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STATE OF ARIZONA  
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STATE OF ARIZONA

LICENSING SECTION

DEPARTMENT OF INSURANCE

DEPARTMENT OF INSURANCE  
By     *lll*    

In the Matter of	)	Docket No. 8335
	)	
AMERICAN INSURANCE ASSOCIATES,	)	ORDER
INC., and DELL DWANE NEWBOLD,	)	
	)	
Respondents.	)	
_____	)	

On January 25, 1994, the Director issued a notice of hearing in the above-captioned matter. The notice of hearing was mailed to Respondents at their last addresses of record. A copy of the notice of hearing is attached hereto and incorporated herein by reference.

The notice of hearing required Respondents to provide a written answer to the allegations set forth in the notice within twenty days of the issuance of the notice. As of this date, Respondents have failed to file an answer. On February 15, 1994, counsel for the Department filed a Request for Default. As of this date, Respondents have not responded to the Department's request.

Pursuant to A.A.C. R4-14-106(C), a party that fails to file an answer within the time provided shall be deemed to be in default and one or more of the allegations in the notice of hearing may be deemed to be admitted.

IT IS HEREBY ORDERED that

1. The allegations listed in paragraphs 1-54 in the notice of hearing are deemed to be admitted.

2. Respondents' conduct constitutes a record of dishonesty in business or financial matters under A.R.S. §20-290(B)(2).

11

1           3. Respondents' conduct constitutes the existence of  
2 any cause for which original issuance or any renewal of an  
3 insurance license could have been refused such that Respondents'  
4 license may be suspended or revoked under A.R.S. §20-316(A)(1),  
5 together with §20-290(B)(2).

6           4. Respondents' conduct constitutes a wilful  
7 violation of, or wilful noncompliance with, any provision of  
8 A.R.S. Title 20 or any lawful rule, regulation or order of the  
9 Director, within the meaning of A.R.S. §20-316(A)(2).

10           5. Respondents' conduct constitutes misappropriation,  
11 conversion or illegal withholding of monies belonging to  
12 policyholders, insurers, beneficiaries or others, in violation of  
13 A.R.S. §20-316(A)(4).

14           6. Respondents' conduct constitutes a conduct of  
15 affairs under their licenses showing them to be incompetent or a  
16 source of injury and loss to the public or any insurer, in  
17 violation of A.R.S. §20-316(A)(7).

18           7. Respondents' conduct of issuing ID cards which  
19 contain information which is untrue, deceptive or misleading,  
20 constitutes violation of A.R.S. §20-444(A).

21           8. Respondent American Insurance Associates, Inc.'s  
22 license may be suspended, revoked or refused, pursuant to A.R.S.  
23 §20-316(B).

24           9. Any and all of Respondents' insurance licenses are  
25 revoked effective immediately including Respondent American  
26 Insurance Associates, Inc., license number 0344325, and  
27 Respondent Dell Duane Newbold, license number 0687371.

28

1                   10. Respondents shall jointly and severally pay a  
2 civil penalty in the amount of \$2,500.00 to the Department on or  
3 before September 15, 1994.

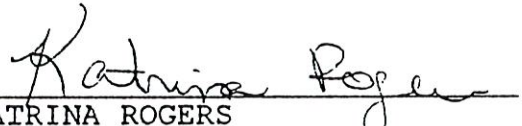
4                   11. Respondents shall jointly and severally pay  
5 restitution in the total amount of \$1,375.00 to the individuals  
6 listed below on or before July 5, 1994. The addresses are  
7 attached to this Order. Proof of payment shall be sent to the  
8 Department as payment is made.

