STATE OF ARIZONA
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DEPT OF INSURANCE
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STATE OF ARIZONA

DEPARTMENT OF INSURANCE

In the Matter of: **DIETRICH, DOMINIQUE N.** (Arizona License Number 1000515) (National Producer Number 16384471) **Respondent.**	**No. 16A-041-INS** **CONSENT ORDER**

The State of Arizona Department of Insurance ("Department") has received evidence that **Dominique N. Dietrich ("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. Dominique N. Dietrich ("Dietrich" or "Respondent") is licensed as an Arizona resident accident/health and life insurance producer, Arizona license number 1000515, which expires October 31, 2018. The Department first licensed Dietrich on September 12, 2011. Dietrich formerly held a license in the name Dominique Thomas.

2. Dietrich's address of record is: 8777 E. Via De Ventura #300, Scottsdale, AZ 85258 (business and mailing).

ANONYMOUS COMPLAINTS - 2015

3. On or about September 22, 2015, the Department received information alleging that Dietrich visited an elderly Arizona consumer's residence and informed the consumer that she was a government employee of both the State of Arizona and a Federal Medicare employee.

4. On September 29, 2015, a Department contacted the Arizona complainant who informed the Department that Dietrich, on or about September 19, 2015, was at the complainant's home to discuss their Medicare entitlements. When Dietrich was asked if she was a federal employee, Dietrich replied that she was. Dietrich also informed the consumer that she was "with the State."

5. Dietrich provided the consumer an expired copy of her Arizona producer license and informed them that she was there to discuss their Medicare entitlements and that she was a Medicare Specialist. The consumer indicated that Dietrich failed to inform them that she was there to solicit Medicare Supplement insurance coverage.

PIERCE COMPLAINT - 2012

6. On or about June 27, 2012, the Department received a complaint from Paul Pierce ("Pierce") alleging that Dietrich came to his residence requesting to speak with his spouse regarding Social Security and Medicare entitlements. Pierce stated that when Dietrich was asked if she worked for the government, Dietrich responded that she did and was a federal employee there to speak with Mrs. Pierce regarding her benefit entitlements. Dietrich provided Pierce with a business card indicating that she was a Medicare Specialist but was unable to provide Pierce with identification to support that she was a federal government employee. Pierce states that Dietrich failed to inform him that she was there to solicit Medicare Supplement Insurance coverage information.

BUSINESS AND MAILING ADDRESS

7. On May 13, 2014, The Department mailed a letter to Dietrich requesting additional information regarding the Pierce complaint filed with the Department in 2012. The Department's letter was returned as undeliverable by the postal service.

8. On November 2, 2015, the Department mailed a Subpoena Duces Tecum to Dietrich's address of record requesting Dietrich's appearance for an Examination Under Oath ("EUO") on December 16, 2015. When Dietrich failed to appear for the EUO, the Department placed a call to the residential number on file for Dietrich. Dietrich stated that the business and mailing address on file with the Department had not been valid for approximately 6 months. Dietrich provided her current business and mailing address and a Supoena Duces Tecum was mailed to Dietrich.

9. Dietrich updated her address information with the Department on January 10, 2016.

CONCLUSIONS OF LAW

1. The Director has jurisdiction over this matter.

2. Respondent's conduct, as described above, constitutes violating any provision of this title or any rule, subpoena or order of the director, within the meaning of A.R.S. § 20-295(A)(2).

3. 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 or elsewhere, within the meaning of A.R.S. § 20-295(A)(8).

4. Respondent's conduct, as described above, constitutes failure to inform the director in writing within thirty days of any change in the licensee's residential or business address, within the meaning of A.R.S. § 286(C)(1).

5. Respondent's conduct, as described above, constitutes making any misrepresentation to any policyholder for the purpose of inducing or tending to induce the

policyholder to lapse, forfeit, surrender, retain or convert any insurance policy, within the meaning of A.R.S. § 20-443.

6. It is unlawful for a person to knowingly make any misrepresentation as proscribed by A.R.S. §20-443 in the sale of insurance. A person who violates this section is guilty of a class 5 felony. A.R.S. § 20-443.01.

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 pursuant to A.R.S. § 20-295(A).

8. Grounds exist for the Director, in addition to or instead of any suspension, revocation or refusal to renew, impose a civil penalty of not more than two hundred fifty dollars for each unintentional failure or violation, up to an aggregate civil penalty of two thousand five hundred dollars, or impose a civil penalty of not more than two thousand five hundred dollars for each intentional failure or violation, up to an aggregate civil penalty of fifteen thousand dollars, within the meaning of A.R.S. § 20-295(F).

9. Grounds exist for the Director to order Respondent to cease and desist making any misrepresentation in violation of A.R.S. §§ 20-443 and 20-443.01, within the meaning of A.R.S. § 20-456.

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ORDER

IT IS HEREBY ORDERED THAT:

1. Respondent shall immediately pay a civil penalty of $3250.00 for deposit into the State General Fund.

2. Respondent shall immediately cease and desist making any misrepresentation in violation of A.R.S. §§ 20-443 and 20-443.01.

DATED this 29th day of February, 2016.

Leslie R. Hess

~~ANDREW M. TOBIN, Director~~ Leslie Hess, Interim Director
Arizona Department of Insurance

CONSENT TO ORDER

1. 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 consent 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,

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.

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

2/1/2016
Date

Dominique N. Dietrich (Arizona License #1000515)

COPIES of the foregoing mailed/delivered
this 21 day of January, 2016, to:

Dominique N. Dietrich
6263 N. Scottsdale Road #335
Scottsdale, AZ 85250
Respondent

Mary Kosinski, Executive Assistant for Regulatory Affairs
Darren Ellingson, Deputy Director
Catherine M. O'Neil, Consumer Legal Affairs Officer
Steven Fromholtz, Licensing Supervisor
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