

JUL 10 2012

STATE OF ARIZONA

DEPARTMENT OF INSURANCE

DEPT OF INSURANCE
BY 

In the Matter of:)
)
MARTINEZ, EDGAR SOTO,)
(Arizona License Number 94500))
(National Producer Number 6746800))
)
Respondent.)
)
)
)

No. 12A- 072 - INS

CONSENT ORDER

The State of Arizona Department of Insurance ("Department") has received evidence that **Edgar Soto Martinez ("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, variable life/variable annuities, casualty, and property insurance producer, Arizona license number 94500, which expires on May 31, 2014.
2. Respondent's addresses of record are 2 E. Congress St. Suite 900, Tucson, AZ 85701 (business/mailling) and 4500 S. Avenida Paisano, Tucson, AZ 85746 (residence).
3. Respondent was at all material times contracted with American Family Insurance Company ("American Family") to transact insurance on its behalf in Arizona.
4. Between August 17, 2011 and March 1, 2012, Respondent collected \$1,864.00 in premium from five (5) clients and failed to remit the premium to American Family.
5. Respondent has since made full restitution to American Family.

1 **CONCLUSIONS OF LAW**

2 1. The Director has jurisdiction over this matter.

3 2. Respondent's conduct as described above constitutes improperly withholding
4 monies received in the course of doing insurance business within the meaning of A.R.S. §20-
5 295(A)(4).

6 3. Grounds exist for the Director to suspend, revoke, or refuse to renew
7 Respondent's insurance license and/or order restitution pursuant to A.R.S. §§20-295(A) and
8 (F).

9 4. Grounds exist for the Director to, in addition to or instead of any suspension,
10 revocation or refusal to renew a license, impose a civil penalty of not more than two hundred
11 fifty dollars for each unintentional failure or violation, up to an aggregate civil penalty of two
12 thousand five hundred dollars, and impose a civil penalty of not more than two thousand five
13 hundred dollars for each intentional failure or violation, up to an aggregate civil penalty of
14 fifteen thousand dollars pursuant to A.R.S. § 20-295(F).

15 **ORDER**

16 IT IS HEREBY ORDERED THAT:

17 Respondent shall pay a civil penalty in the amount of \$1,000.00 immediately upon entry
18 of this Order for deposit into the State General Fund.

19 DATED AND EFFECTIVE this 10th day of July, 2012.

20
21 

22 GERMAINE L. MARKS
23 Acting Director of Insurance

1 **CONSENT TO ORDER**

2 1. Respondent has reviewed the foregoing Findings of Fact, Conclusions of Law
3 and Order.

4 2. Respondent admits the jurisdiction of the Director of Insurance, State of Arizona,
5 and admits the foregoing Findings of Fact and consents to the entry of the foregoing
6 Conclusions of Law and Order.

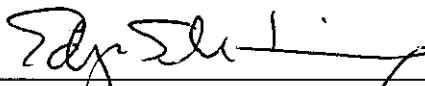
7 3. Respondent is aware of his right to notice and a hearing at which he may be
8 represented by counsel, present evidence and examine witnesses. Respondent irrevocably
9 waives his right to such notice and hearing and to any court appeals relating to this Consent
10 Order.

11 4. Respondent states that no promise of any kind or nature whatsoever, except as
12 expressly contained in this Consent Order, was made to him to induce him to enter into this
13 Consent Order and that he has entered into this Consent Order voluntarily.

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

18 6. Respondent acknowledges that this Consent Order is an administrative action
19 that the Department will report to the National Association of Insurance Commissioners (NAIC)
20 and that he may have to report this administrative action on any future licensing applications
21 either to the Department or other states' Departments of Insurance.

22 07052012
Date



Edgar Soto Martinez, License No. 94500

1 COPIES of the foregoing mailed/delivered
this 10th day of July, 2012, to:

2 Edgar Soto Martinez
3 2 E. Congress St. Suite 900
4 Tucson, AZ 85701
5 Respondent

6 Edgar Soto Martinez
7 4500 S. Avenida Paisano
8 Tucson, AZ 85746
9 Respondent

10 Mary Kosinski, Executive Assistant for Regulatory Affairs
11 Catherine M. O'Neil, Consumer Legal Affairs Officer *← Mary Butterfield, Asst. Dir.*
12 Steve Fromholtz, Licensing Supervisor
13 Charles Gregory, Investigations Supervisor
14 Randy Markham, Investigator
15 Department of Insurance
16 2910 North 44th Street, Suite 210
17 Phoenix, Arizona 85018

18 
19 Curvey Walters Burton
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