21

22

23

## STATE OF ARIZONA

# DEPARTMENT OF INSURANCE

STATE OF ARIZONA FILED

APR 2 2014

In the Matter of:

NAVARRO, NYDIA BERENICE (Arizona License Number 952056) (National Producer Number 14987063) No. 14A-<u>046</u>-INS

**CONSENT ORDER** 

DEPT OF INSURANCE

Respondent.

The State of Arizona Department of Insurance ("Department") has received evidence that Nydia Berenice Navarro ("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, casualty and property insurance producer, Arizona license number 952056, which expires November 30, 2016.
- Respondent's addresses of record are: 1650 E. River Rd., 201D, Tucson,
   Arizona 85718 (business and mailing) and 1447 W. Camino De La Paloma, Nogales, Arizona 85261 (residence).
- Respondent was at all material times contracted with Farmers Insurance Group ("Farmers") to transact insurance on its behalf in Arizona.

- 4. On or about August 28, 2012, Respondent collected a check for \$5,117.00 in premium from Allah Jada ("Jada") for commercial policy number 87051262742012.

  Respondent failed to remit the \$5,117.00 to Farmers.
- 5. After Farmers filed a Complaint with the Department and the Department initiated an investigation, Respondent made arrangements with Farmers to return the \$5,117.00 in premium to Farmers.

## **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. On the written request of a person who is licensed, the Director may accept the voluntary surrender of the person's authority to transact one or more lines of insurance or of the person's entire license. A person who surrenders an authority or license shall not reapply for the same authority or license for at least one year after the date of surrender pursuant to A.R.S. § 20-289(F).
- 4. 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).

## ORDER

#### IT IS HEREBY ORDERED THAT:

 Respondent may surrender her insurance producer license, Arizona license number 952056.

1	2.	Respondent shall provide proof of restitution to Farmers in the amount of
2	\$5,117.00.	
3	DAT	ED AND EFFECTIVE this day of, 2014.
4		Germaine S. Mark
5		GERMAINE L. MARKS
6		Director of Insurance
7		CONSENT TO ORDER
8	1.	Respondent has reviewed the foregoing Findings of Fact, Conclusions of Law
9	and Order.	
10	2.	Respondent admits the jurisdiction of the Director of Insurance, State of Arizona,
11	and admits the foregoing Findings of Fact and consent to the entry of the foregoing	
12	Conclusions of Law and Order.	
13	3.	Respondent is aware of her right to notice and hearing at which she may be
14	represented by counsel, present evidence and examine witnesses. Respondent irrevocably	
15	waives her right to such notice and hearing and to any court appeals relating to this Consent	
16	Order.	
17	4.	Respondent states that no promise of any kind or nature whatsoever, except as
18	expressly contained in this Consent Order, was made to her to induce her to enter into this	
19	Consent Order and that she has entered into this Consent Order voluntarily.	
20	5.	Respondent acknowledges that the acceptance of this Consent Order by the
21	Director is solely to settle this matter against her and does not preclude any other agency,	
22	including the Department, officer, or subdivision of this state or this agency from instituting civi	
23	or criminal proceedings as may be appropriate now or in the future.	

ı			
1	6. Respondent acknowledges that this Consent Order is an administrative action		
2	that the Department will report to the National Association of Insurance Commissioners		
3	(NAIC). Respondent further acknowledges that she must report this administrative action to		
4	any and all states in which she holds an insurance license and must disclose this		
5	administrative action on any license application.		
6	03/27/2014		
7	Date Nydia Bezenice Navarro, Arizona License # 952056		
8			
9	COPIES of the foregoing mailed/delivered this <u>2nd</u> day of <u>April</u> , 2014, to:		
10	Nydia Bernice Navarro 2532 E. Drachman		
11	Tucson, AZ 85621		
12	Respondent		
13	Farmers Auditor Michael Vidal		
14	6303 Owensmouth Avenue Woodland Hills, CA 91367		
15	Darren T. Ellingson, Deputy Director		
16	Mary E. Kosinski, Executive Assistant for Regulatory Affairs Maria Ailor, Acting Assistant Director, Consumer Affairs Division Catherine M. O'Neil, Consumer Legal Affairs Officer Steven Fromholtz, Licensing Supervisor		
17			
18	Charles Gregory, Supervisor Investigations Division Randy Markham, Investigator		
19	Department of Insurance 2910 North 44 <sup>th</sup> Street, Suite 210 Phoenix, Arizona 85018		
20			
21	Curvey Walters		
22			
23			
- 1			