

JUL 21 2003

DEPT. OF INSURANCE  
BY                     

STATE OF ARIZONA  
DEPARTMENT OF INSURANCE

1	In the Matter of:	)	
2		)	
3		)	No. 03A- <u>119</u> - INS
4	<b>RODERICK GIBSON ,</b>	)	
5	Respondent.	)	<b>CONSENT ORDER</b>
6		)	
		)	

7           The State of Arizona Department of Insurance ("Department") has received evidence that  
8 Roderick Gibson ("Respondent") violated provisions of Title 20, Arizona Revised Statutes. Respondent  
9 wishes to resolve this matter without the commencement of formal proceedings, and admits the  
10 following Findings of Fact are true and consents to entry of the following Conclusions of Law and  
11 Order.

**FINDINGS OF FACT**

- 13           1.       Respondent is, and was at all material times licensed as a non-resident Property and  
14 Casualty producer, Arizona license number 122354, which license expires December 31, 2003.
- 15           2.       On or about March 27, 1995, Respondent pled nolo contendere to a charge of forgery,  
16 felony theft in State of Louisiana v. Roderick Gibson, No. 37, 118, in the 3<sup>rd</sup> District Court, Lincoln  
17 Parish, State of Louisiana. The Respondent was sentenced to five years at hard labor with the sentence  
18 suspended and Respondent placed on supervised probation for a period not to exceed five years. The  
19 Criminal Case Minutes dated March 27, 1995 stated, "The five year sentence is suspended and the  
20 defendant is placed on supervised probation for a period not to exceed 5 years. Special conditions of the  
21 defendant's probation will be that the defendant make restitution to the victims of the offenses in the  
22 amount specified subject to any credit and off sets as specified. When the full restitution is made the  
23 defendant's probation may be terminated at that time."

1           3.       On or about April 9, 1996, An Order Modifying Probation was signed by Honorable  
2 Richard Ware placing the Respondent on non-reporting status as to his monthly report to his probation  
3 officer due to the Respondent's residence at that time in San Antonio, Texas.

4           4.       On or about June 15, 2000, the Respondent paid \$13,333.00 through his attorney to make  
5 restitution.

6           5.       On or about October 8, 2001, Respondent filed a Uniform Application for Individual  
7 Non-Resident License with the Department for an individual producer license to sell property and  
8 casualty insurance.

9           6.       Question One of the Uniform Application for Individual Non-Resident License under the  
10 section "Background Information section asks, "Have you ever been convicted of, or are you currently  
11 charged with, committing a crime, whether or not adjudication was withheld?" Convicted" includes, but  
12 is not limited to, having been found guilty by verdict of a judge or jury, having entered a plea of guilty  
13 or nolo contendere, or having been given probation, a suspended sentence or a fine."

14          7.       Respondent answered "No" to Question 1.

15          8.       The Application included a section entitled "Applicant's Certification and Attestation"  
16 which, among other attestations, contained a statement by the Respondent that certified all of the  
17 information submitted in the application and attachments was true and complete and that the Respondent  
18 was aware that submitting false information or omitting pertinent or material information in connection  
19 with the application was grounds for license revocation.

20          9.       The Respondent signed the "Applicant's Certification and Attestation" on October 8,  
21 2001 and it was notarized by a Texas notary public.

22          10.      On or about April of 2003, a Department investigator discovered information about the  
23 Respondent in a national database that was disclosed by the State of Idaho Department of Insurance. The  
24



1 investigator contacted the State of Idaho Department of Insurance by telephone and asked for  
2 information about the Respondent's felony conviction.

3 11. On or about April 21, 2003, the Arizona Department of Insurance received an April 17,  
4 2003 fax from the State of Idaho Department of Insurance confirming the Louisiana felony criminal  
5 conviction and the denial of the Respondent's Application for an Idaho insurance license.

6 12. On or about April 23, 2003, a Department investigator sent a letter to Respondent asking  
7 for a narrative explanation with supporting documentation setting forth the reason why Respondent  
8 failed to disclose the felony conviction in his application for an insurance license. The Respondent's  
9 response was due on May 9, 2003.

