

FEB 22 2008

STATE OF ARIZONA

DEPARTMENT OF INSURANCE

DEPT OF INSURANCE  
BY 

In the Matter of:

**MARK RICHARD HUTCHINGS and  
B C H MARKETING, INC. dba  
INTERSTATE INS. AGENCY,**

Respondents.

**No. 08A-014 -INS**

**CONSENT ORDER**

The State of Arizona Department of Insurance ("Department") has received evidence that **Mark Richard Hutchings and B C H Marketing, Inc. dba Interstate Ins. Agency** violated provisions of Title 20, Arizona Revised Statutes. Respondents wish to resolve this matter without the commencement of formal proceedings, and admit the following Findings of Fact are true and consent to entry of the following Conclusions of Law and Order.

**FINDINGS OF FACT**

1. Mark Richard Hutchings ("Hutchings" or "Respondent") is, and was at all times material, licensed as an Arizona resident property and casualty producer, Arizona license number 824311, which expires July 31, 2008.

2. Hutchings' addresses of record are: c/o B C H Marketing Inc., 332 East Camelback Rd., Phoenix, Arizona 85012 (business and mailing); 12182 East Mercer Ln., Scottsdale, Arizona 85259 (residence).

3. B C H Marketing, Inc. dba Interstate Ins. Agency ("B C H" or "Respondent") is, and was at all times material, licensed as an Arizona resident property and casualty producer, Arizona license number 102531, which expires November 30, 2008.

1           4. B C H's addresses of record are: 332 E. Camelback Rd., Phoenix, Arizona  
2 85012 (business and mailing).

3           5. Hutchings is the authorized representative for B C H. Hutchings is also the  
4 Director, President and Secretary for B C H.

5           6. On May 26, 2006, Hutchings submitted to the Department an Insurance License  
6 Renewal Application ("Producer Application"). Part II.A. of the Producer Application asks:  
7 Have you been convicted of a felony that has not previously been disclosed by you to this  
8 agency in a license application? Hutchings answered "No" to the question and signed the  
9 Producer Application.

10           7. On November 14, 2006, Hutchings submitted to the Department an Insurance  
11 License Renewal Application for a Firm/Corporation ("Agency Application") on behalf of B C H.  
12 Part II.A. of the Agency Application asks: Has the applicant or any individual designated in the  
13 application as a principal or individual who is to exercise the powers conferred by the license  
14 been convicted of a felony that has not previously disclosed in any license application?  
15 Hutchings answered "No" to the question and signed the Agency Application as a principal of  
16 B C H.

17           8. On or about November 16, 2004, Maricopa County entered a Judgment and  
18 Orders of Restitution, Fines and Fees in State of Arizona vs. Mark R. Hutchings, Docket  
19 Number CR: 2003017352-001 DT convicting Hutchings of Attempt to Commit 13-3406A, Narc  
20 Drug – Obtain by Fraud. Hutchings was placed on probation for 3 years, ordered to complete  
21 60 hours of community service and ordered to pay fines and restitution. On September 18,  
22 2006, the Court entered an Order of Discharge of Probation for Hutchings.

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1 **CONCLUSIONS OF LAW**

2 1. The Director has jurisdiction over this matter.

3 2. Respondents' conduct, as described above, constitutes failure to report to the  
4 director, within 30 days after the initial pretrial hearing date, any criminal prosecution of the  
5 producer taken in any jurisdiction, within the meaning of A.R.S. § 20-301(B).

6 6. Respondents' conduct, as described above, constitutes a violation of any  
7 provision of Title 20, within the meaning of A.R.S. § 20-295(A)(2).

8 7. Grounds exist for the Director to suspend, revoke, or refuse to renew  
9 Respondents' insurance licenses, impose a civil penalty and/or order restitution pursuant to  
10 A.R.S. §§ 20-295(A), (B) and (F).

11 **ORDER**

12 IT IS HEREBY ORDERED THAT

13 1. Respondents shall pay a civil penalty in the amount of \$200.00 to be deposited  
14 into the State General Fund in accordance with A.R.S. § 20-295(G).

15 DATED AND EFFECTIVE this 15<sup>th</sup> day of February, 2008.

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18 CHISTINA URIAS  
19 Director of Insurance

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1 **CONSENT TO ORDER**

2 1. Respondents have reviewed the foregoing Findings of Fact, Conclusions of Law  
3 and Order.

4 2. Respondents admit the jurisdiction of the Director of Insurance, State of Arizona,  
5 and admit the foregoing Findings of Fact and consent to the entry of the foregoing  
6 Conclusions of Law and Order.

7 3. Respondents are aware of their right to notice and a hearing at which they may  
8 be represented by counsel, present evidence and examine witnesses. Respondents  
9 irrevocably waive their right to such notice and hearing and to any court appeals relating to this  
10 Consent Order.

11 4. Respondents state that no promise of any kind or nature whatsoever, except as  
12 expressly contained in this Consent Order, was made to them to induce them to enter into this  
13 Consent Order and that they have entered into this Consent Order voluntarily.

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

18 6. Respondents acknowledge that this Consent Order is an administrative action  
19 that will be reported to the NAIC and that they may have to report this administrative  
20 action on any future licensing applications either to the Department or other states'  
21 Departments of Insurance.

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1 7. Mark Richard Hutchings represents that he is the President of B C H Marketing,  
2 Inc. and as such is authorized to enter into this Consent Order on its behalf.

3 B C H Marketing, Inc., License Number 102531

4  
5 2/5/2008  
Date

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7 \_\_\_\_\_  
Mark R. Hutchings, President

8  
9 2/5/2008  
Date

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11 \_\_\_\_\_  
Mark Richard Hutchings, License Number 824311

12  
13 COPIES of the foregoing mailed/delivered  
14 this 2nd day of February, 2008, to:

15 B C H Marketing, Inc.  
16 332 E. Camelback Rd.  
17 Phoenix, Arizona 85012  
18 Respondent

19 Mark R. Hutchings  
20 12182 East Mercer Ln.  
21 Scottsdale, Arizona 85259  
22 Respondent

23 S. David Childers  
Low & Childers, PC  
2999 N. 44<sup>th</sup> Street, Suite 250  
Phoenix, Arizona 85018-7247  
Attorney for Respondent

Mary E. Kosinski, Exec. Assistant for Reg. Affairs  
Catherine M. O'Neil, Consumer Legal Affairs Officer  
Steve Fromholtz, Licensing Supervisor  
Department of Insurance  
2910 North 44<sup>th</sup> Street, Suite 210  
Phoenix, Arizona 85018

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22 \_\_\_\_\_  
Curvey Walters Burton