

STATE OF ARIZONA
DEPARTMENT OF INSURANCE

AUG 25 1987

DEPARTMENT OF INSURANCE
By Amb

1 In the Matter of:)

) Docket No. 6498

2
3
4 RICK ALLEN BOUTIN,)

) **AMENDED ORDER**

5 Respondent.)

6 _____
7 This Amended Order supersedes and replaces the previous
8 Order entered on August 12, 1987.

9 This matter having been duly noticed for hearing on the
10 11th day of August, 1987, before the Director of Insurance or his
11 duly designated representative; the Department being represented
12 by Sara Morrissey-Begley, Esq., Assistant Attorney General, and
13 the Respondent not appearing either in person or by counsel;
14 testimony having been received and documentary evidence having
15 been admitted, the Director finds as follows:

16 FINDING OF FACTS

- 17 1. Notice is proper in this case pursuant to A.R.S.
18 §§41-1009 & 41-1013;
- 19 2. Jurisdiction is proper for this hearing pursuant to
20 A.R.S. §41-1013;
- 21 3. At all times relevant hereto, Respondent was a
22 licensed insurance agent with the State of Arizona;
- 23 4. On April or May of 1986, Respondent collected
24 applications and premium payments for 13 different individuals
25 for automobile insurance for the Farmers Insurance Company of
26 Arizona;
- 27 5. Respondent submitted these applications to Farmers,
28 but failed to forward the premium payments that he collected;
6. On August 15, 1986, Respondent received \$165.40

1 from Diane Sheehan for automobile insurance from American
2 Professionals Insurance Company;

3 7. Ms. Sheehan unrepeatedly requested proof of
4 insurance coverage from the Respondent and was advised by the
5 Company that they had never received her premium payment;

6 8. After extreme coercion, Respondent did refund the
7 \$165.40 to Ms. Sheehan;

8 9. On August 21, 1986, Anna Murrietta paid Respondent
9 \$296.50 for automobile insurance through Kentucky Central
10 Insurance Company;

11 10. Respondent failed to forward Ms. Murrietta's
12 premium and application to Kentucky Central;

13 11. Kentucky Central honored the policy of Ms.
14 Murrietta and paid the premium amount for the policy;

15 12. That each of said violations were knowing and
16 intentional on the part of the Respondent.

17 CONCLUSIONS OF LAW

18 1. The Respondent has willfully violated provisions of
19 Title 20, Arizona Revised Statutes, as set forth in A.R.S. §20-
20 316.A.2.

21 2. The Respondent has misappropriated or converted to
22 his own use or illegally withheld monies belonging to
23 policyholders and insureds received in or during the conduct of
24 business under a license issued by the Department of Insurance of
25 the State of Arizona as set forth in A.R.S. §20-316.A.4.

26 3. The Respondent has conducted his affairs under his
27 license in such a way to show that he is incompetent and a source
28 of injury and loss to the public and any insurer as set forth in

1 A.R.S. §20-316.A.7.

2 4. The Respondent has knowingly violated the
3 aforementioned statutes as set forth in A.R.S. §20-316.C.

4 IT IS, THEREFORE, ORDERED:

5 1. That Respondent's license to transact insurance in
6 the State of Arizona is hereby REVOKED;

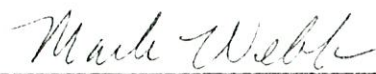
7 2. That pursuant to the provisions of A.R.S. §20-316,
8 restitution is ordered in the amount of \$269.50 to Kentucky
9 Central Insurance Company;

10 3. That pursuant to the provisions of A.R.S. §20-
11 316.C., Respondent is hereby assessed a civil penalty of \$500.00
12 per violation, for an aggregate civil penalty of \$7,500.00;

13 4. Respondent may request a rehearing with respect to
14 this Order by filing a written petition with the Director within
15 30 days of the date of this Order, setting forth the basis for
16 such relief pursuant to A.R.S. §41-1010(B), and A.C.R.R. R4-14-
17 159.

18 DATED this 25th day of August, 1987.

19 
20 SUSAN GALLINGER
Acting Director

21 
22 MARK WEBB
Chief Hearing Officer

23 COPY of the foregoing mailed this
24 25th day of August, 1987, to:

25 Sara Begley, Esq.
26 Assistant Attorney General
1275 W. Washington
27 Phoenix, Arizona 85007
28

1 Susan Gallinger, Acting Director
Roy Gill, Assistant Director
2 Robert Zielinski, Assistant Director
Mary Butterfield, Supervisor
3 Maureen Catalioto, Supervisor
Deloris Williamson, Supervisor
4 Department of Insurance
801 E. Jefferson
5 Phoenix, Arizona 85034

6 Dean Butler
Farmers Insurance Company of Arizona
7 P.O. Box 29054
Phoenix, Arizona 85038

8 Diane Sheehan
9 7532 N. 49th Avenue
Glendale, Arizona 85301

10 Anna Murrietta
11 4803 N. 21st Avenue, B-122
Phoenix, Arizona 85015

12 Rick Allen Boutin
13 6510 W. Cholla
Glendale, Arizona 85034

14 
15 Lori M. Barker

16
17
18
19
20
21
22
23
24
25
26
27
28