STATE OF ARIZONA FILED

SEP 28 2004

STATE OF ARIZONA

DEPARTMENT OF INSURANCE

DEPT	OF INSURANCE
BY_	(1)

In the Matter of:)
MARK SANDERS,) No. 04A- <u>161</u> - INS)
Respondent.) CONSENT ORDER
Nespondent.)
)

The State of Arizona Department of Insurance ("Department") has received evidence that Mark Sanders ("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

- Respondent is, and was at all material times herein, licensed as a resident credit producer, Arizona license number 176264, which license expires May 31, 2006.
- 2. On or about April 9, 1992, Respondent pled guilty to felony bank embezzlement in the 2nd Circuit, United States District Court, Western District of New York, Buffalo, New York.
- 3. On or about May 7, 2004, Respondent applied for a credit insurance producer's license. Section VII, question A, of the Application For an Individual Insurance License requires the following disclosure: "Have you EVER been convicted of a felony? For the purposes of this application, "convicted" includes, but is not limited to, having ever been found guilty by judge or jury or pled guilty or no contest to any felony charge. A "No" response is incorrect if the applicant has had any conviction dismissed, expunged, pardoned, appealed, set aside or reversed, or had any civil rights restored, had a plea withdrawn or had been given

probation, a suspended sentence or a fine, or successfully completed a diversion program." Respondent answered 'No" to this question.

4. On or about September 1, 2004, an ADOI investigator contacted Respondent at his home phone of record and Respondent confirmed that he had a felony conviction and that he did not disclose it in his application.

CONCLUSIONS OF LAW

- 1. The Director has jurisdiction over this matter.
- 2. Respondent's conduct as described above constitutes having been convicted of a felony within the meaning of A.R.S.§20-295(A)(6).
- 3. Respondent's conduct as described above constitutes providing incorrect, misleading, incomplete or materially untrue information in the license application within the meaning of A.R.S. §20-295(A)(1).
- 4. Respondent's conduct as described above constitutes obtaining or attempting to obtain a license through misrepresentation or fraud within the meaning of A.R.S. §20-295(A)(3).
- 5. Grounds exist for the Director to suspend, revoke, or refuse to renew Respondent's insurance license, impose a civil penalty and/or order restitution pursuant to A.R.S. §§20-295(A), 20-295(F) & 20-295(G).

ORDER

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

DATED AND EFFECTIVE this 27th day of September 2004.

CHRISTINA URIAS
Director of Insurance

CONSENT TO ORDER

- Respondent has reviewed the foregoing Findings of Fact, Conclusions of Law and Order.
- Respondent admits the jurisdiction of the Director of Insurance, State of Arizona, and admits the foregoing Findings of Fact and consents to the entry of the foregoing
 Conclusions of Law and Order.
- 3. Respondent is aware of his right to notice and a hearing at which he may be represented by counsel, present evidence and examine witnesses. Respondent irrevocably waives his 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 him to induce him to enter into this Consent Order and that he has entered into this Consent Order voluntarily.
- 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,

1	officer, or subdivision of this state from instituting civil or criminal proceedings as may be	
2	appropriate now or in the future.	
3		
4	Date Mark Sander	
5	License Number 176264	
6		
7	this 28th day of September, 2004, to:	
8		
9	Mark Sanders 5615 N. 7 th Street, #30	
10	Phoenix, AZ 85014	
11	Carrie I. Marke Deputy Director	
12	Steve Fromholtz, Licensing Arnold Sniegowski, Investigations Supervisor Cheryl Hawley, Investigator	
13		
14		
15	Phoenix, Arizona 85018	
16		
17 (Curvey Walters Burton	
18	Curvey Walters Bullon	
19		
20		
21		