



1 Gary Mason in the amount of \$2,250.00 for property insurance coverage. Shawnee  
2 Properties paid the premium on behalf of KJB Investments.

3 4. Respondent deposited the check into his Bank of America account  
4 #000274751946 on August 9, 2002. Respondent is the sole signatory on the account.

5 5. Also on August 9, 2002, Respondent issued KJB Investments a fictitious  
6 Declarations of insurance for policy number 99508096 naming Zurich Assurance Company of  
7 America as the insurer and indicating that a premium in the amount of \$2,250.00 had been  
8 paid to Respondent for the coverage. Respondent signed the Declarations page.

9 6. Respondent had no authority to issue Certificates of Insurance and/or  
10 Declarations of Insurance. That role is reserved for CDS after the agency receives the  
11 application and premium.

12 7. Respondent failed to remit the premium and application to CDS or Zurich  
13 Assurance Company of America but converted the premium money for his own use due to  
14 personal financial problems and discarded the application in the trash.

### 15 **Count II**

16 8. On August 9, 2002, Respondent received \$250.00 in cash from Steve's Tree  
17 Service as an insurance premium for general liability insurance. Respondent issued receipt  
18 #0962 to Steve's Tree Service for \$250.00 cash.

19 9. On August 9, 2002, Respondent issued a fictitious Certificate of Liability  
20 insurance to Steve's Tree Service naming Interstate First Casualty as the insurer.  
21 Respondent wrote in "Binder" under Policy Number and he signed the Certificate.  
22 Respondent signed the certificate.

23 10. Respondent failed to remit the premium to CDS or Interstate First Casualty but

1 converted the premium money for his own use due to personal financial problems.

2 Respondent never completed or submitted an application to CDS or Interstate First Casualty.

3 **Count III**

4 11. On February 3, 2003, Respondent completed an application for Jacob Kost who  
5 issued an insurance premium check #1010 made payable to Gary Mason in the amount of  
6 \$3,250.00 for Builders Risk insurance coverage.

7 12. Respondent signed a receipt stating that Kost paid him \$3,250.00 by check  
8 #1010 on February 3, 2003. Respondent deposited the check into his Bank of America  
9 account number #000274751946 on February 3, 2003.

10 13. Also on February 3, 2003, Respondent issued a fictitious Declarations of  
11 Insurance to Jacob Kost for policy number 99508096 naming Zurich Assurance Company of  
12 America as the insurer and indicating that Kost paid \$3,250.00 to Respondent for Builder's  
13 Risk Commercial coverage. Respondent signed the Declarations page.

14 14. Respondent failed to remit the premium and application to CDS or Zurich  
15 Assurance Company of America but converted the premium money for his own use due to  
16 personal financial problems and discarded the application in the trash.

17  
18 **CONCLUSIONS OF LAW**

19 1. The Director has jurisdiction over this matter.

20 2. Respondent's conduct as described above constitutes the use of fraudulent,  
21 coercive or dishonest practices, or demonstrating incompetence, untrustworthiness or financial  
22 irresponsibility in the conduct of business in this state or elsewhere within the meaning of  
23 A.R.S. §20-295(A)(8).





1 **CONSENT TO ORDER**

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


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

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

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

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

18  
19 10-23-03  
Date

20   
\_\_\_\_\_  
Gary Pryor Mason  
License Number 73964

1 COPIES of the foregoing mailed/delivered  
this 31st day of October, 2003, to:

2

3 Gary Pryor Mason  
4 4518 E. Kelton Lane  
5 Phoenix, AZ 85032

6 Catherine M. O'Neil, Consumer Legal Affairs Officer  
7 Rebecca Sanchez, Licensing  
8 Arnold Sniegowski, Investigations Supervisor  
9 Bob Hill, Investigator  
10 Department of Insurance  
11 2910 North 44<sup>th</sup> Street, Suite 210  
12 Phoenix, Arizona 85018

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11 Curvey Waters Burton

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