JUL 1 0 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)	) No. 12A- <sub>072</sub> - INS ) )
Respondent.	) 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/mailing) 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.

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## **CONCLUSIONS OF LAW**

- 1. The Director has jurisdiction over this matter.
- 2. Respondent's conduct as described above constitutes improperly withholding monies received in the course of doing insurance business within the meaning of A.R.S.§20-295(A)(4).
- 3. Grounds exist for the Director to suspend, revoke, or refuse to renew Respondent's insurance license and/or order restitution pursuant to A.R.S. §§20-295(A) and (F).
- 4. Grounds exist for the Director to, in addition to or instead of any suspension, revocation or refusal to renew a license, impose a civil penalty of not more than two hundred fifty dollars for each unintentional failure or violation, up to an aggregate civil penalty of two thousand five hundred dollars, and impose a civil penalty of not more than two thousand five hundred dollars for each intentional failure or violation, up to an aggregate civil penalty of fifteen thousand dollars pursuant to A.R.S. § 20-295(F).

#### ORDER

IT IS HEREBY ORDERED THAT:

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

DATED AND EFFECTIVE this 10th day of July, 2012

GERMAINE L. MARKS
Acting Director of Insurance

## CONSENT TO ORDER

- 1. Respondent has reviewed the foregoing Findings of Fact, Conclusions of Law and Order.
- 2. Respondent admits the jurisdiction of the Director of Insurance, State of Arizona, and admits the foregoing Findings of Fact and consents to the entry of the foregoing Conclusions of Law and Order.
- 3. Respondent is aware of his right to notice and a hearing at which he may be represented by counsel, present evidence and examine witnesses. Respondent irrevocably waives his right to such notice and hearing and to any court appeals relating to this Consent Order.
- 4. Respondent states that no promise of any kind or nature whatsoever, except as expressly contained in this Consent Order, was made to him to induce him to enter into this Consent Order and that he has entered into this Consent Order voluntarily.
- 5. Respondent acknowledges that the acceptance of this Consent Order by the Director is solely to settle this matter against him and 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 now or in the future.
- 6. Respondent acknowledges that this Consent Order is an administrative action that the Department will report to the National Association of Insurance Commissioners (NAIC) and that he may have to report this administrative action on any future licensing applications either to the Department or other states' Departments of Insurance.

07052612\_ Date

Edgar Soto Martinez, License No. 94500

1	COPIES of the foregoing mailed/delivered this <u>loth</u> day of <u>July</u> , 2012, to:
2	Edgar Soto Martinez
3	2 E. Congress St. Suite 900 Tucson, AZ 85701
4	Respondent
5	Edgar Soto Martinez 4500 S. Avenida Paisano
6	Tucson, AZ 85746 Respondent
7	Mary Kosinski, Executive Assistant for Regulatory Affairs
8	Catherine M. O'Neil, Consumer Legal Affairs Officer Mary Butterfield, Asst. Dig. Steve Fromholtz, Licensing Supervisor
9	Charles Gregory, Investigations Supervisor Randy Markham, Investigator
10	Department of Insurance 2910 North 44 <sup>th</sup> Street, Suite 210 Phoenix, Arizona 85018
11	Q A
12	Curvey Walters Burton
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