

MAR 18 2014

DEPT OF INSURANCE
BY CB

STATE OF ARIZONA

DEPARTMENT OF INSURANCE

In the Matter of:

FITZGERALD, SUSAN MARIE
(Arizona License Number 525103)
(National Producer Number 6744148)
and **FITZGERALD ALL-STATE BAIL
BONDS, LLC** (Unlicensed)

No. 14A-036-INS

CONSENT ORDER

Respondents.

The State of Arizona Department of Insurance ("Department") has received evidence that **Susan Marie Fitzgerald and Fitzgerald All-State Bail Bonds, LLC ("Respondents")** violated provisions of Title 20, Arizona Revised Statutes. Respondents wish to resolve this matter without the commencement of formal proceedings, and admit the following Findings of Fact are true and consent to entry of the following Conclusions of Law and Order.

FINDINGS OF FACT

1. Susan Marie Fitzgerald ("Fitzgerald") is, and was at all material times licensed as an Arizona resident bail bond agent, Arizona license number 525103, which expires November 30, 2016. The Department first licensed Fitzgerald on May 23, 1986.
2. Fitzgerald's address of record is: 989 Copper Basin Rd., Prescott, Arizona 86303 (business, mailing and residence).
3. Fitzgerald All-State Bail Bonds, LLC ("All-State") is not, and was not at all material times, licensed to transact insurance in the State of Arizona. All-State was incorporated on February 28, 2008.
4. All-State is not exempt from the licensing requirement.

1 5. The Fitzgerald Family Rev Trust is the sole member of All-State. Fitzgerald is a
2 Trustee of the Fitzgerald Family Rev Trust.

3 **Unlicensed Activity**

4 6. From on or about February 28, 2008, All-State acted as a bail bond agent in this
5 state without being licensed.

6 **Failure to Maintain a Daily Bond Register**

7 7. On or about January 9, 2014, an Investigator for the Department requested the
8 Daily Bond Register for All-State and Fitzgerald for January, 2010 through January, 2014.

9 8. All-State failed to produce a Daily Bond Register for January, 2010 through
10 January, 2014.

11 **Failure to Post Premium Rates**

12 9. On or about January 9, 2014, an Investigator for the Department visited
13 Fitzgerald's place of business. Respondents failed to post the surety insurer's premium rates.

14 10. Respondents are now posting the surety insurer's premium rates.

15 **CONCLUSIONS OF LAW**

16 1. The Director has jurisdiction over this matter.

17 2. Respondents' conduct, as described above, constitutes a violation of Title 20,
18 within the meaning of A.R.S. § 20-295(A)(2) as applied to bail bond agents pursuant to
19 A.R.S. § 20-340.06.

20 3. All-State's conduct, as alleged above, constitutes acting as a bail bond agent in
21 this state without a license, within the meaning of A.R.S. § 20-340.01(A).

22 4. Respondent's conduct, as described above, constitutes failing to maintain, as a
23 minimum requirement for permanent office records, a daily bond register that is the original

1 and permanent record of all bonds or undertakings executed by the licensee, within the
2 meaning of A.R.S. § 20-340.01(F).

3 5. The bail bond agent shall keep, at the agent's place of business, the usual and
4 customary records pertaining to the transactions made under the license during the three
5 years immediately after the date of completion of the transaction. A.R.S. § 20-340.01(H).

6 6. Respondent's conduct as described above, constitutes failing to post the
7 premium rates of the surety insurer in a conspicuous manner at the place of business, within
8 the meaning of A.A.C. R20-6-601(E)(1)(b).

9 7. Grounds exist for the Director to order Respondent to cease and desist
10 engaging in the violation or doing any act in furtherance of the violation of A.R.S. § 20-
11 340.01, pursuant to A.R.S. §§ 20-292 and 20-340.06.

12 8. Grounds exist for the Director to deny, suspend for not more than twelve months,
13 revoke, or refuse to renew an insurance producer's license, impose a civil penalty and/or order
14 restitution pursuant to A.R.S. § 20-295(A) and (B), as applied to bail bond agents pursuant to
15 A.R.S. § 20-340.06.

