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STATE OF ARIZONA
DEPARTMENT OF INSURANCE

In the Matter of:

BRETT JEFFREY MESSERSCHMIDT,

Respondent.

No. 06A-025-INS

CONSENT ORDER

On March 13, 2006 the State of Arizona, Department of Insurance (the "Department"), issued a Notice of Hearing in the matter of BRETT JEFFREY MESSERSCHMIDT ("Messerschmidt"). Messerschmidt wishes to waive his right to a hearing and resolve this matter. Messerschmidt 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. Brett Jeffrey Messerschmidt ("Messerschmidt") is, and was at all material times licensed as a resident life insurance and variable life/variable annuities producer, Arizona license number 203047, which expires on August, 31, 2008.
2. Messerschmidt's mailing address of record with the Department is: 12634 W. Merrell Street, Avondale, AZ 85323. Messerschmidt's business address of record with the Department is: c/o APF Financial, 2730 W. Agua Fria Freeway, Suite 203, Phoenix, AZ 85027.
3. On or about June 21, 2005, the Department issued Messerschmidt an insurance license as a resident life insurance and variable life/variable annuity producer, license number 203047.
4. On or about July 12, 2005, the Department notified Messerschmidt by mail at his business address of record, return receipt requested, that his fingerprint card was

1 processed and returned by the Federal Bureau of Investigation ("FBI) as illegible. The
2 Department requested a replacement set of fingerprints along with a completed "Illegible
3 Fingerprint Replacement Form" on or before August 16, 2005.

4 5. On August 25, 2005, the Department sent a second letter to Messerschmidt I
5 to his business address of record, return receipt requested, notifying him that he had fifteen
6 (15) days, until September 9, 2005, to submit a full set of fingerprints to the Department.

7 6. To date, Messerschmidt has not submitted a full set of fingerprints to the
8 Department.

9 **CONCLUSIONS OF LAW**

10 1. The Director has jurisdiction over this matter.

11 2. Messerschmidt's conduct as described above, constitutes the violation of the
12 requirement that an applicant submit a full set of fingerprints to the Department within the
13 meaning of A.R.S. § 20-285(F)(2).

14 3. Messerschmidt's conduct as described above constitutes providing incomplete
15 information in the license application in violation of A.R.S. § 20-295(A)(1).

16 4. Messerschmidt's conduct as described above constitutes the violation of any
17 provision of A.R.S. Title 20 within the meaning of A.R.S. § 20-295(A)(2).

18 5. Grounds exist to suspend or revoke Messerschmidt's insurance license
19 pursuant to A.R.S. §§ 20-295(A)(1) and (A)(2).

20 **ORDER**

21 **IT IS ORDERED:**

22 1. Messerschmidt is assessed a civil penalty in the amount of \$ 100.00 due and
23 payable upon return of the Consent Order.

24 2. Messerschmidt must immediately submit a full set of fingerprints to the
25 Department.

26 3. Messerschmidt's failure to comply with the terms of this Consent Order will

1 result in the revocation of his insurance producer's license, Arizona license number 203047.

2 DATED AND EFFECTIVE this 10th day of April, 2006.

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4 CHRISTINA URIAS, Director
5 Arizona Department of Insurance

6 **CONSENT TO ORDER**

7 1. Respondent has reviewed the foregoing Findings of Fact, Conclusions of Law
8 and Order.

9 2. Respondent admits the jurisdiction of the Director of Insurance, State of
10 Arizona, and admits the foregoing Findings of Fact and consents to the entry of the
11 foregoing Conclusions of Law and Order.

12 3. Respondent is aware of his right to notice and a hearing at which it may be
13 represented by counsel, present evidence and cross-examine witnesses. Respondent
14 irrevocably waives his right to a hearing and to any court appeals relating to this Consent
15 Order.

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

19 5. Respondent acknowledges that the acceptance of this Consent Order by the
20 Director is solely to settle this matter against her and does not preclude any other agency,
21 officer or subdivision of this state from instituting civil or criminal proceedings as may be
22 appropriate now or in the future nor does it preclude the Department from instituting civil or
23 criminal proceedings unrelated to this matter as may be appropriate in the future.

24 6. Respondent agrees that if he fails to comply with the terms of this Consent

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26 . . .

1 Order, his insurance producer's license, Arizona license number 203047, is revoked.

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3 Date: 4/1/06


BRETT JEFFREY MESSERSCHMIDT

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6 COPY of the foregoing mailed this
7 11th of April, 2006, to:


8 Lewis Kowal, Administrative Law Judge
9 Office of Administrative Hearings
10 1400 W. Washington, Suite 101
11 Phoenix, Arizona 58007

12 Mary Kosinski, Executive Assistant for Regulatory Affairs
13 Steve Fromholtz, Licensing Supervisor
14 Arizona Department of Insurance
15 2910 N. 44th Street, Suite 210
16 Phoenix, Arizona 85018

17 Moira McCarthy
18 Assistant Attorney General
19 1275 West Washington Street
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21 Attorney for the Arizona Department of Insurance

22 Brett Jeffrey Messerschmidt
23 12634 W. Merrell Street
24 Avondale, AZ 85323
25 Respondent

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