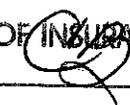


SEP 10 2013

DEPT OF INSURANCE  
BY 

STATE OF ARIZONA

DEPARTMENT OF INSURANCE

In the Matter of:

**RASCON, DELIA FELIX**  
(Arizona License Number 866167)  
(National Producer Number 8815020)

No. 13A-110-INS

**CONSENT ORDER**

**Respondent.**

The State of Arizona Department of Insurance ("Department") has received evidence that **Delia Felix Rascon ("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. Respondent is, and was at all material times, licensed as an Arizona resident casualty and property insurance producer, Arizona license number 866167, which expires December 31, 2013.
2. Respondent's addresses of record are: 1801 E. Main St., Mesa, Arizona 85203 (business) and 764 E. Tyson St., Chandler, Arizona, 85225 (mailing and residence).
3. Respondent was at all material times contracted with United Automobile Insurance Company ("UAIC") to transact insurance on its behalf in Arizona.
4. Between or about April 6, 2011 and August 14, 2012, Respondent collected \$2,454.00 in premium from 24 clients and failed to remit the premium to UAIC. When UAIC attempted to debit the premium money from Respondent's trust account, they incurred

1 \$600.00 in Non Sufficient Funds fees bringing Respondent's delinquent total due to UAIC to  
2 \$3,054.00.

3 5. UAIC has since recovered \$2,640.10 of its losses from Respondent leaving a  
4 delinquent balance of \$413.90.

5 **CONCLUSIONS OF LAW**

6 1. The Director has jurisdiction over this matter.

7 2. Respondent's conduct, as described above, constitutes improperly withholding  
8 monies received in the course of doing insurance business within the meaning of A.R.S. §20-  
9 295(A)(4).

10 3. Respondent's conduct, as described above, constitutes violating any provision  
11 of Title 20 within the meaning of A.R.S. § 20-295(A)(2).

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

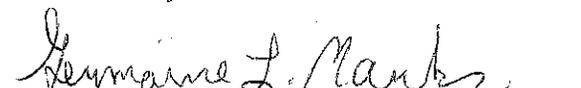
15 **ORDER**

16 IT IS HEREBY ORDERED THAT:

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

19 2. Respondent shall immediately make restitution to UAIC in the amount of  
20 \$413.90.

21 DATED AND EFFECTIVE this 9<sup>th</sup> day of September, 2013.

22   
23 GERMAINE L. MARKS  
Director of Insurance

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**CONSENT TO ORDER**

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

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

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

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

5. Respondent acknowledges that the acceptance of this Consent Order by the Director is solely to settle this matter against her 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.

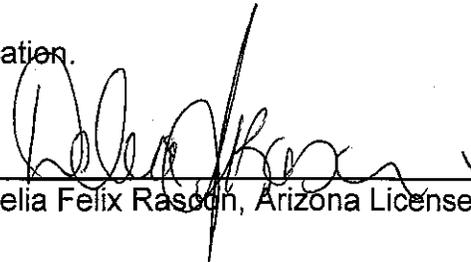
6. Respondent acknowledges that this Consent Order is an administrative action that the Department will report to the National Association of Insurance Commissioners (NAIC). Respondent further acknowledges that she must report this administrative action to

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2 any and all states in which she holds an insurance license and must disclose this  
3 administrative action on any license application.

4 9/4/13  
5 Date

  
6 Delia Felix Rascon, Arizona License # 866167

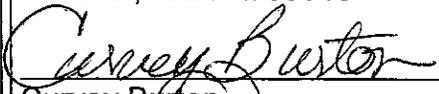
7 COPIES of the foregoing mailed/delivered  
8 this 10th day of September, 2013, to:

9 Delia Felix Rascon  
10 Third Party MVS Services, INC  
11 1801 E. Main St.  
12 Mesa, AZ 85203  
13 Respondent

14 Delia Felix Rascon  
15 764 E. Tyson St.  
16 Chandler, AZ 85225  
17 Respondent

18 UAIC  
19 Investigator Derek Haverkamp  
20 Special Investigations Unit  
21 P.O. Box 15397  
22 Scottsdale, AZ 85267

23 Darren T. Ellingson, Deputy Director  
Mary E. Kosinski, Executive Assistant for Regulatory Affairs  
Mary Butterfield, Assistant Director, Consumer Affairs Division  
Catherine M. O'Neil, Consumer Legal Affairs Officer  
Steven Fromholtz, Licensing Supervisor  
Charles Gregory, Supervisor Investigations Division  
Randy Markham, Investigator  
Department of Insurance  
2910 North 44<sup>th</sup> Street, Suite 210  
Phoenix, Arizona 85018

  
Curvey Burton