16 **ORDER**

17 IT IS HEREBY ORDERED THAT:

18 1. All-State shall immediately cease and desist from acting as a bail bond agent in
19 this state until it is licensed by the Department.

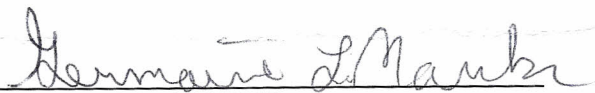
20 2. Respondents shall maintain a daily bond register.

21 3. Respondents shall keep, at the agent's place of business, records including the
22 daily bond register for three years immediately after the date of completion of the transaction.
23

1 4. Respondents shall immediately pay a civil penalty of \$300.00 for deposit in the
2 State General Fund.

3 5. Respondents are jointly and severally responsible for payment of the civil
4 penalty.

5 DATED AND EFFECTIVE this 17th day of March, 2014.

6
7 
8 GERMAINE L. MARKS
9 Director of Insurance

10 **CONSENT TO ORDER**

11 1. Respondents have reviewed the foregoing Findings of Fact, Conclusions of Law
12 and Order.

13 2. Respondents admit the jurisdiction of the Director of Insurance, State of Arizona,
14 and admit the foregoing Findings of Fact and consent to the entry of the foregoing
15 Conclusions of Law and Order.

16 3. Respondents are aware of their right to notice and hearing at which they may be
17 represented by counsel, present evidence and examine witnesses. Respondents irrevocably
18 waive their right to such notice and hearing and to any court appeals relating to this Consent
19 Order.

20 4. Respondents state that no promise of any kind or nature whatsoever, except as
21 expressly contained in this Consent Order, was made to them to induce them to enter into this
22 Consent Order and that they have entered into this Consent Order voluntarily.

23 5. Respondents acknowledge that the acceptance of this Consent Order by the
Director is solely to settle this matter against them and does not preclude any other agency,

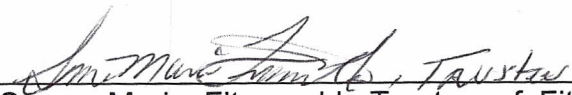
1 including the Department, officer, or subdivision of this state or this agency from instituting civil
2 or criminal proceedings as may be appropriate now or in the future.

3 6. Respondents acknowledge that this Consent Order is an administrative action
4 that the Department will report to the National Association of Insurance Commissioners
5 (NAIC). Respondents further acknowledge that they must report this administrative action to
6 any and all states in which they hold an insurance license and must disclose this
7 administrative action on any license application.

8 7. Susan Marie Fitzgerald represents that as a Trustee of the Fitzgerald Family Rev
9 Trust she is authorized to enter into this Consent Order on its behalf for Fitzgerald All-State
10 Bail Bonds, LLC.

Fitzgerald All-State Bail Bonds, LLC

11
12 03-13-14
13 Date


14 Susan Marie Fitzgerald, Trustee of Fitzgerald Family Rev Trust
(Member)

15 03-13-14
16 Date


17 Susan Marie Fitzgerald, Arizona License No. 525103

18 COPIES of the foregoing mailed/delivered
19 this 18th day of March, 2014, to:

20 Susan Marie Fitzgerald
21 989 Copper Basin Rd.
22 Prescott, Arizona 86303
23 Respondent

Fitzgerald All-State Bail Bonds, LLC
989 Copper Basin Rd.
Prescott, Arizona 86303
Respondent

1 Darren T. Ellingson, Deputy Director
Mary E. Kosinski, Executive Assistant for Regulatory Affairs
2 Maria Ailor, Acting Assistant Director, Consumer Affairs Division
Catherine M. O'Neil, Consumer Legal Affairs Officer
3 Steven Fromholtz, Licensing Supervisor
Charles Gregory, Supervisor Investigations Division
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8 Curvey Burton

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