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# STATE OF ARIZONA

# DEPARTMENT OF INSURANCE



In the Matter of:				
		1	lo. 09A-	140- INS
HELMER, SCOTT ARTHUR				
(Arizona License # 144017)				
(National Producer # 7526573)				
HELMER RISK MANAGEMENT	LLC			
(Arizona License #855511),				
		C	ONSE	IT ORDER
Respondents.				

The State of Arizona Department of Insurance ("Department") has received evidence that **Scott Arthur Helmer and Helmer Risk Management 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. Scott Arthur Helmer ("Helmer") is, and was at all material times, licensed as an Arizona resident property and casualty and surplus lines insurance producer, Arizona license number 144017, which expires March 31, 2012.
- 2. Helmer Risk Management, LLC ("HRM") is, and was at all material times, licensed as an Arizona resident property and casualty and surplus lines insurance producer, Arizona license number 855511, which expires January 31, 2010. Helmer is the owner/operator of HRM.

- 3. On May 8, 2006, Respondents entered into an "Agency Agreement" with Partners Specialty Group, LLC of Norristown, Pennsylvania ("Partners Specialty") to transact insurance on its behalf in several states including Arizona.
- 4. Between March and August 2009, Respondents wrote seven (7) commercial liability insurance policies for Partners Specialty. For each policy, Respondents collected a down payment on the premium from their clients, which was to be remitted to Partners Specialty. Respondents arranged for the clients to pay the premium balance by financing the balance through Standard Funding Corporation ("SFC"). Instead of paying the premium directly to Partners Specialty, SFC paid the financed portion of the premium balances directly to Respondents for remittance to Partners Specialty. The total amount Respondents collected for the seven policies to be remitted to Partners Specialty was \$90,323.00
- Respondents failed to remit to Partners Specialty the premium they received (less their commission earned) either from their clients or from SFC, using it instead to pay salaries and other business expenses.
- 6. The insurance companies underwriting the seven policies cancelled the policies with unremitted balances for non-payment of premium and applied cancellation credits of unearned premium to those policies. The earned premium is \$27,779.00. Respondents are entitled to commission equal to 10% of the earned premium totaling \$2,779.00 leaving a balance owed to Partners Specialty in the amount of \$25,001.10. The unearned premium and unearned commission to be refunded to SFC is \$62,533.00.

## 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 or properties received in the course of doing insurance business within the meaning of A.R.S.§20-295(A)(4).
- Grounds exist for the Director to suspend, revoke, or refuse to renew Respondents' 3. insurance licenses, impose a civil penalty and/or order restitution pursuant to A.R.S. §§20-295(A), (B) and (F).

#### ORDER

#### IT IS HEREBY ORDERED THAT:

- Respondents' insurance licenses are revoked effective immediately upon entry of this Order.
- 2. Respondents shall make restitution to Partners Specialty in the amount of \$25,001.10.
  - 3. Respondents shall make restitution to SFC in the amount of \$62,533.00.

DATED AND EFFECTIVE THIS 17th day of November, 2009.

CHRISTINA URIAS

Director of Insurance

### **CONSENT TO ORDER**

- Respondents have reviewed the foregoing Findings of Fact. Conclusions of Law and Order.
- Respondents admit the jurisdiction of the Director of Insurance, State of Arizona, 2. and admit the foregoing Findings of Fact and consent to the entry of the foregoing Conclusions of Law and Order.



- 3. Respondents are aware of their right to notice and 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 settles this matter against them but does not preclude any other agency, officer, or subdivision of this state, including the Department, from instituting civil or criminal proceedings as may be appropriate in the future not connected with this matter or any other previously resolved complaints.
- 6. Respondents acknowledge that this Consent Order is an administrative action that the Department will report to the National Association of Insurance Commissioners (NAIC). Respondents further acknowledge that they must report this administrative action to any and all states in which they hold an insurance license and must disclose this administrative action on any license application.
- 7. Scott Arthur Helmer represents that he is owner/operator of Helmer Risk

  Management LLC and as such is authorized to enter into this Consent Order on its behalf.

/(-/1-09 Date

Scott Arthur Helmer, License No. 144017

Helmer Risk Management LLC , License No. 855511



1	11-11-04		
	Date	Scott Arthur Helmer, Owner/Operator	
2	COPY of the foregoing mailed		
	this 18th day of November	, 2009, to:	
3	Scott Arthur Helmer		
4	Helmer Risk Management LL		
	19475 N. Grayhawk Dr. #207		
5	Scottsdale, AZ 85255	NOTE :	
	Respondent		
6	Joyce N. Van Cott		
7	Glover & Van Cott, P.A.	[2] 10 15일 및 1일 2020년 1일 1일로 10 10 12 16일로 12 2 2 20 1일로 10 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2	
	The Brookstone		
8	2025 North Third Street, Suite	e 260	
	Phoenix, Arizona 85004		
9	(Attorney for Respondents)	보는 이 경우 전 경기를 보고 있다. 그런 경기를 받는 것이 되었다. 1985년 - 1985년	
	Partners Specialty Group LLC		
10	301 E. Germantown Pike, Sui		
11	Norristown, PA 19401		
	Standard Funding Corp	도 마음이 많아 보다 하나 물론들이 되었다. 그리는 것이 되었다. 1885년 - 1885년 1885년 1887년 1887년 1887년 1887년 1887년 1887년 1887년	
12	335 Crossways Park Drive		
	Woodbury, NY 11797		
13	Mary Kosinski, Executive Ass		
14	Catherine M. O'Neil, Consum Mary Butterfield, Assistant Dir		
~	Steven Fromholtz, Licensing		
15	Arnold Sniegowski, Investigat		
	Arizona Department of Insura	nce 210	
16	2910 North 44 <sup>th</sup> Street, Suite : Phoenix, AZ 85018		
17			
17	118000 BUSTOS		
18	Curvey Walters Burton		
		현실 경험을 보고 있다. 	
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20			
21			
22			
	◆事業大力をは、このできまたしょうなはらればないためでは、これを発したが、作品はよりでします。	在上一块一头, 就是我们就是在1000年,这里的时间,我们就是是这个大大的一点,只是这样,就是一样的时候。	