<u>Policyholder</u>	<u>Amount Paid</u>
Marc Colbert	\$ 58.00
Stephen Conti	\$ 49.00
Loretta Reyes	\$105.00
Gary Santee	\$ 62.00
Ernest Chiakmakis	\$ 53.00
David McVittie	\$ 78.00
Robert Wallace	\$ 66.00
Manuel Tristan	\$ 92.00
Allan Farmer	\$ 55.00
Robert Mowen	\$111.00
William Yates	\$214.00
Jacqueline Triplett	\$232.00
Barbara Holguin	\$200.00

17                   DATED this 4th day of May, 1994.

18  
19                   

20                   \_\_\_\_\_  
CHRIS HERSTAM  
Director of Insurance

21  
22                   

23                   \_\_\_\_\_  
KATRINA ROGERS  
Chief Hearing Officer

1 COPY of the foregoing mailed/delivered  
2 this 4th day of May, 1994, to:

3 Gay Ann Williams, Deputy Director  
4 Charles R. Cohen, Executive Assistant Director  
5 Jay Rubin, Assistant Director  
6 Arnold Sniegowski, Investigator  
7 Maureen Catalioto, Supervisor  
8 Department of Insurance  
9 2910 N. 44th Street, Suite 210  
10 Phoenix, Arizona 85018

11 Kathryn Leonard  
12 Assistant Attorney General  
13 1275 W. Washington  
14 Phoenix, Arizona 85007

15 American Insurance Associates, Inc.  
16 170 W. University Dr.  
17 Mesa, AZ 85201

18 American Insurance Associates, Inc.  
19 P.O. Box 9058  
20 Mesa, AZ 85214

21 Dell Dwane Newbold  
22 630 E. Jensen, #127  
23 Mesa, AZ 85203

24 American Integrity Insurance Company  
25 Two Penn Center Plaza  
26 Philadelphia, PA 19102

27 Amex Life Insurance Company  
28 1650 Los Gamos Dr.  
San Rafael, CA 94903


Central Security Life Insurance Company  
2185 North Glenville  
Richardson, TX 75081

Continental Western Insurance Company  
P.O. Box 1594  
Des Moines, IA 50306

First National Life Insurance Company  
7 Clayton Street  
Montgomery, AL 36104-4089

Great Fidelity Life Insurance Company  
P.O. Box 2272  
Fort Wayne, IN 46801-2272

- 1 Great Republic Life Insurance Company  
226 Second Avenue West  
2 Seattle, WA 98119
- 3 Jackson National Life Insurance Company  
P.O. Box 24068  
4 Lansing, MI 48909
- 5 Kentucky Central Insurance Company  
Kincaid Towers, 14th Floor  
6 Lexington, KY 40507
- 7 National Foundation Life Insurance Company  
777 Main Street  
8 Fort Worth, TX 76102
- 9 Pioneer Mutual Life Insurance Company  
P.O. Box 2546  
10 Fargo, ND 58108-2546
- 11 Providers Fidelity Life Insurance Company  
One Valley Square, Suite 150  
12 512 Township Line Rd.  
Blue Blue, PA 19422
- 13 Safeway Insurance Company  
14 500 S. Racine Ave.  
Chicago, IL 60607
- 15 Security General Life Insurance Company  
16 P.O. Box 25523  
Oklahoma City, OK 73125
- 17 Union Labor Life Insurance Company  
18 111 Massachusetts Ave.  
Washington, D.C. 20001
- 19 United American Insurance Company  
20 100 W. Tenth Street  
Wilmington, DE 19801
- 21 Carla Bliss  
22 602 N. May, #70  
Mesa, AZ 85201
- 23 Robert Mowen  
24 200 W. Hermosa  
Tempe, AZ 85282
- 25 Allan K. Farmer  
26 6404 W. Monterey Place  
Chandler, AZ 85226
- 27  
28

- 1 Ardell Howard  
53 N. Madrive Plaza  
2 Mesa, AZ 85201
- 3 William Yates  
1355 N. Markdale  
4 Mesa, AZ 85201
- 5 Marc Colbert  
P.O. Box 106114  
6 Scottsdale, AZ 85254
- 7 Stephen Conti  
447 W. Clark St.  
8 Mesa, AZ 85201
- 9 Barbara Holguin  
P.O. Box 4412  
10 Mesa, AZ 85211
- 11 Loretta Reyes  
2926 E. Diamond Ave.  
12 Mesa, AZ 85204
- 13 Gary Santee  
1255 W. University, #42  
14 Mesa, AZ 85201
- 15 Ernest J. Chiakmakis  
449 N. Lasueur  
16 Mesa, AZ 85201
- 17 David McVittie  
8521 E. McDowell Rd., #247  
18 Scottsdale, AZ 85257
- 19 Robert Wallace  
424 W. Brown, #116  
20 Mesa, AZ 85201
- 21 Manuel Tristan  
239 N. 85th Place  
22 Mesa, AZ 85207
- 23 Jacqueline Triplett  
708 N. Country Club, #116  
24 Mesa, AZ 85201
- 25   
26 Chris Crawford  
27  
28

