

DEC 16 2010

DEPT OF INSURANCE
BY CB

STATE OF ARIZONA
DEPARTMENT OF INSURANCE

In the Matter of:)
)
4 **DORKSEN, SUSAN MARGARET,**)
 aka Susan Richmond,)
5 **(Arizona License Number 101727)**)
 (National Producer Number 1052578))
6 Respondent.)
)
)
)
)

No. 10A- 190 - INS

CONSENT ORDER

The State of Arizona Department of Insurance ("Department") has received evidence that **Susan Margaret Dorksen, aka. Susan Richmond ("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 accident/health, life, property and casualty insurance producer, Arizona license number 101727, which license expires February 29, 2012.
2. Respondent contracted with Farmers Insurance Group ("Farmers") to transact insurance business on its behalf in Arizona.
3. Between April and June, 2008, Respondent collected \$228,849.00 from Avenir Construction ("Avenir") of Scottsdale, Arizona, for builders risk and installation insurance coverage through Zurich Financial Services ("Zurich"). Zurich is the parent company of Farmers. Respondent deposited the funds she collected into her personal account at Farmers Insurance Group Federal Credit Union, # xx4840 ("Credit Union Account").

1 4. On June 1, 2008, Zurich issued policy number EC43658013 to Avenir.

2 5. Respondent requested of and received from Zurich an extension to remit the
3 premium to January, 2009. In January, 2009, Zurich notified Respondent that the premium
4 was due.

5 6. On January 15, 2009, Respondent arranged for premium financing through
6 Arizona Premium Financing Company, Inc. ("APFC") on behalf of Avenir without their
7 knowledge or consent by having an authorized company representative from Avenir unwittingly
8 sign the premium finance agreement by intentionally misrepresenting the nature of the
9 document and mixing it among other insurance documents to obtain the approval signature.

10 7. Respondent submitted the premium finance application to APFC along with a
11 down payment check in the amount of \$151,000.00 written from her Credit Union Account
12 requesting financing for \$77,849.00 (which carried \$6,275.17 in finance charges).

13 8. On January 26, 2009, APFC remitted the full premium amount of \$228,849.00 to
14 Zurich for policy number EC43658013.

15 9. On February 25, 2009, Avenir made the first monthly premium finance payment
16 to APFC in the amount of \$9,814.00 in response to receiving an invoice from APFC.

17 10. On or about March 25, 2009, Respondent made the second monthly premium
18 finance payment to APFC in the amount of \$9,347.13.

19 11. Neither Avenir or Respondent made a premium finance payment to APFC on
20 April 25, 2009.

21 12. On April 30, 2009, APFC issued a notice of cancellation effective May 15, 2009,
22 for nonpayment of premium.

1 13. On May 1, 2009, Zurich remitted unearned premium to APFC in the amount of
2 \$57,298.00.

3 14. In addition, Farmers reimbursed Avenir in the amount of \$57,298.00.

4 **CONCLUSIONS OF LAW**

5 1. The Director has jurisdiction over this matter.

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

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

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

16 **ORDER**

17 **IT IS HEREBY ORDERED THAT:**

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

19 2. Respondent shall make restitution to Farmers Insurance Company in the amount
20 of \$57,298.00.

21 3. Respondent shall make restitution to Avenir Construction in the amount of
22 \$9,814.00.
23

1 DATED AND EFFECTIVE this 16th day of December 2009.

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4 
CHRISTINA URIAS
Director of Insurance

5
6 **CONSENT TO ORDER**

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

9 2. Respondent admits the jurisdiction of the Director of Insurance, State of Arizona,
10 and admits the foregoing Findings of Fact and consents to the entry of the foregoing
11 Conclusions of Law and Order.

12 3. Respondent is aware of her right to notice and a hearing at which she may be
13 represented by counsel, present evidence and examine witnesses. Respondent irrevocably
14 waives her right to such notice and hearing and to any court appeals relating to this Consent
15 Order.

16 4. Respondent states that no promise of any kind or nature whatsoever, except as
17 expressly contained in this Consent Order, was made to her to induce her to enter into this
18 Consent Order and that she has entered into this Consent Order voluntarily.

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

23 6. Respondent acknowledges that this Consent Order is an administrative action
that the Department will report to the National Association of Insurance Commissioners

1 (NAIC). Respondent further acknowledges that she must report this administrative action to
2 any and all states in which she holds an insurance license and must disclose this
3 administrative action on any license application.

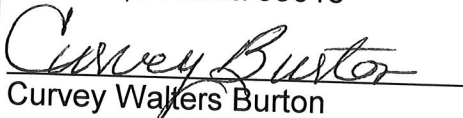
4 12.14.10
5 Date


6 Susan Margaret Dorksen, License No. 101727

7 COPIES of the foregoing mailed/delivered
8 this 16th day of December, 2010, to:

9 Susan Margaret Dorksen
10 Susan Richmond
11 3018 N. Dakota Street
12 Chandler, AZ 85225
13 Respondent

14 Mary Kosinski, Executive Assistant for Regulatory Affairs
15 Catherine M. O'Neil, Consumer Legal Affairs Officer
16 Steve Fromholtz, Licensing Supervisor
17 Charles Gregory, Acting Assistant Director
18 Arnold Sniegowski, Investigator
19 Steve Peters, Investigator
20 Department of Insurance
21 2910 North 44th Street, Suite 210
22 Phoenix, Arizona 85018

23 
Curvey Walters Burton