

MAR 23 2011

STATE OF ARIZONA

DEPARTMENT OF INSURANCE

DEPT OF INSURANCE
BY bjm

In the Matter of:)
)
MCDONALD, YVETTE DENISE,)
(License number # 957461))
(NPN # 15464374))
)
Respondent)
_____)

No. 10A-201-INS

CONSENT ORDER

Hearing 3/24/2011, 8:00 a.m.
ALJ Lewis Kowal

The State of Arizona Department of Insurance ("Department") has received evidence that **Yvette Denise McDonald** has violated provisions of Title 20, Arizona Revised Statutes ("A.R.S."). 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. Yvette Denise McDonald ("Respondent") is, and was at all material times licensed as a resident property and casualty producer, Arizona license number 957461, which expires June 30, 2013.
2. Respondent's mailing, business and residence addresses of record with the Department are: 4425 East Cotton Center Blvd., Phoenix, Arizona 85040 (business and mailing); 11016 W. Amelia Ave., Avondale, Arizona 85392 (residence).
3. On or about December 15, 2009, the Department issued to Respondent an insurance license as a resident property and casualty producer, Arizona license number 957461.
4. On June 15, 2010, the Department notified Respondent by mail at her business/ mailing address of record that her fingerprint card had been processed and returned by the Arizona Department of Public Safety (DPS) as illegible. The Department requested a replacement set of fingerprints along with a completed "Illegible Fingerprint Replacement Form" on or before July 15, 2010.

1 5. On September 9, 2010, the Department notified Respondent a second time by
2 mail at her residence address of record that it was about to initiate an administrative action
3 against her license for failure to comply with the fingerprint requirement. The Department
4 requested a response by September 30, 2010.

5 6. To date, Respondent has not submitted a full set of fingerprints to the
6 Department.

CONCLUSIONS OF LAW

- 7 1. The Director has jurisdiction over this matter.
- 8 2. Respondent’s conduct as described above constitutes the violation of the
9 requirement that an applicant submit a full set of fingerprints to the Department within the
10 meaning of A.R.S. § 20-285(E)(2).
- 11 3. Respondent’s conduct as described above constitutes providing incomplete
12 information in the license application within the meaning of A.R.S. § 20-295(A)(1).
- 13 4. Respondent’s conduct as described above constitutes the violation of any
14 provision of A.R.S. Title 20 or any rule, subpoena or order of the director within the meaning of
15 A.R.S. §20-295(A)(2).
- 16 5. Grounds exist for the Director to suspend, revoke, or refuse to renew
17 Respondent’s insurance license, impose a civil penalty and/or order restitution pursuant to
18 A.R.S. §§20-295(A) and (F).

ORDER

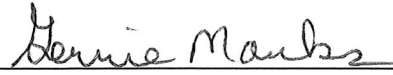
17 IT IS HEREBY ORDERED THAT:

- 18 1. Respondent shall immediately submit to the Department a full set of fingerprints
19 and an Illegible Fingerprint Replacement Form.
- 20 2. Respondent shall immediately pay to the Department a civil money penalty in the
21 amount of \$250.00.

21 ...
22 ...
23 ...

1 3. The hearing, Docket #10A-201-INS, scheduled for March 24, 2011, at 8:00 a.m.
2 is vacated.

3 DATED AND EFFECTIVE this 23rd day of March, 2011.

4
5 
6 CHRISTINA URIAS
7 Director of Insurance

8 **CONSENT TO ORDER**

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

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

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

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

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

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

6 3/23/2011
 7 Date

Yvette McDonald
 Yvette Denise McDonald, Arizona License # 957461
 attached letter of explanation

10 COPIES of the foregoing mailed/delivered
 11 this 23rd day of March, 2011, to:

12 Yvette Denise McDonald
 11016 W. Amelia Ave.
 Avondale, Arizona 85392
 13 Respondent

14 Yvette Denise McDonald
 4425 East Cotton Center Blvd.
 15 Phoenix, Arizona 85392
 Respondent

16 Scott Carley
 17 Progressive Insurance
 6300 Wilson Mills Rd.
 18 Mayfield Village, OH 44143

19 Mary E. Kosinski, Exec. Assistant for Regulatory Affairs
 Catherine M. O'Neil, Consumer Legal Affairs Officer
 20 Steven Fromholtz, Licensing Supervisor
 Department of Insurance
 21 2910 North 44th Street, Suite 210
 Phoenix, Arizona 85018

22 Lewis Kowal, Administrative Law Judge
 23 Office of Administrative Hearings

1 1400 West Washington, Suite 101
Phoenix, AZ 85007

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Curvey Walters Burton

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Letter of Explanation

RE: Consent to Order License #957461 AZ

To Whom It May Concern:

I was an actively employed Captive Agent of Progressive Insurance Company at the time of this Consent to Order and the fingerprints I forwarded to Progressives Licensing department on October 4, 2010 were never appropriately given to the State of Arizona by them.

I did not find out the fingerprints were never given to the State of Arizona Department of Insurance until I received a certified mailing in January 2011 with a Hearing date scheduled and a letter explaining that the Arizona Department of Insurance didn't get the fingerprints as requested.

Progressive Insurance Company has paid the \$250 fine outlined in this Consent to Order.


Yvette McDonald

3/23/2011