JAN 25 1994

DEPARTMENT OF INSURANCE  
By UC

3787c:CPA93-278:bjb

STATE OF ARIZONA

DEPARTMENT OF INSURANCE

In the Matter of:	)	
	)	No. 8335
AMERICAN INSURANCE ASSOCIATES, INC.,	)	
AND DELL DWANE NEWBOLD,	)	
	)	NOTICE OF HEARING
Respondents.	)	

PLEASE TAKE NOTICE, that pursuant to the provisions of Arizona Revised Statutes ("A.R.S.") §§ 20-161 through and including 20-165 and 41-1061, et seq., the above-captioned matter will be heard before the Director of Insurance of the State of Arizona (the "Director"), or his duly designated representative, on the 2nd day of June, 1994, at 9:30 o'clock a.m., at 2910 North 44th Street, Suite 210, Phoenix, Arizona 85018 (the "Hearing").

Motions to continue this matter shall be made in writing to the Hearing Officer named herein, not less than five (5) business days prior to the date set for the Hearing. A copy of any motion to continue shall be mailed or hand-delivered to the opposing party on the same date of filing with the Department of Insurance.

A.R.S. § 20-164 entitles any person affected by this Hearing to appear in person and by counsel, to be present during the giving of all evidence, to have a reasonable opportunity to inspect all documentary evidence, to examine witnesses, to present evidence in support of his/her interests, and to have

1 subpoenas issued by the Director to compel attendance of  
2 witnesses and production of evidence on the person's behalf.

3 Questions concerning issues raised in this Notice of  
4 Hearing should be directed to Assistant Attorney General Kathryn  
5 Leonard (602-542-3702), 1275 West Washington, Phoenix, Arizona  
6 85007.

7 NOTICE OF APPLICABLE RULES

8 On January 23, 1992, the Arizona Department of Insurance  
9 adopted A.A.C. R4-14-101 through R4-14-115, setting forth the  
10 rules of practice and procedure applicable in contested cases  
11 before the Director of Insurance. The hearing will be conducted  
12 pursuant to these rules.

13 PURSUANT TO A.A.C. R4-14-106 EACH RESPONDENT SHALL FILE  
14 A WRITTEN ANSWER WITHIN TWENTY (20) DAYS AFTER ISSUANCE OF THIS  
15 NOTICE OF HEARING AND SHALL MAIL OR DELIVER A COPY OF THE ANSWER  
16 TO THE ASSISTANT ATTORNEY GENERAL DESIGNATED ABOVE. THE ANSWER  
17 SHALL STATE RESPONDENTS' POSITION OR DEFENSE AND SHALL  
18 SPECIFICALLY ADMIT OR DENY EACH ASSERTION IN THE NOTICE OF  
19 HEARING. ANY ASSERTION NOT DENIED SHALL BE DEEMED TO BE  
20 ADMITTED. ANY DEFENSE NOT RAISED IN THE ANSWER SHALL BE DEEMED  
21 WAIVED. IF AN ANSWER IS NOT TIMELY FILED, THE RESPONDENTS SHALL  
22 BE DEEMED IN DEFAULT AND THE DIRECTOR MAY DEEM THE ALLEGATIONS  
23 ARE TRUE, AND TAKE WHATEVER ACTION IS APPROPRIATE, INCLUDING  
24 SUSPENSION, REVOCATION, DENIAL OF A LICENSE, OR RENEWAL OF A  
25 LICENSE, IMPOSITION OF A CIVIL PENALTY AND/OR ORDER RESTITUTION  
26 TO ANY PARTY INJURED.



