

SEP 12 2019

STATE OF ARIZONA

DEPT OF INSURANCE
BY MEK 9/12/19

DEPARTMENT OF INSURANCE

In the Matter of:

ZERGER, ADAM SHANE
(National Producer Number 8701801)

and

WIT INSURANCE
(National Producer Number 18058489)

Respondents.

No. 19A-132-INS

CONSENT ORDER

The State of Arizona Department of Insurance ("Department") has received evidence that **Adam Shane Zerger** ("Zerger") and **WIT Insurance** ("WIT") violated provisions of Title 20, Arizona Revised Statutes ("A.R.S."). Respondents wish to resolve this matter without the commencement of formal proceedings, admit the following Findings of Fact are true and consent to entry of the following Conclusions of Law and Order.

FINDINGS OF FACT

1. Zerger was, at all material times, licensed as an Arizona resident life, accident and health or sickness, casualty, and property insurance producer. The Department renewed Zerger's license, number 8701801, on December 1, 2017. The license is scheduled to expire on November 30, 2021.

2. Zerger's addresses of record are: 809 West Riordan Road, Suite 100-183, Flagstaff, Arizona 86001-0846 (business and mailing); adam@witins.com (business email).

3. WIT is, and was at all material times, and Arizona business entity licensed as a resident life, accident and health or sickness, casualty, personal lines and property insurance

1 producer. The Department issued WIT's license, number 18058489, on August 10, 2016. The
2 license is scheduled to expire on August 31, 2020.

3 4. WIT's addresses of record are: 2201 North Gemini Drive #119, Flagstaff,
4 Arizona 86001 (business and mailing).

5 5. Zerger is the sole Member and Designated Responsible Licensed Producer of
6 WIT.

7 Folke Complaint

8 6. On or about July 6, 2018, Denise and Daniel Folke (the "Folkes") filed a
9 complaint with the Department alleging that Zerger misappropriated and overcharged their
10 homeowner premium, then intentionally delayed their refund of the overcharged amount.

11 7. On or about April 13, 2018, the Folkes purchased a new home. Their title
12 company sent Zerger an annual premium check of \$795 which was the amount quoted by
13 Zerger for the homeowners policy through Pekin Insurance ("Pekin"). Folkes learned later
14 from Pekin that the annual premium was only \$717.

15 8. On or about May 29, 2018, the Folkes received a notice of policy cancellation
16 for non-payment by Pekin. They made several attempts to contact Zerger, but their calls
17 went unanswered and their messages were unreturned. Once they re-established
18 communication with Zerger, he told them that he had sent the full premium amount to Pekin
19 on the date of closing.

20 9. The Folkes contacted Pekin directly and learned that Zerger had made a partial
21 payment of premium of \$119.50 on or about May 30, 2018 and their lender made another full
22 payment of premium on or about June 1, 2018. They learned Zerger made another payment
23 of \$612 on or about June 5, 2018.

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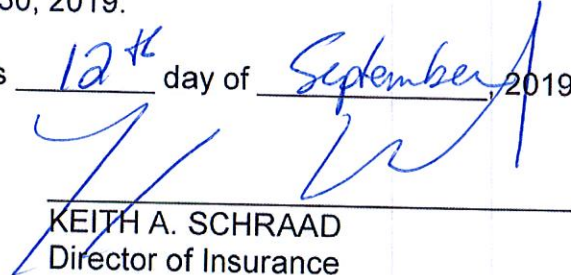
ORDER

IT IS HEREBY ORDERED THAT:

1. The insurance producer license of **Adam Shane Zerger**, National Producer Number 8701801, is revoked, effective September 30, 2019.

2. The insurance producer license for **WIT Insurance**, National Producer Number 18058489, is revoked, effective September 30, 2019.

DATED AND EFFECTIVE this 12th day of September, 2019.



KEITH A. SCHRAAD
Director of Insurance

CONSENT TO ORDER

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

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

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

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

1 WIT Insurance
2201 N Gemini Drive #119
2 Flagstaff, AZ 86001
Respondent

3 WIT Insurance
4 c/o Adam Zerger
809 W Riordan Road, STE 100-183
5 Flagstaff, AZ 86001-0846
Statutory Agent for Respondent WIT Insurance
6 **COPY** of the foregoing delivered, same date, to:

7 Mary Kosinski, Regulatory Legal Affairs Officer
Catherine M. O'Neil, Consumer Legal Affairs Officer
8 Steven Fromholtz, Assistant Director, Consumer Protection Division
Sharyn Kerr, Administrative Assistant, Consumer Protection Division
9 Jeff Eavenson, Investigator
Aqueelah Currie, Licensing Supervisor
10 Arizona Department of Insurance
100 North 15th Avenue, Ste. 102
11 Phoenix, Arizona 85007-2624

12 **COPY** sent same date via electronic mail to:

13 Adam Shane Zerger
adam@witins.com
14 zergg77@gmail.com
Respondent

15
16 
Francine Martinez

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