

OCT 8 2013

DEPT OF INSURANCE
BY

STATE OF ARIZONA
DEPARTMENT OF INSURANCE

In the Matter of:

CATHCART, KELLY SUE
(Arizona License Number 36738)
(National Producer Number 6746699)

No. 13A-125-INS
CONSENT ORDER

Respondent.

The State of Arizona Department of Insurance ("Department") has received evidence that **Kelly Sue Cathcart ("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 36738, which expires October 31, 2014.

2. Respondent's addresses of record are: 780 Cove Parkway, Cottonwood, Arizona 86326 (business and mailing) and Forest Service Road, 732 6 Miles East, Camp Verde, Arizona 86326 (residence).

3. Respondent was at all material times contracted with American National Insurance Company ("ANPAC") to transact insurance on its behalf in Arizona.

4. On or about November 7, 2012, Respondent accepted the premium of \$500.00 from ANPAC insured, Rogelio Noguez Vargas ("Vargas") for a premium that was only

1 \$423.00. Respondent then wrote a check to ANPAC in the amount of \$423.00 and kept
2 \$77.00 of the premium. Respondent failed to return the \$77.00 to the insured and instead
3 used the funds for other purposes.

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 properties received in the course of doing
8 insurance business A.R.S. §20-295(A)(4).

9 3. Grounds exist for the Director to deny, suspend for not more than twelve months,
10 revoke, or refuse to renew an insurance producer's license, impose a civil penalty and/or order
11 restitution pursuant to A.R.S. §§20-295(A) and (F).

12 ORDER

13 IT IS HEREBY ORDERED THAT:

14 1. Respondent shall immediately pay a civil penalty of \$250.00 for deposit into the
15 State General Fund.

16 DATED AND EFFECTIVE this 7th day of October, 2013.

17 
18 _____
19 GERMAINE L. MARKS
20 Director of Insurance

21 CONSENT TO ORDER

22 1. Respondent has reviewed the foregoing Findings of Fact, Conclusions of Law
23 and Order.

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

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

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

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

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

20 10-7-13
21 Date


21 Kelly Sue Cathcart, Arizona License # 36738

1 COPIES of the foregoing mailed/delivered
this 8th day of October, 2013, to:

2 Kelly Sue Cathcart
3 780 Cove Parkway
4 Cottonwood, AZ 86326
5 Respondent

6 Kelly Sue Cathcart
7 Forest Service Rd.
8 732 6 Miles East
9 Camp Verde, AZ 86326
10 Respondent

11 SIU Cindy Young, CFE
12 Corporate Investigative Services
13 American National Insurance Company
14 Post Office Box 1950
15 Galveston, TX 77553-9935

16 Darren T. Ellingson, Deputy Director
17 Mary E. Kosinski, Executive Assistant for Regulatory Affairs
18 Mary Butterfield, Assistant Director, Consumer Affairs Division
19 Catherine M. O'Neil, Consumer Legal Affairs Officer
20 Steven Fromholtz, Licensing Supervisor
21 Charles Gregory, Supervisor Investigations Division
22 Nicolas Lopez, Investigator
23 Department of Insurance
2910 North 44th Street, Suite 210
Phoenix, Arizona 85018

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