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STATE OF ARIZONA DEPARTMENT OF INSURANCE

NOV 9 1999

DEPT. OF INSURANCE

In the Matter of)	Mig the water
DONALD A. MOSSER))	Docket No. 99A-234-INS
)	CONSENT ORDER
${\bf Respondent.}$)	

The Arizona Department of Insurance ("Department") has received evidence that Donald A. Mosser ("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 the entry of the following Conclusions of Law and Order.

FINDINGS OF FACT

- 1. Respondent at all material times, was licensed in Arizona to transact property and casualty insurance business as a nonresident agent, Arizona license number 51715. Respondent's license expires effective October 31, 2000.
- 2. On or about September 10, 1998, Respondent submitted an Application ("1998 Application") to renew his Arizona Individual Nonresident Property and Casualty Insurance Agent license. The 1998 Application contained an application certification stating that "By my signature below, I hereby certify that the information recorded on all parts of this application and on all attachments and enclosures herewith, is true and correct to the best of my knowledge." Respondent signed the certification on September 10, 1998.
- 3. Part II, Question B of the 1998 Application asks: Have you had any professional, vocational, business license or certification refused, denied, suspended, revoked or restricted, or a fine imposed by any public

authority that has not previously been disclosed by you to this agency in a license application?

- 4. Respondent answered "No" to Question B on the 1998 Application.
- 5. Part II, Question D (5) of the 1998 Application asks: Have you had any judgment, order or other determination including any conviction issued or made against you in any criminal, civil, administrative or other judicial or quasi-judicial proceeding of any kind in any jurisdiction that has not previously been disclosed by you to this agency in a license application based on any of the following: (5) Any cause arising out of an insurance transaction?
- 6. Respondent answered "No" to Question D (5) on the 1998 Application.
- 7. On or about September 8, 1998, the Illinois Department of Insurance issued a Stipulation and Consent Order In the Matter of John H. Camlin Co., alleging that Respondent and five other individuals, individually and on behalf of John H. Camlin Company represented an unauthorized insurer without being properly licensed as surplus lines brokers and assessed a \$5,000 civil penalty.
- 8. Respondent failed to disclose the 1998 Illinois Order on his 1998 renewal Application. Respondent represented that on or about November 19, 1998, his firm advised the Department of the Illinois order but failed to identify the individuals, including Respondent, by name.

CONCLUSIONS OF LAW

- 1. The Director has jurisdiction over this matter.
- 2. Respondent's conduct constitutes misrepresentation or fraud in obtaining or attempting to obtain any insurance license, within the meaning of A.R.S. §20-316(A)(3).

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Grounds exist for the Director to suspend, revoke, or refuse to 3. renew Respondent's insurance licenses and/or impose a civil penalty upon Respondent pursuant to A.R.S. §§20-316(A) and 20-316(C).

ORDER.

IT IS ORDERED THAT Respondent shall pay a civil penalty in the amount of five hundred dollars (\$500) to the Director payable upon entry of this Order, for remission to the State Treasurer for deposit in the Sate General Fund.

DATED AND EFFECTIVE THIS

CHARLES R. COHEN, Director of Insurance

CONSENT TO ORDER

- 1. Respondent has reviewed the foregoing Findings of Fact. Conclusions of Law and Order.
- Respondent admits the jurisdiction of the Director of Insurance, 2. State of Arizona, and admits the foregoing Findings of Fact and consents to the entry of the foregoing Conclusions of Law and Order.
- Respondent is aware of his rights to notice and a hearing at 3, which he may be represented by counsel, present evidence and cross examine witnesses. Respondent irrevocably waives his rights to such notice and hearing and to any court appeals relating to this Consent Order.
- Respondent states that no promise of any kind or nature 4. whatsoever, except as expressly contained in this Consent Order, were made to him to induce him to enter into this Consent Order and that he has entered into this Consent Order voluntarily.

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

10/18/99

Donald A. Mosser License Number 51715

Copies of the foregoing mailed this

9th day of November, 1999, to:

Donald A. Mosser c/o John H. Camlin Company 318 North First Street Rockford, IL 61107-3902

Amerisure Insurance Company P. O. Box 2060 Farmington Hills, MI 48333-2060

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