10 13. The April 23, 2003 letter was sent to the Respondent's Helotes, Texas address via  
11 certified mail and the Respondent signed the return receipt on April 25, 2003. The Respondent did not  
12 respond to the investigator by May 9, 2003.

### 13 CONCLUSIONS OF LAW

14 1. The Director has jurisdiction over this matter.

15 2. Respondent's conduct as described above constitutes having been convicted of a felony  
16 within the meaning of §20-295(A)(6).

17 3. Respondent's conduct as described above constitutes providing incorrect and materially  
18 untrue information on his license application within the meaning of A.R.S. §20-295(A)(1).

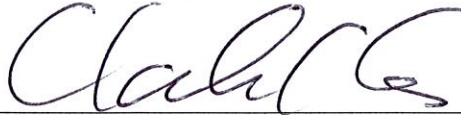
19 4. Respondent's conduct as described above constitutes misrepresentation or fraud in  
20 obtaining or attempting to obtain any insurance license within the meaning of A.R.S. § 20 -295(A)(3).

21 5. Grounds exist for the Director to suspend, revoke, or refuse to renew Respondent's  
22 insurance license, impose a civil penalty and/or order restitution pursuant to A.R.S. §§20-295(A) and 20-  
23 316(D).

1 **ORDER**

2 IT IS HEREBY ORDERED THAT Respondent's license is revoked effective  
3 immediately upon entry of this Order.

4 DATED AND EFFECTIVE this 18<sup>th</sup> day of July, 2003.

5 

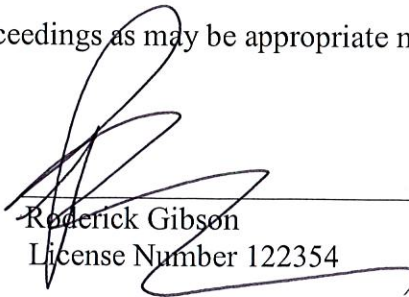
6 CHARLES R. COHEN  
7 Director of Insurance

8 **CONSENT TO ORDER**

- 9
- 10 1. Respondent has reviewed the foregoing Findings of Fact, Conclusions of Law and Order.
- 11 2. Respondent admits the jurisdiction of the Director of Insurance, State of Arizona, and  
12 admits the foregoing Findings of Fact and consents to the entry of the foregoing Conclusions of Law and  
13 Order.
- 14 3. Respondent is aware of his right to notice and a hearing at which he may be represented  
15 by counsel, present evidence and examine witnesses. Respondent irrevocably waives his right to such  
16 notice and hearing and to any court appeals relating to this Consent Order.
- 17 4. Respondent states that no promise of any kind or nature whatsoever, except as expressly  
18 contained in this Consent Order, was made to him to induce him to enter into this Consent Order and  
19 that he has entered into this Consent Order voluntarily.
- 20 5. Respondent acknowledges that the acceptance of this Consent Order by the Director is  
21 solely to settle this matter against him and does not preclude any other agency, officer, or subdivision of  
22  
23  
24

1 this state from instituting civil or criminal proceedings as may be appropriate now or in the future.

2  
3 7/11/03  
4 Date

  
5  
6 Roderick Gibson  
7 License Number 122354

8 COPIES of the foregoing mailed/delivered  
9 this 21st day of July, 2003, to:

10 Roderick Gibson  
11 9314 Moonlit Glade Road  
12 Helotes, Texas 78023

13 USAA  
14 9800 Fredericksburg Road  
15 San Antonio, Texas 78288

16 State of Idaho  
17 Department of Insurance  
18 Jim Genetti  
19 P O Box 83720  
20 Boise, Idaho 83720-0043

21 Gerrie L. Marks, Acting Deputy Director of Regulatory Affairs  
22 Catherine M. O'Neil, Consumer Legal Affairs Officer  
23 Rebecca Sanchez, Licensing  
24 Arnold Sniegowski, Investigations Supervisor  
25 Bob Hill, Investigator  
26 Department of Insurance  
27 2910 North 44<sup>th</sup> Street, Suite 210  
28 Phoenix, Arizona 85018

29  
30  
31   
32 Curvey Walters Burton