

APR 10 2013

DEPT OF INSURANCE
BY 

STATE OF ARIZONA

DEPARTMENT OF INSURANCE

In the Matter of:)
)
FEDIGAN, LINDA MARIE)
(Arizona License Number 13802))
(National Producer Number 6733788))
)
Respondent.)
)
)
)

No. 13A-049 - INS

CONSENT ORDER

The State of Arizona Department of Insurance ("Department") has received evidence that **Linda Marie Fedigan ("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 and life insurance producer, Arizona license number 13802, which expires on February 28, 2017.

2. Respondent's address of record is 8312 N. Solitude Way, Tucson, Arizona 85743 (business/mailing, and residence).

3. Respondent was at all material times contracted with North American Company for Life and Health ("North American") to transact insurance on its behalf in Arizona.

Failure to Disclose

4. On or about May 8, 2008 and again in about August, 2009, Respondent borrowed money from her clients, Bernard and Marilyn Harris.

1 5. On or about June 11, 2012, The Superior Court of Pima County filed a Judgment
2 in Marilyn Harris, et al vs. Linda M. Fedigan, case number C20116828. The Court ordered
3 Respondent to pay a judgment to Bernard and Marilyn Harris for breaching her contractual
4 obligations by failing to repay the Harris loan and for breaching her duty of good faith and fair
5 dealing.

6 6. On or about February 17, 2013, Respondent submitted an online renewal
7 application to the Department ("February 17 2013 Renewal Application"). Part C question 7 of
8 the February 17 Renewal Application asks: Have you ever been convicted or found guilty of,
9 have you had a judgment made against you for, or have you admitted to conducting business
10 in an incompetent, untrustworthy or financially irresponsible manner that has not been
11 previously disclosed in a written format by you to this agency? Respondent answered "No" to
12 Part C question 7 of the February 17 Renewal Application.

Intentional Misrepresentation

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14 7. On or about December 4, 2007 and again on or about January 14, 2008,
15 Respondent submitted three (3) falsified annuity applications to North American for Jane
16 Harris stating that Jane Harris resided in Arizona when in fact she resided in New Jersey.

17 8. Respondent is and never has been licensed to transact insurance in New Jersey.

CONCLUSIONS OF LAW

18
19 1. The Director has jurisdiction over this matter.

20 2. Respondent's conduct, as described above, constitutes providing incorrect,
21 misleading, incomplete or materially untrue information in the license application within the
22 meaning of A.R.S. §20-295(A)(1).
23

1 3. Respondent's conduct, as described above, constitutes intentionally
2 misrepresenting the terms of an actual or proposed insurance contract or application for
3 insurance within the meaning of A.R.S. §20-295(A)(5).

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


7 5. Grounds exist for the Director to, in addition to or instead of any suspension,
8 revocation or refusal to renew a license, impose a civil penalty of not more than two hundred
9 fifty dollars for each unintentional failure or violation, up to an aggregate civil penalty of two
10 thousand five hundred dollars, and impose a civil penalty of not more than two thousand five
11 hundred dollars for each intentional failure or violation, up to an aggregate civil penalty of
12 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 \$500.00 immediately upon entry
of this Order for deposit into the State General Fund.

DATED AND EFFECTIVE this 10th day of April, 2013.


GERMAINE L. MARKS
Director of Insurance

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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.

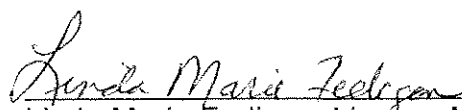
3. Respondent is aware of her right to notice and to a hearing at which she may be represented by counsel, present evidence and examine witnesses. Respondent irrevocably waives his right to such notice and hearing and to any court appeals relating to this Consent Order.

4. Respondent states that no promise of any kind or nature whatsoever, except as expressly contained in this Consent Order, was made to her to induce her 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 her 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 she may have to report this administrative action on any future licensing applications either to the Department or other states' Departments of Insurance.

04/04/13
Date



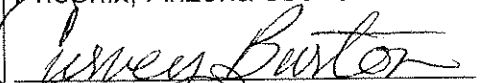
Linda Marie Fedigan, License No. 13802

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COPIES of the foregoing mailed/delivered
this 10th day of April, 2013, to:

Linda Marie Fedigan
8312 N. Solitude Way
Tucson, AZ 85743
Respondent

Mary Kosinski, Executive Assistant for Regulatory Affairs
Mary Butterfield, Consumer Affairs Assistant Director
Catherine M. O'Neil, Consumer Legal Affairs Officer
Steve Fromholtz, Licensing Supervisor
Charles Gregory, Investigations Supervisor
Randy Markham, Investigator
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