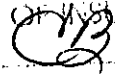


JAN 14 2010

STATE OF ARIZONA

DEPARTMENT OF INSURANCE

DEPT OF INSURANCE
BY 

In the Matter of:)
)
CAIN, ROSE MARY,)
 (Arizona License # 152158),)
EMD BROKERAGE GROUP, LLC,)
 (Arizona License #948393), and)
INTERNATIONAL CASUALTY WRITERS,)
LLC, (Arizona License #880674),)
)
 Respondents.)

No. 09A-126-INS

CONSENT ORDER

The State of Arizona Department of Insurance ("Department") has received evidence that **Rose Mary Cain, EMD Brokerage Group, LLC and International Casualty Writers, LLC ("Respondents")** violated provisions of Title 20, Arizona Revised Statutes. Respondents wish to resolve this matter without the commencement of formal proceedings, and admit the following Findings of Fact are true and consent to entry of the following Conclusions of Law and Order.

FINDINGS OF FACT

1. Rose Mary Cain ("Cain" or "Respondent Cain") is, and was at all times material, licensed as a resident accident/health, property, casualty producer and surplus lines broker, Arizona license # 152158, which expires on October 31, 2012.
2. Cain's address of record with the Department is: 20102 E. Camina Buena Vista, Queen Creek, Arizona 85242.
3. EMD Brokerage Group, LLC ("EMD" or "Respondent EMD") is, and was at all times material, licensed as a resident accident/health, property and casualty producer, Arizona license # 948393, which expires on July 31, 2013. Cain is the Manager/Member and Designated Responsible Licensed Producer for EMD.

1 4. EMD's address of record with the Department is: 20102 E. Camina Buena Vista,
2 Queen Creek, Arizona 85242.

3 5. International Casualty Writers, LLC ("ICW" or "Respondent ICW") is, and was at
4 all times material, licensed as a resident accident/health, property and casualty producer and
5 surplus lines broker, Arizona license # 880674, which expires on December 31, 2010. Cain is
6 the Member and Designed Responsible Licensed Producer for ICW.

7 6. ICW's address of record with the Department is: 18251 E. Queen Creek Rd.,
8 Suite 105 #173, Queen Creek, Arizona 85242.

9 7. On September 9, 2009, Rockwood Programs, Inc. filed a complaint with the
10 Department ("Rockwood Complaint"). The Rockwood Complaint stated that on or about April
11 16, 2009, Edgewood Partners Insurance Center ("EPIC") contacted Cain to place coverage for
12 Bad Boys Bail Bonds. Because Cain did not have direct access to market the specific type of
13 risk being requested, Cain contacted Rockwood Programs, Inc. ("Rockwood") for placement of
14 the coverage.

15 8. On April 24, 2009, Rockwood provided Cain a quote for two policies underwritten
16 by Beazley USA Service, Inc. ("Beazley policies").

17 9. On June 1, 2009, Bad Boys Bail Bonds deposited \$25,829.96 with Premium
18 Assignment Corporation (a premium finance company) for purchase of the Beazley policies.
19 The balance of the premium due, \$73,634.06, was financed by Premium Assignment
20 Corporation and paid directly to EPIC.

21 10. June 9, 2009, EPIC wire-transferred \$73,634.06 to EMD's U.S. Bank Account,
22 xxxxxxxx0051.

23 11. On June 22, 2009 and July 16, 2009, Rockwood sent Cain invoices for the
premium due on the Beazley policies.

 12. On August 4, 2009, Beazley USA Service, Inc. noticed the Beazley policies for
cancellation for non-payment of premium.

1 13. On August 17, 2009, EMD issued two checks for payment of the premium to
2 Rockwood totaling \$58,885.00 written from EMD's U.S. Bank Account, xxxxxxxx0051. U.S.
3 Bank returned the checks as non-payable because the EMD U.S. Bank Account had been
4 frozen.

5 14. On September 30, 2009, the Department contacted Cain regarding the
6 Rockwood Complaint and requested a written response with supporting documentation by
7 October 15, 2009.

8 15. On October 15, 2009, Cain provided documents to the Department but could not
9 provide information regarding the missing premium payment. The Department provided Cain
10 an extension to October 19, 2009 to provide information about the missing premium payment.

11 16. To date, Cain has not provided any information regarding the missing premium
12 payment.

13 17. In addition to the Rockwood complaint, the Department has received other
14 complaints of misappropriation of premium by Cain, EMD or ICW.

15 18. Effective September 1, 2009, Cain rewrote a workers' compensation policy
16 through New Mexico Mutual for Bell Ranch Partnership, Ltd., which is a subsidiary of Lane
17 Industries in Northbrook, Illinois, ("Bell/Lane"). Between September 21, 2009 and October 5,
18 2009, Cain collected \$48,147.00 in premium from Bell/Lane via wire transfer. On October 19,
19 2009, New Mexico Mutual issued a notice of cancellation effective November 3, 2009, for
20 nonpayment of premium.