1           This Hearing is being called by the Director because  
2 he is informed and has cause to believe and therefore alleges  
3 the following:

4           1. American Insurance Associates, Inc. ("American")  
5 is presently, and was at all material times, licensed as a life  
6 and disability insurance agency in the State of Arizona  
7 (License No. 0344325). American's license expires February 28,  
8 1995.

9           2. American was incorporated in the State of Arizona  
10 on December 10, 1982. On or about December 10, 1988,  
11 American's corporate status was revoked by the Arizona  
12 Corporation Commission for failure to file its annual report  
13 for the fiscal year ending May 31, 1988. Dell M. Newbold is  
14 listed as the president/treasurer of American and Patricia J.  
15 Newbold is listed as the vice president/secretary. On or about  
16 May 14, 1982, the Department revoked the insurance license of  
17 Dell M. Newbold for violations of A.R.S. §§ 20-295,  
18 20-316(A)(1),(2),(4),(5),(7) and 20-443.1. On or about January  
19 18, 1990, the Department revoked the insurance license of  
20 Patricia J. Newbold for violations of A.R.S.  
21 §§ 20-316(A)(2),(4),(7) and A.A.C. R4-14-606(E)(1)(g)(h).

22           3. Dell Dwane Newbold ("Newbold") is presently, and  
23 was at all material times, licensed as a life and disability  
24 and property and casualty insurance agent in the State of  
25 Arizona (License No. 0687371). Newbold's life and disability  
26 license expires April 30, 1995 and his property and casualty

1 license expires April 30, 1994. Newbold is designated in  
2 American's insurance license application as a representative  
3 authorized to exercise its powers.

4 4. On or about August 6, 1992, American and Newbold  
5 entered into a producer agreement with Safeway Insurance  
6 Company ("Safeway"). On or about June 25, 1993, Safeway  
7 terminated the agreement.

8 Count I

9 5. On or about May 10, 1993, Newbold received an  
10 application and \$63.00 cash from Cara Bliss ("Bliss") for a  
11 monthly automobile insurance policy with Safeway.

12 6. On or about that same date, American and/or  
13 Newbold provided Bliss with an insurance identification card  
14 ("ID card") indicating she had coverage from May 10, 1993  
15 through June 10, 1993. The ID card issued by American and/or  
16 Newbold failed to disclose the name of the insurer.

17 7. Pursuant to A.R.S. § 28-1253(B)(1), the name of  
18 an insurer is required on the ID card. Cardholders found in  
19 violation of this statute are subject to at least a \$250.00  
20 fine, suspension or surrender of the owner's license, and  
21 suspension of the registration, and license plate of the  
22 vehicle for three months.

23 8. American and Newbold failed to forward Bliss'  
24 premium payment to Safeway.

25 9. On or about August 11, 1993, Newbold refunded  
26 Bliss' \$63.00 premium payment.





1 \$60.00 cash.

2 26. On or about May 17, 1993, Mowen went to American  
3 because he had not received a policy or notice of the amount of  
4 premium due for renewal of his monthly Safeway policy.

5 27. On that same date, American received a \$50.00  
6 premium payment from Mowen for renewal of the monthly policy  
7 and issued Mowen an ID card indicating he had coverage from  
8 May 17, 1993 through June 17, 1993. The ID card issued by  
9 American failed to disclose the name of the insurer.

10 28. Pursuant to A.R.S. § 28-1253(B)(1), the name of  
11 an insurer is required on the ID card. Cardholders found in  
12 violation of this statute are subject to at least a \$250.00  
13 fine, suspension or surrender of the owner's license, and  
14 suspension of the registration and license plate of the vehicle  
15 for three months.

16 29. On or about June 14, 1993, American and/or  
17 Newbold had Mowen sign a statement that he had no accidents  
18 and/or citations on his driving record and that he understood  
19 that the ID card issued to him by American was only valid if  
20 the company received payment paid by Mowen to Newbold.

21 30. American and Newbold failed to forward Mowen's  
22 premium payments to Safeway.

23 31. To date, American has failed to refund Mowen's  
24 \$1111.00.

25 Count VI

26 32. On or about June 2, 1993, Newbold received a

1 \$214.00 cash premium payment from William Yates ("Yates") for  
2 an automobile insurance policy with Safeway.

