

APR 27 1992

DEPARTMENT OF INSURANCE
By *llc*

1 6270C:FFD90-132

2 STATE OF ARIZONA

3 DEPARTMENT OF INSURANCE

4 In the Matter of:)

5 LEONARD M. CALDERON, JR., dba)
6 C & L GROUP,)

No. 7627

7 Respondent.)
_____)

CONSENT ORDER

8 A Notice of Hearing was issued by the Arizona
9 Department of Insurance ("the Department") on January 20, 1992,
10 wherein Department made certain allegations regarding the
11 conduct of Respondent. Respondent has received copies of said
12 notice and has been advised of his right to a hearing in the
13 matter, and hereby waives same.

14 Respondent hereby admits that the following Findings
15 of Fact are true, and consents to the entry of the following
16 Conclusions of Law and Order.

17 FINDINGS OF FACT

18 1. Respondent is, and was at all material times,
19 licensed as a life and disability insurance agent by the State
20 of Arizona (License No. 0557009). Respondent's license expires
21 April 30, 1993.

22 2. At all material times, Respondent and Rene F.
23 Leyva were doing business under the assumed business name of
24 C & L Group.

25 3. Respondent failed to file a certificate with the
26 Director setting forth the assumed business name under which

1 insurance was to be transacted as required by A.R.S. § 20-318.

2 4. Employers Dental Services ("EDS") is a prepaid
3 dental organization authorized by the Director to operate in
4 the State of Arizona.

5 5. On or about February 10, 1989, Respondent entered
6 into a Dental Commission Agreement with EDS, which allowed
7 Respondent to present to employer groups the EDS dental plan.

8 6. On or about the dates listed below, Respondent,
9 while acting as an agent for EDS, received premium payments in
10 the amounts listed below, for the EDS dental plan, from the
11 following individuals:

<u>Applicant</u>	<u>Amount Paid</u>	<u>Date Paid</u>
Aguirre, Manuel		
Aguirre, Miguel	\$ 35.90	8/27/89
Alcantar, Alberto	\$ 7.40	
Arias, Petra	\$ 200.00	4/8/89
		5/9/89
		6/26/89
Burnette, Robin	\$ 200.00	6/21/89
		7/17/89
Coronado, Francisco	\$ 35.90	8/22/89
Davis, Edna I.	\$ 110.00	8/25/89
Garcia, David D.	\$ 27.40	8/25/89
Edwards, Rick		
Escobal, Raymond, Jr.	\$ 200.00	2/9/89
		6/20/89
		5/11/89
Figueroa, Steven	\$ 50.90	8/18/89
		9/10/89
Gardner, Leonard	\$ 63.30	8/23/89
Gonzales, Frank		
Gozum, James, Jr.		
Granillo, Olivia	\$ 200.00	2/2/89
		3/15/89
		6/21/89
Hahn, Stephen		
Hernandez, Dennis		
Leal Julio	\$ 27.40	

1 provision of A.R.S. Title 20 or any lawful rule, regulation or
2 order of the Director, in violation of A.R.S. § 20-316(A)(2).

3 3. Respondent's above-alleged conduct constitutes
4 misappropriation, conversion or illegal withholding of monies
5 belonging to policyholders, insurers, beneficiaries or others,
6 in violation of A.R.S. § 20-316(A)(4).

7 4. Respondent's above-alleged conduct constitutes a
8 conduct of affairs under his license showing him to be
9 incompetent or a source of injury and loss to the public or any
10 insurer, in violation of A.R.S. § 20-316(A)(7).

11 O R D E R

12 NOW, THEREFORE, IT IS ORDERED:

13 1. Respondent's insurance agent's license is
14 immediately revoked.


15 2. Respondent shall pay restitution of \$2,598.80 to
16 the Office of the Attorney General who is authorized to act as
17 trustee and remit monies to those claimants listed on Exhibit
18 A. Respondent shall pay \$500 to the Office of the Attorney
19 General upon entry of this Order and \$100 on or before the
20 first day of each month thereafter until the entire \$2,598.80
21 is paid. If Respondent fails to make the required \$100 payment
22 by the first day of each month, a penalty of \$20.00 added to
23 the monthly payment shall be imposed to be paid by the first of
24 the next month. Any funds returned to the Office of the
25 Attorney General as unclaimed, after being mailed to claimants
26 last known address, shall, pursuant to A.R.S. § 44-1531.01(3),

1 go to the Consumer Protection-Consumer Fraud revolving fund to
2 be used in accordance with the purposes set forth therein.

3 3. Respondent shall pay restitution on any claim for
4 premium verified by the Department, from any member of the C &
5 L Group listed on attached Exhibit B, made within one year of
6 the date of this order.

7 4. Respondent agrees to be bound by the Department's
8 determination as to the veracity and amount of any claim.
9 Respondent agrees to waive appeal of any claim determination
10 the Department makes.

11 DATED this 27th day of April, 1992.

12 
13 _____
14 SUSAN GALLINGER, Director
15 Arizona Department of Insurance

16 CONSENT TO ORDER

17 1. The undersigned acknowledges that he has read the
18 foregoing Findings of Fact, Conclusions of Law and Order and is
19 aware of his right to an administrative hearing in this matter
20 and has waived same.

21 2. The undersigned admits the jurisdiction of the
22 Department and admits the foregoing Findings of Fact and
23 consents to the entry of the foregoing Conclusions of Law and
24 Order.

25 3. The undersigned states that no promise was made
26 to him to induce him to enter into this Consent Order and
declares that he has entered into this Consent Order

1 voluntarily.

2 4. The undersigned acknowledges that acceptance of
3 this Consent Order is for the purpose of settling this
4 litigation as against him and does not preclude the Department
5 of Insurance, or any other agency or officer of this State, or
6 subdivision thereof, from instituting other civil or criminal
7 proceedings as may be appropriate now or in the future.

8 5. The undersigned waives all rights to challenge
9 such Findings of Fact, Conclusions of Law and Order on appeal
10 or otherwise, and agrees to be bound by the foregoing Order.

11
12 3-23-92
13 Date

14
15 
16 LEONARD M. CALDERON, JR., dba
17 C & L GROUP, Respondent

18 APPROVED AS TO FORM:

19 GRANT WOODS, Attorney General
20 H. LESLIE HALL, Chief Counsel
21 Consumer Protection & Antitrust Section

22 By K. Leonard Date: 4/15/92
23 Kathryn Leonard
24 Assistant Attorney General
25 Attorneys for the Department of Insurance

26 COPY of the foregoing mailed
this 27th day of April,
1992, to:

Kathryn Leonard
Assistant Attorney General
1275 West Washington
Room 259
Phoenix, AZ 85007
Attorney for Department

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Chris Crawford

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