STATE OF ARIZONA FILED

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DEPARTMENT OF INSURANCE

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BY _	

In the Matter of:)) No. 07A- 191 - INS
MICHAEL DOUGLAS SOMMERFELD)
Respondent.)

The State of Arizona Department of Insurance ("Department") has received evidence that Michael Douglas Sommerfeld ("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 adjuster and property & casualty insurance producer, Arizona license number 115530, which license expires April 30, 2009.
- 2. On November 27, 2006, while employed as a customer service representative for USAA Insurance, Respondent filed two false vehicle burglary claims under two of his customers' policies and electronically wired the claims settlement proceeds into his own bank account.
- 3. On or about June 4, 2007, Respondent was convicted in the Superior Court of the State of Arizona, in and for the County of Maricopa, of Count 1: Theft, a class 6 undesignated felony, Case number CR2006-179894-001-DT.

CONCLUSIONS OF LAW

- 1. The Director has jurisdiction over this matter.
- 2. Respondent's conduct as described above constitutes improperly withholding and misappropriating monies in the course of insurance business within the meaning of A.R.S.§20-295(A)(4).
- 3. Respondent's conduct as described above constitutes having been convicted of a felony, within the meaning of A.R.S.§20-295(A)(6).
- 4. Respondent's conduct as described above constitutes having admitted or been found to have committed any insurance unfair trade practice or fraud within the meaning of A.R.S.§20-295(A)(7).
- 5. Respondent's conduct as described above constitutes using fraudulent, coercive or dishonest practices, or 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).
- 6. Respondent's conduct as described above constitutes forging another's name to any document related to an insurance transaction within the meaning of A.R.S.§20-295(A)(10).
- 7. Grounds exist for the Director to suspend, revoke, or refuse to renew Respondent's insurance license, impose a civil penalty and/or order restitution pursuant to A.R.S. §§20-295(A).

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ORDER

IT IS HEREBY ORDERED THAT Respondent's license is revoked effective immediately upon entry of this Order.

DATED AND EFFECTIVE this 30th day of October, 2007.

Director of Insurance

CONSENT TO ORDER

- 1. Respondent has reviewed the foregoing Findings of Fact, Conclusions of Law and Order.
- 2. Respondent admits the jurisdiction of the Director of Insurance, State of Arizona, and admits the foregoing Findings of Fact and consents to the entry of the foregoing Conclusions of Law and Order.
- 3. Respondent is aware of his right to notice and a hearing at which he may be represented by counsel, present evidence and examine witnesses. Respondent irrevocably waives his right to such notice and hearing and to any court appeals relating to this Consent Order.
- 4. Respondent states that no promise of any kind or nature whatsoever, except as expressly contained in this Consent Order, was made to him to induce him to enter into this Consent Order and that he has entered into this Consent Order voluntarily.

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

Respondent acknowledges that this Consent Order is an administrative action 6. that the Department will report to the National Association of Insurance Commissioners (NAIC). Respondent further acknowledges that he must report this administrative action to any and all states in which he holds an insurance license and must disclose this administrative action on any license application.

Michael Douglas Sommerfeld, License No. 115530

COPIES of the foregoing mailed/delivered this 1st day of November, 2007, to:

Michael Douglas Sommerfeld 14932 W. Dovestar Drive Surprise, AZ 85374

Mary Kosinsk, Executive Assistant for Regulatory Affairs Catherine M. O'Neil, Consumer Legal Affairs Officer

Terry Cooper, Assistant Director

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