3 33. American failed to forward Yates's premium  
4 payment to Safeway.

5 34. To date, American has failed to refund Yate's  
6 \$214.00.

7 Count VII

8 35. On or about the dates of May 12, 1993, Newbold  
9 received an application and a \$71.00 premium payment from  
10 Jacquelyne Triplett ("Triplett") for a monthly automobile  
11 insurance policy with Safeway.

12 36. On or about June 14, July 7, and August 25, 1993,  
13 American received \$54.00, \$53.00 and \$54.00 from Triplett for  
14 the renewal of her monthly insurance policy with Safeway.

15 37. On or about those same dates, American provided  
16 Triplett with ID cards indicating she had coverage from June  
17 14, 1993 through July 14, 1993, July 15, 1993 through  
18 August 15, 1993 and August 25, 1993 through September 25,  
19 1993. The ID cards issued by American failed to disclose the  
20 name of the insurer.

21 38. Pursuant to A.R.S. § 28-1253(B)(1), the name of  
22 an insurer is required on the ID card. Cardholders found in  
23 violation of this statute are subject to at least a \$250.00  
24 fine, suspension or surrender of the owner's license, and  
25 suspension of the registration and license plate of the vehicle  
26 for three months.

1           39. American and Newbold failed to forward  
2 Triplet's application and premium payments to Safeway.

3           40. Triplet attempted to contact Newbold after  
4 notification from the Motor Vehicle Department that her  
5 vehicle had no insurance coverage.

6           41. On or about September 20, 1993, Newbold received  
7 a new application and a \$54.00 premium payment from Triplet  
8 for an automobile insurance policy with Safeway.

9           42. On or about that same date, American forwarded  
10 Triplet's May 12, 1993 and her September 20, 1993  
11 applications to Safeway along with Money Order No. 81294929518.

12           43. On or about September 28, 1993, Safeway returned  
13 Triplet's applications and Money Order No. 81294929518  
14 because American's producer agreement with Safeway terminated  
15 on June 25, 1993.

16           44. Subsequently, American refunded Triplet's  
17 September 20, 1993, premium payment of \$54.00. To date,  
18 American has not refunded Triplet's remaining \$232.00.

19                           Count VIII

20           45. On or about the dates of June 30, July 30 and  
21 August 30, 1993, American received a total of approximately  
22 \$200.00 cash for premium payments for Barbara Holguin  
23 ("Holguin") for a monthly automobile insurance policy with  
24 Safeway.

25           46. On or about September 29, 1993, American  
26 received a \$50.00 check from Holguin for renewal of her

1 insurance policy with Safeway.

2 47. On or about that same date, American provided  
3 Holguin with an ID card indicating she had insurance coverage  
4 from October 1, 1993 through November 1, 1993. The ID card  
5 issued by American failed to disclose the name of the insurer.

6 48. Pursuant to A.R.S. § 28-1253(B)(1), the name of  
7 an insurer is required on the ID card. Cardholders found in  
8 violation of this statute are subject to at least a \$250.00  
9 fine, suspension or surrender of the owner's license, and  
10 suspension of the registration and license plate of the  
11 vehicle for three months.

12 49. On or about September 29, 1993, Newbold notified  
13 Holguin that Safeway had no record of a policy for her and  
14 returned her \$50.00 premium check. Newbold further notified  
15 Holguin that American no longer represented Safeway and  
16 suggested she contact a new agent.

17 50. American failed to forward Howard's June 30,  
18 July 30, and August 30, 1993, premium payments to Safeway.

19 51. To date, American has failed to refund Holguin's  
20 \$200.00.

21 Count IX

22 52. On or about the dates listed below, American  
23 received the approximate premium payments listed below for the  
24 policyholders listed below for monthly automobile insurance  
25 policies with Safeway.

26





1 in violation of A.R.S. § 20-316(A)(4).

2 59. Respondents' conduct described above constitutes  
3 a conduct of affairs under their licenses showing them to be  
4 incompetent or a source of injury and loss to the public or any  
5 insurer, in violation of A.R.S. § 20-316(A)(7).

