

SEP 15 2009

STATE OF ARIZONA

DEPARTMENT OF INSURANCE

DEPT OF INSURANCE
BY ms

In the Matter of:)
)
 FJELSTUL, LESLIE CRAIG)
)
 Respondent.)
)
 _____)

No. 09A-100 - INS
CONSENT ORDER

The State of Arizona Department of Insurance ("Department") has received evidence that **Leslie Craig Fjelstul ("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 bail bond agent, Arizona license number 77809, which expires on August 31, 2012.

2. Respondent is transacting business under the assumed business name of Freed Um Bail Bonds. Respondent has not registered the assumed business name with the Department.

3. Between January and July 2009, Respondent collected \$10,900.00 to collateralize four different bail bonds. Respondent failed to keep collateral separate and apart from any other funds, assets or property. Upon exoneration of a bond, Respondent failed to return collateral to the person who deposited it, but used it to pay other business expenses.

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1 **CONCLUSIONS OF LAW**

2 1. The Director has jurisdiction over this matter.

3 2. Respondent's conduct, as described above, constitutes failure to immediately
4 return collateral to the person who deposited it with the bail bond agent or any assignee upon
5 entry of any order by an authorized official by virtue of which liability under the bond is
6 terminated, within the meaning of A.A.C. R20-6-601(E)(4)(b).

7 3. Respondent's conduct, as described above, constitutes improperly withholding,
8 misappropriating or converting any monies or property received in the course of insurance
9 business within the meaning of A.R.S. §20-295(A)(4).

10 4. Respondent's conduct as described above constitutes using fraudulent, coercive
11 or dishonest practices, or demonstrating incompetence, untrustworthiness or financial
12 irresponsibility in the conduct of business in this state or elsewhere within the meaning of
13 A.R.S. §20-295(A)(8).

14 5. Respondent's conduct constitutes using an assumed business name without
15 notifying the Director on the prescribed form before using the assumed name within the
16 meaning of A.R.S. §20-297(A).

17 6. Grounds exist for the Director to suspend, revoke, or refuse to renew
18 Respondent's insurance license, impose a civil penalty and/or order restitution pursuant to
19 A.R.S. §§20-295(A) and (F) as applied to bail bond agents pursuant to A.R.S. § 20-340.06.

20 **ORDER**

21 IT IS HEREBY ORDERED THAT:

22 1. Respondent's license is revoked effective immediately upon entry of this Order.
23

1 2. Upon exoneration of the bond and application of any unpaid premium and/or
2 fees, Respondent shall make restitution to the following indemnitors within six months of each
3 exoneration:

4	Barbara Brouhard	\$4,500.00
	Larry Mullins	\$ 500.00
5	Cheryl Smith	\$5,400.00
	Luke Wright	\$ 500.00

6
7 DATED AND EFFECTIVE this 14th day of September, 2009.

8
9 
CHRISTINA URIAS
Director of Insurance

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11 **CONSENT TO ORDER**

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

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

5 6. Respondent acknowledges that failure to comply with the terms of this Consent
6 Order, including but not limited to the timely payment of restitution, may result in further action
7 by the Department, including criminal action, or referral of this matter by the Department to
8 another federal or state agency.

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

14 9-14-09
Date

Leslie Craig Fjelstul
Leslie Craig Fjelstul, License No. 77809

15
16 COPIES of the foregoing mailed/delivered
this 15th day of September, 2009, to:

17 Leslie Craig Fjelstul
18 5150 N. 68th Dr.
Glendale, AZ 85303

19 Mary Kosinski, Executive Assistant for Regulatory Affairs
20 Catherine M. O'Neil, Consumer Legal Affairs Officer
Steve Fromholtz, Licensing Supervisor
21 Arnold Sniegowski, Investigator
Department of Insurance

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23 ...

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Phoenix, Arizona 85018

2 *Maidene Schermer*
3 Curvey Walters Burton *for*

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