

JUN 10 2013

DEPT OF INSURANCE
BY [Signature]

STATE OF ARIZONA

DEPARTMENT OF INSURANCE

In the Matter of:

BERGEN, DARCY LEE
(Arizona License Number 155178)
(National Producer Number 7714485)

No. 13A-067-INS

CONSENT ORDER

Respondent.

The State of Arizona Department of Insurance ("Department") has received evidence that **Darcy Lee Bergen** ("**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. Darcy Lee Bergen ("**Bergen**") is, and was at all material times, licensed as an Arizona resident accident/health and life insurance producer, Arizona license number 155178, which expires May 31, 2017.
2. Bergen's addresses of record are: Clear Solutions LLC, 20470 N. Lake Pleasant Road #107, Peoria, Arizona 85382 (business) and 3316 E. Wickieup Lane, Phoenix, Arizona 85050 (residence).
3. Between May 11, 2009 and June 11, 2011, Respondent submitted four annuity applications to American Equity Investment Life Insurance Company (American Equity) for four different individuals. Respondent failed to disclose in the applications as replacing existing policies.

1 **CONCLUSIONS OF LAW**

2 1. The Director has jurisdiction over this matter.

3 2. Respondent's conduct as described above, constitutes intentionally
4 misrepresenting the terms of an actual or proposed insurance contract or application for
5 insurance, within the meaning of A.R.S. § 20-295 (A)(5).

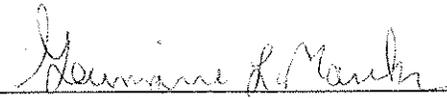
6 3. Grounds exist for the Director to deny, suspend for not more than twelve months,
7 revoke, or refuse to renew an insurance producer's license, impose a civil penalty and/or order
8 restitution pursuant to A.R.S. §§20-295(A) and (F).

9 **ORDER**

10 IT IS HEREBY ORDERED THAT:

11 1. Respondent shall immediately pay a civil penalty of \$250.00 for deposit into the
12 State General Fund.

13 DATED AND EFFECTIVE this 10th day of June, 2013.

14 
15 _____
16 GERMAINE L. MARKS
17 Director of Insurance

18 **CONSENT TO ORDER**

19 1. Respondent has reviewed the foregoing Findings of Fact, Conclusions of Law
20 and Order.

21 2. Respondent admits the jurisdiction of the Director of Insurance, State of Arizona,
22 and admit the foregoing Findings of Fact and consent to the entry of the foregoing
23 Conclusions of Law and Order.

1 3. Respondent is aware of his right to notice and hearing at which he may be
2 represented by counsel, present evidence and examine witnesses. Respondent irrevocably
3 waives his right to such notice and hearing and to any court appeals relating to this Consent
4 Order.

5 4. Respondent states that no promise of any kind or nature whatsoever, except as
6 expressly contained in this Consent Order, was made to him to induce them to enter into this
7 Consent Order and that he has entered into this Consent Order voluntarily.

8 5. Respondent acknowledges that the acceptance of this Consent Order by the
9 Director is solely to settle this matter against him and does not preclude any other agency,
10 including the Department, officer, or subdivision of this state or this agency from instituting civil
11 or criminal proceedings as may be appropriate now or in the future.

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

17 6/5/2013

18 Date



19 _____
20 Darcy Lee Bergen, Arizona License # 155178

21 COPIES of the foregoing mailed/delivered
22 this 10th day of June, 2013, to:

23 Darcy Lee Bergen.
Clear Solutions, LLC.
20470 N. Lake Pleasant Road #107
Peoria, AZ 85382
Respondent

1 Darcy Lee Bergen
3316 E. Wickieup Lane
2 Phoenix, AZ 85050

3 Maria Connett
Service Administrator-Complaint Department
4 American Equity Investment Life Insurance Company
P.O. Box 71216
5 Des Moines, IA 50325

6 Mary E. Kosinski, Executive Assistant for Regulatory Affairs
Mary Butterfield, Assistant Director, Consumer Affairs Division
7 Catherine M. O'Neil, Consumer Legal Affairs Officer
Steven Fromholtz, Licensing Supervisor
8 Charles Gregory, Supervisor Investigations Division
Randy Markham, Investigator
9 Deborah Claw, Consumer Specialist
Department of Insurance
10 2910 North 44th Street, Suite 210
Phoenix, Arizona 85018

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Curvey Burton

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