6 60. American's agency license may be suspended,  
7 revoked or refused for any causes as relate to any individual  
8 designated in the license to exercise its powers, pursuant to  
9 A.R.S. § 20-316(B).

10 61. Respondents' conduct of issuing ID cards which  
11 contain information which is untrue, deceptive or misleading,  
12 constitutes violation of A.R.S. § 20-444(A)


13 WHEREFORE, if after hearing, the Director makes a  
14 finding of one or more of the above-described violations, he  
15 may suspend, revoke or refuse to renew Respondents' insurance  
16 licenses, impose a civil penalty and may order restitution,  
17 pursuant to A.R.S. §§ 20-316(A), 20-316(B) and 20-316(C).

18 FURTHER, if after hearing, the Director finds that  
19 Respondents violated the provisions of A.R.S. §20-444, he may  
20 enter an Order of Cease and Desist against Respondent and  
21 impose a civil penalty of not more than \$1,000 for each act or  
22 violation but not to exceed an aggregate penalty of \$10,000  
23 dollars unless the person intentionally violates an act or  
24 practice, in which case the Director may impose a civil penalty  
25 of up to \$5,000 for each act or violation but not to exceed an  
26 aggregate penalty of \$50,000 in any six month period, pursuant

1 to A.R.S. § 20-456(A) and 20-456(B).

2 Pursuant to A.R.S. § 20-150, the Director herewith  
3 delegates all of his authority, powers, duties and functions,  
4 whether ministerial or discretionary, with which he is vested  
5 as Director of Insurance of the State of Arizona, whether  
6 implied or expressed, to KATRINA ROGERS for the purpose of  
7 acting as hearing officer in this matter. This delegation of  
8 authority shall continue until specifically revoked.

9 DATED at Phoenix, Arizona, this 25th day of January,  
10 1994.

11  
12 

13 CHRIS HERSTAM, Director  
14 Arizona Department of Insurance

15  
16 COPY of the foregoing mailed  
17 this 25th day of January,  
18 1994, to:

19 Kathryn Leonard  
20 Assistant Attorney General  
21 1275 West Washington, Room 259  
22 Phoenix, Arizona 85007

23 Gay Ann Williams, Deputy Director  
24 Charles R. Cohen, Executive Assistant Director  
25 Jay Rubin, Assistant Director  
26 Arnold Sniegowski, Investigator  
Maureen Catalioto, Supervisor  
Department of Insurance  
2910 North 44th Street  
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Phoenix, Arizona 85018

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2 Mesa, AZ 85203

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6 San Rafael, CA 94903

7 Central Security Life Insurance Company  
2185 North Glenville  
8 Richardson, TX 75081

9 Continental Western Insurance Company  
P.O. Box 1594  
10 Des Moines, IA 50306

11 First National Life  
7 Clayton Street  
12 Montgomery, AL 36104-4089

13 Great Fidelity Life  
3515 Hobson Road  
14 Suite 100,  
P.O. Box 2272  
15 Fort Wayne, Indiana 46801-2272

16 Great Republic Life  
Insurance Company  
17 226 Second Avenue West  
Seattle, WA 98119

18 Jackson National Life  
19 P.O. Box 24068  
Lansing, MI 48909

20 Kentucky Central Ins. Co.  
21 Kincaid Towers, 14th Floor  
Lexington, KY 40507


22 National Foundation Life Insurance Company  
23 777 Main Street  
Fort Worth, TX 76102

24 Pioneer Mutual Life  
25 203 N. 10th Street  
Fargo, ND  
26

- 1 Providers Fidelity Life  
One Valley Square
- 2 Suite 150  
512 Township Line Road
- 3 Blue Bell, PA 19422
  
- 4 Safeway Insurance Company  
500 S. Racine Avenue
- 5 Chicago, IL 60607
  
- 6 Security General Life  
P.O. Box 25523
- 7 Oklahoma City, OK 73125
  
- 8 Union Labor Life Insurance Company  
111 Massachusetts Avenue
- 9 Washington, DC 20001
  
- 10 United American Ins. Co.  
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- 11 Wilmington, DE 19801
  
- 12 Carla Bliss  
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- 12 Mesa, AZ 85201

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