCE
BY CB

In the Matter of:)

DEREK MICHAEL WHITLEY)

Respondent.)

No. 07A-165 -INS

CONSENT ORDER

The State of Arizona Department of Insurance ("Department") has received evidence that Derek Michael Whitley ("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 an Arizona resident property & casualty, life, accident, health, and variable insurance producer, Arizona license number 179314, which license expires March 31, 2010.
2. On June 25, 2004, Respondent contracted with American Family Insurance Company to transact insurance on its behalf.
3. Between March 31, 2006 and May 21, 2007, Respondent collected \$6,313.92 premium from eight clients which he failed to remit to American Family.

CONCLUSIONS OF LAW

1. The Director has jurisdiction over this matter.

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2. Respondents' conduct as described above constitutes improperly withholding, misappropriating or converting any monies received in the course of doing insurance business, within the meaning of A.R.S. § 20-295(A)(4).

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

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

ORDER

IT IS HEREBY ORDERED THAT

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

DATED AND EFFECTIVE this 20th day of September, 2007.


CHRISTINA URIAS
Director of Insurance

CONSENT TO ORDER

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

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 his 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 him to induce him to enter into this
13 Consent Order and that he 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 including the Department, officer, or subdivision of this state or this agency from instituting civil
17 or criminal proceedings as may be appropriate now or in the future.

18 9/17/2005
19 Date



Derek Michael Whitley, License No. 179314

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1 COPIES of the foregoing mailed/delivered
this 24th day of September, 2007, to:

2
3 Derek Michael Whitley
3 2324 Skyview Drive
3 Sierra Vista, AZ 85635

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

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10 
10 Curvey Walters Burton

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