

NOV 25 2008

DEPT OF INSURANCE
BY 

STATE OF ARIZONA
DEPARTMENT OF INSURANCE

In the Matter of:

**GARY MORRIS BAKER; BAKER
ASSOCIATES INSURANCE AGENCY,
INC.,**

No. 08A-016-INS

CONSENT ORDER

Respondents.

The State of Arizona Department of Insurance ("Department") has received evidence that **Gary Morris Baker and Baker Associates Insurance Agency, Inc.** ("Respondents") violated provisions of Title 20, Arizona Revised Statutes ("A.R.S."). Respondents wish to resolve this matter without the commencement of formal proceedings, admit the following Findings of Fact are true, and consent to entry of the following Conclusions of Law and Order.

FINDINGS OF FACT

1. Gary Morris Baker ("Baker") is, and was at all material times, licensed as a life, accident and health producer, Arizona license number 155048, which expires on April 30, 2009. Baker's addresses of record with the Department are: c/o Baker Associates Insurance Agency, 8444 N. 90th Street, Suite 110, Scottsdale, Arizona 85258 (business) and 36590 N. Boulder View Dr., Scottsdale, Arizona 85262 (residence).

2. Baker Associates Insurance Agency, Inc. ("Baker Associates") is, and was at all material times, licensed as a life, accident and health producer, Arizona license number 155049, which expires on June 30, 2011.¹ Baker Associates'

¹ Baker Associates incorporated in Arizona on April 4, 1969, and the Arizona Corporation Commission approved it on March 19, 2003, with Baker as Statutory Agent and President. Baker Associates was licensed by the Department on June 11, 2003.

1 address of record with the Department is 8444 N. 90th Street, Suite 110, Scottsdale,
2 Arizona 85258.

3 3. Baker was the only licensed insurance producer at Baker Associates
4 from June 11, 2003 until December 5, 2005. All other employees of Baker
5 Associates operated pursuant to A.R.S. § 20-283 and under the authority of Baker's
6 insurance producer license.

7 4. Baker had a Direct Broker's Agreement with John Hancock Life
8 Insurance Company ("John Hancock") to sell life insurance on John Hancock's
9 behalf since on or about September 7, 2004.

10 5. On or about April 11, 2005, Baker Associates submitted a formal
11 application for life insurance to John Hancock containing altered medical records.

12 **CONCLUSIONS OF LAW**

13 6. Respondents' conduct, as described above, constitutes violating any
14 provision of A.R.S. Title 20 or any rule, subpoena or order of the Director within the
15 meaning of A.R.S. § 20-295(A)(2).

16 7. Respondents' conduct, as described above, constitutes knowingly
17 presenting a written statement or document containing untrue statements of material
18 fact or failure to state material facts with respect to an application for the issuance or
19 renewal of an insurance policy or the rating of an insurance policy, within the
20 meaning of A.R.S. § 20-463(A)(1).

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

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1 **ORDER**

2 IT IS HEREBY ORDERED THAT:

3 1. Respondents are assessed a civil penalty in the amount of five
4 thousand dollars (\$5,000.00) due and payable upon return of this Consent Order.

5 2. Respondent Gary Morris Baker's license, Arizona license number
6 155048, is suspended for a period of ninety (90) days effective immediately upon
7 entry of this Order.

8
9 DATED AND EFFECTIVE this 25th day of November, 2008.

10
11 

12 _____
13 CHRISTINA URIAS
14 Director of Insurance

15 **CONSENT TO ORDER**

16 1. Respondents have reviewed the foregoing Findings of Fact,
17 Conclusions of Law and Order.

18 2. Respondents admit the jurisdiction of the Director of Insurance, State of
19 Arizona, and admit the foregoing Findings of Fact and consent to the entry of the
20 foregoing Conclusions of Law and Order.

21 3. Respondents are aware of their right to notice and a hearing at which
22 they may be represented by counsel, present evidence and examine witnesses.
23 Respondents irrevocably waive their right to such notice and hearing and to any
24 court appeals relating to this Consent Order.
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26

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

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

11
12 6. Gary Morris Baker, as President of Baker Associates Insurance
13 Agency, Inc., represents that he is authorized to sign and enter into this Consent
14 Order on its behalf.

15 7. Respondents acknowledge that this Consent Order is an administrative
16 action that the Department will report to the National Association of Insurance
17 Commissioners (NAIC). Respondents further acknowledge that they must report
18 this administrative action to any and all states in which they hold an insurance
19 license and must disclose this administrative action on any license application.
20

21
22 11/23/08
23 Date

24
25 11/23/08
26 Date

Baker Associates Insurance Agency, Inc.
(Arizona License number 155049)
[Signature]
Gary Baker, President of Baker Associates
Insurance Agency, Inc.

[Signature]
Gary M. Baker (Arizona License number 155048)

1 COPY of the foregoing mailed this
2 25th day of Nov., 2008 to:

3 Lewis Kowal, Administrative Law Judge
4 Office of Administrative Hearings
5 1400 West Washington, Suite 101
6 Phoenix, Arizona 85007

7 Mary Kosinski, Executive Assistant for Regulatory Affairs
8 Arnold Sniegowski, Investigations Supervisor
9 Arizona Department of Insurance
10 2910 North 44th Street, Suite 210
11 Phoenix, Arizona 85018

12 Alyse C. Meislik.
13 Assistant Attorney General
14 1275 West Washington Street
15 Phoenix, Arizona 85007-2926
16 Attorneys for the Arizona Department of Insurance

17 Marc J. Victor, Esq.
18 3920 S. Alma School Rd, Ste 5
19 Chandler, AZ 85248
20 Attorney for Respondents

21 AND COPY MAILED SAME DATE by
22 Certified Mail, Return Receipt Requested, to:

23 ~~Gary Morris Baker~~
24 ~~Baker Associates Insurance Agency~~
25 ~~2144 N. 90th Street, #B110~~
26 ~~Scottsdale, AZ 85258~~
27 ~~Respondent~~

28 Gary Morris Baker
29 36590 N. Boulder View Drive
30 Scottsdale, AZ 85262
31 Respondent

32 
33 Curvey Burton
34 #339109: PHX-AGN-2008-0153

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