				STATE OF ARIZONA FILED		
1		STAT	E OF ARIZONA	MAR 27 2014		
2	DEPARTMENT OF INSURANCE			DEPT OF INSURANCE		
3	In the Matter of:					
4	WICKERSHAM, CHARLES RICHARD (Arizona License Number 19458) (National Producer Number 1501912)No. 14A-045-IN CONSENT ORD					
5				ER		
6		Respondent.				
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8	The State of Arizona Department of Insurance ("Department") has received evidence					
9	that Charles Richard Wickersham ("Respondent" or "Wickersham") violated provisions of					
10	Title 20, Arizona Revised Statutes. Respondent wishes to resolve this matter without the					
11	commencement of formal proceedings, and admits the following Findings of Fact are true and					
12	consents to entry of the following Conclusions of Law and Order.					
13	FINDINGS OF FACT					
14	1. Wickersham is, and was at all material times, licensed as an Arizona					
15	accident/health, life, casualty, and property insurance producer, Arizona license number					
16	19458, which expires August 31, 2014. Wickersham first became licensed with the					
17	Department on December 3, 1993.					
18	2. Wickersham's addresses of record are: c/o Wickersham Ins. Agency, Inc., 2160					
19	Hwy 95 #2, Bullhead City, AZ 86442 (business and mailing) and 2189 Breon Dr., Bullhead					
	City, AZ 86442 (residence).					
20	3. Respondent was at all material times contracted with Philadelphia Indemnity					
21 22	Insurance Co. ("Philadelphia") to transact insurance on its behalf in Arizona.					
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1	4. On or about February 28, 2012, Respondent received a premium from					
2	Philadelphia insured, Francis A. Stewart's, ("Stewart") escrow account with Aimloan.com					
3	("Aimloan") for a homeowner's flood insurance policy in the amount of \$376.00. Respondent					
4	unintentionally failed to remit the \$376.00 payment to Philadelphia.					
5	5. As a result, Aimloan bound a force-placed flood insurance policy on Stewart's					
6	residence and charged his escrow account a total amount of \$2,247.35.					
7	6. After Stewart filed a complaint with the Department and the Department initiated					
8	an investigation, Respondent returned the \$2,247.35 in forced-placed premium to Stewart.					
9	CONCLUSIONS OF LAW					
10	1. The Director has jurisdiction over this matter.					
11	2. Respondent's conduct as described above constitutes improperly withholding,					
12	misappropriating or converting any monies or properties received in the course of doing					
13	insurance business within the meaning of A.R.S.§ 20-295(A)(4).					
14	3. Grounds exist for the Director to suspend, revoke, or refuse to renew					
15	Respondent's insurance license and/or order restitution pursuant to A.R.S. §§ 20-295(A) and					
16	(F).					
17	4. Grounds exist for the Director to, in addition to or instead of any suspension,					
18	revocation or refusal to renew a license, impose a civil penalty of not more than two hundred					
19	fifty dollars for each unintentional failure or violation, up to an aggregate civil penalty of two					
20	thousand five hundred dollars, and impose a civil penalty of not more than two thousand five					
21	hundred dollars for each intentional failure or violation, up to an aggregate civil penalty of					
22	fifteen thousand dollars pursuant to A.R.S. § 20-295(F).					
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1	ORDER					
2	IT IS HEREBY ORDERED THAT:					
3	1. Respondent shall immediately pay a civil penalty of \$100.00 for deposit into the					
4	State General Fund.					
5	DATED AND EFFECTIVE this 26 day of Merch, 2014.					
6 7	GERMAINE L. MARKS Director of Insurance					
8						
9	CONSENT TO ORDER					
10	1. Respondent has reviewed the foregoing Findings of Fact, Conclusions of Law					
11	and Order.					
12	2. Respondent admits the jurisdiction of the Director of Insurance, State of Arizona,					
13	and admits the foregoing Findings of Fact and consent to the entry of the foregoing					
14	Conclusions of Law and Order.					
15	3. Respondent is aware of his right to notice and hearing at which he may be					
16	represented by counsel, present evidence and examine witnesses. Respondent irrevocably					
17	waives his right to such notice and hearing and to any court appeals relating to this Consent					
18	Order.					
19	4. Respondent states that no promise of any kind or nature whatsoever, except as					
20	expressly contained in this Consent Order, was made to him to induce him to enter into this					
20	Consent Order and that he has entered into this Consent Order voluntarily.					
	5. Respondent acknowledges that the acceptance of this Consent Order by the					
22	Director is solely to settle this matter against him and does not preclude any other agency,					
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including the Department, officer, or subdivision of this state or this agency from instituting civil or criminal proceedings as may be appropriate now or in the future.

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

3-24-12

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ickersham, Arizona License # 19458

COPIES of the foregoing mailed/delivered this 27th day of March , 2014, to: 11

12 **Charles Richard Wickersham** 2160 Hwy. 95 #2 Bullhead City, AZ 86442 13

Respondent 14

Mary Kosinski, Executive Assistant for Regulatory Affairs

Darren T. Ellingson, Deputy Director 15 Maria Ailor, Acting Consumer Affairs Assistant Director Catherine M. O'Neil, Consumer Legal Affairs Officer 16

- Steve Fromholtz, Licensing Supervisor Charles Gregory, Investigations Supervisor 17
- Nicolas Lopez, Investigator
- Department of Insurance 18 2910 North 44th Street, Suite 210 Phoenix, Arizona 85018 19

Curvey Walters 20

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