21 19. On or about October 28, 2009, Cain wired \$5,000.00 to New Mexico Mutual. To
22 date, Cain has not remitted any additional premium to New Mexico Mutual.

23 20. On November 11, 2009, the Department, finding that the public health, safety
and welfare required emergency action, summarily suspended Respondents' licenses.

CONCLUSIONS OF LAW

1. The Director has jurisdiction over this matter.

1 2. Respondents' conduct constitutes improperly withholding monies or properties
2 received in the course of doing insurance business, within the meaning of A.R.S. § 20-
3 295(A)(4).

4 3. Grounds exist to order a summary suspension within the meaning of A.R.S. §§
5 41-1092.11(B).

6 4. Grounds exist for the director to suspend, revoke or refuse to renew
7 Respondents' licenses, within the meaning of A.R.S. § 20-295(A) and (B).

8 5. Grounds exist for the director to, in addition to any suspension, revocation or
9 refusal to renew a license, impose a civil penalty and order Respondents to provide restitution
10 to any party injured by their action, within the meaning of A.R.S. § 20-295(F).

11
12 **ORDER**

13 IT IS HEREBY ORDERED THAT:

14 1. Respondent Cain's Arizona producer license # 152158 is revoked effective
15 immediately.

16 2. Respondent EMD's Arizona producer license # 948393 is revoked effective
17 immediately.

18 3. Respondent ICW's Arizona producer license # 880674 is revoked effective
19 immediately.

20 4. Respondents shall pay restitution to Rockwood in the amount of \$17,760.00.

21 5. Respondents shall pay restitution to Premium Assignment Corporation in the
22 amount of \$54,118.00.

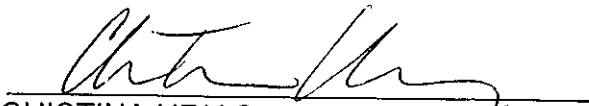
23 6. Respondents shall pay restitution to New Mexico Mutual in the amount of
\$43,147.00.

...

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1 7. Respondents are jointly and severally liable for payment of restitution.
2

3 DATED AND EFFECTIVE this 14th day of January, 2010.
4

5
6 
7 CHISTINA URIAS
8 Director of Insurance
9

10 **CONSENT TO ORDER**
11

12 1. Respondents have reviewed the foregoing Findings of Fact, Conclusions of Law
13 and Order.
14

15 2. Respondents admit the jurisdiction of the Director of Insurance, State of Arizona,
16 and admit the foregoing Findings of Fact and consent to the entry of the foregoing
17 Conclusions of Law and Order.
18

19 3. Respondents are aware of their right to notice and a hearing at which they may
20 be represented by counsel, present evidence and examine witnesses. Respondents
21 irrevocably waive their right to such notice and hearing and to any court appeals relating to this
22 Consent Order.
23

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

 5. Respondents acknowledge that the acceptance of this Consent Order by the
Director is solely to settle this matter against their licenses 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. Respondents acknowledge that this Consent Order is an administrative action that will be reported to the NAIC and that they may have to report this administrative action on any future licensing applications either to the Department or other states' Departments of Insurance.

7. Rose Mary Cain represents that she is the Manager/Member and Designated Responsible Individual of EMD Brokerage Group, LLC, and as such is authorized to enter this Consent Order on its behalf.

8. Rose Mary Cain represents that she is the Member and Designated Responsible Individual of International Casualty Writers, LLC, and as such is authorized to enter this Consent Order on its behalf.

EMD Brokerage Group, LLC

1-13-2010

Date

Rosemary Cain Manager/Member
Rose Mary Cain, Manager/Member

International Casualty Writers, LLC

1-13-2010

Date

Rosemary Cain, Member
Rose Mary Cain, Member

1-13-2010

Date

Rosemary Cain
Rose Mary Cain, Arizona License # 152158

COPIES of the foregoing mailed/delivered this 14th day of January, 2010, to:

Donald Heck PLC
16065 N Boulder Dr
Fountain Hills, Arizona 85268
Attorney for Respondents

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Rose Mary Cain
20102 E. Camina Buena Vista
Queen Creek, Arizona 85242
Respondent

EMD Brokerage Group, LLC
20102 E. Camina Buena Vista
Queen Creek, Arizona 85142
Respondent

International Casualty Writers, LLC
18251 E. Queen Creek Rd., Suite 105 #173
Queen Creek, Arizona 85142
Respondent

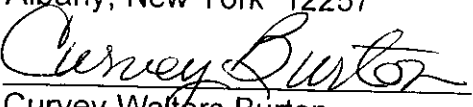
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