STATE OF ARIZONA FILED

NOV 3 2014

DEPARTMENT OF INSURANCE

STATE OF ARIZONA

DEPT OF INSURANCE

In the Matter of:

NGUYEN, EILEEN THUY NGOC, (Arizona License Number 182984) (National Producer Number 8205247) No. 14A-110-INS

CONSENT ORDER

Respondent.

The State of Arizona Department of Insurance ("Department") has received evidence that Eileen Thuy Ngoc Nguyen 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

- Eileen Thuy Ngoc Nguyen ("Nguyen" or "Respondent") is, and was at all 1. material times, licensed as an Arizona resident accident/health, life, casualty, and property insurance producer, Arizona license number 182984, which expires April 30, 2018.
- 2. Nguyen's addresses of record are: 2055 N. Dobson Rd. #3, Chandler, Arizona 85224 (business and mailing) and 16244 N. 33rd Ave., Phoenix, Arizona 85053 (residence).
- 3. On or about September 25, 2014, the Department received a Request for Assistance from Hai Lam ("Lam Complaint"). The Lam Complaint alleged that although Hai Lam ("Lam") had paid Nguyen a total of \$756.00 in premium for an auto insurance policy, Lam's auto policy had been canceled. Lam was seeking a refund of his premium.

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- 4. On or about March 28, 2014 Respondent collected \$756.00 in premium from her client, Hai Lam ("Lam") for his auto insurance, Policy #59-PA-463842, to be paid in full with the Hartford. Although Respondent was not contracted with the Hartford to place insurance on its behalf in March, 2014, she had been contracted with the Hartford prior to that time and used her Hartford ID number to submit the Lam policy.
- 5. On or about May 6, 2013, the Hartford cancelled Lam's auto policy and refunded the \$756.00 in premium via a check. The Hartford check was made out to Lam and his wife, Habui Lam, but had the address of Nguyen's business. Nguyen received the check at her business, signed her signature on the check and deposited it to her business account. Nguyen did not contact Lam to inform him that the Hartford had canceled his auto insurance policy or that his premium had been refunded.
- 6. On or about May 9, 2014, Nguyen produced and submitted to the Hartford a new auto insurance application (policy #59-PA-473051) on behalf of Lam to replace the cancelled policy. Nguyen did not have prior authorization or consent from Lam to produce and submit a new policy for his auto insurance. Nguyen completed the electronic application and electronically signed the application for Lam. The Hartford also cancelled this policy.
- 7. On or about May 12, 2014, the Arizona Motor Vehicle Division sent Lam an Insurance Verification letter advising him that he did not have Arizona liability insurance.
 - 8. Lam has since procured an auto policy through another producer.

CONCLUSIONS OF LAW

1. The Director has jurisdiction over this matter.

- 2. Respondent's conduct, as described above, constitutes improperly withholding, misappropriating or converting any monies or properties received in the course of doing insurance business, within the meaning of A.R.S. § 20-295(A)(4).
- 3. Respondent's conduct, as described above, constitutes forging another's name to any document related to an insurance transaction, within the meaning of A.R.S. § 20-295(A)(10).
- 4. Respondent's conduct, as described above, constitutes knowingly presenting a written statement to an insurer that contains untrue statements of material fact or that fails to state a material fact with respect to an application for the issuance of an insurance policy, within the meaning of A.R.S. § 20-463(A)(1)(a).
- 5. Respondent's conduct, as described above, constitutes a violation of Title 20, within the meaning of A.R.S. § 20-295(A)(2).
- 6. Respondent's conduct, as described above constitutes using fraudulent, coercive or dishonest practices, or demonstrating incompetence, untrustworthiness or financial irresponsibility in the conduct of business in this state, within the meaning of A.R.S. § 20-295(A)(8).
- 7. Grounds exist for the Director to deny, suspend for not more than twelve months, revoke, or refuse to renew an insurance producer's license, impose a civil penalty and/or order restitution pursuant to A.R.S. §§ 20-295(A) and (F).

ORDER

IT IS HEREBY ORDERED THAT:

 Respondent's resident license (Arizona license # 182984) is suspended for a period of ninety (90) days effective from the filing date of this Order.

- 2. Respondent should immediately pay restitution to Hai Lam in the amount of \$756.00 and provide proof of restitution to the Department.
- 3. Respondent shall immediately pay a civil penalty of \$1,000.00 for deposit into the State General Fund.

DATED this B day of November, 2014.

GERMAINE L. MARKS, Director Arizona Department of Insurance

CONSENT TO ORDER

- 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 hearing at which she may be represented by counsel, present evidence and examine witnesses. Respondent irrevocably waives her 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 she 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,

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1	including the Department, officer, or subdivision of this state or this agency from instituting
2	civil or criminal proceedings as may be appropriate now or in the future.
3	6. Respondent acknowledges 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 she must report this administrative action
6	to any and all states in which she holds an insurance license and must disclose this
7	administrative action on any license application.
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9	10/23/14
10	Date Eileen Thuy Ngoc Nguyen, Arizona License # 182984
11	COPIES of the foregoing mailed/delivered
12	this _3rd_ day of _November, 2014, to:
13	Eileen Thuy Ngoc Nguyen 2055 N. Dobson Rd. #3
14 15	Chandler, Arizona 85224 Respondent
16	Eileen Thuy Ngoc Nguyen 16244 N. 33 rd Ave.
17	Phoenix, Arizona 85053 Respondent
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19	Mary Kosinski, Executive Assistant for Regulatory Affairs Darren T. Ellingson, Deputy Director
20	Maria Ailor, Acting Consumer Affairs Assistant Director Catherine M. O'Neil, Consumer Legal Affairs Officer
21	Steve Fromholtz, Licensing Supervisor Charles Gregory, Investigations Supervisor
22	Nicolas Lopez, Investigator Department of Insurance
23	2910 North 44 th Street, Suite 210 Phoenix, Arizona 85018
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