

JUL 10 2008

STATE OF ARIZONA

DEPARTMENT OF INSURANCE

DEPT OF INSURANCE  
BY MS

In the Matter of: )  
)  
RICHARD MORGAN KIMBERLY )  
(License number 898612) )  
)  
)  
Respondent )  
\_\_\_\_\_ )

No. 08A-062-INS  
CONSENT ORDER

The State of Arizona Department of Insurance ("Department") has received evidence that **Richard Morgan Kimberly** has violated provisions of Title 20, Arizona Revised Statutes ("A.R.S."). 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**

1. Richard Morgan Kimberly ("Respondent") is, and was at all material times licensed as a resident accident/health and life producer, Arizona license number 898612 which expires November 30, 2010.
2. Respondent's mailing, business and residence addresses of record with the Department are: 7425 E. Bent Tree Dr., Scottsdale, Arizona 85262 (business, mailing and residence).
3. On or about August 14, 2007, the Department issued to Respondent an insurance license as a resident accident/health and life producer, Arizona license number 898612.
4. On December 31, 2007, the Department notified Respondent by mail at his business/ mailing/ residence address of record that his fingerprint card had been processed and returned by the Federal Bureau of Investigation ("FBI") as illegible. The Department requested a replacement set of fingerprints along with a completed "Illegible Fingerprint Replacement Form" on or before February 4, 2008.

1 5. To date, Respondent has not submitted a full set of fingerprints to the  
2 Department.

3 **CONCLUSIONS OF LAW**

4 1. The Director has jurisdiction over this matter.  
5 2. Respondent's conduct as described above constitutes the violation of the  
6 requirement that an applicant submit a full set of fingerprints to the Department within the  
7 meaning of A.R.S. § 20-285(F)(2).

8 3. Respondent's conduct as described above constitutes providing incomplete  
9 information in the license application within the meaning of A.R.S. § 20-295(A)(1).

10 4. Respondent's conduct as described above constitutes the violation of any  
11 provision of A.R.S. Title 20 or any rule, subpoena or order of the director within the meaning of  
12 A.R.S. §20-295(A)(2).

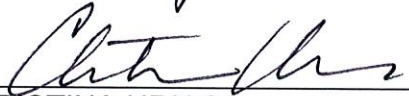
13 5. Grounds exist for the Director to suspend, revoke, or refuse to renew  
14 Respondent's insurance license, impose a civil penalty and/or order restitution pursuant to  
15 A.R.S. §§20-295(A) and (F).

16 **ORDER**

17 IT IS HEREBY ORDERED THAT:

18 1. Respondent may surrender his insurance producer license, Arizona license  
19 number 898612.

20 DATED AND EFFECTIVE this 9<sup>th</sup> day of July, 2008.

21   
22 \_\_\_\_\_  
23 CHRISTINA URIAS  
Director of Insurance

24 **CONSENT TO ORDER**

25 1. Respondent has reviewed the foregoing Findings of Fact, Conclusions of Law  
26 and Order.



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


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

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

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

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

21     7/3/08  
22     Date

21       
22     Richard Morgan Kimberly, Arizona License # 898612

1 COPIES of the foregoing mailed/delivered  
this 10th day of July, 2008, to:

2 Richard Morgan Kimberly  
7425 E. Bent Tree Dr.  
3 Scottsdale, Arizona 85266-4111  
Respondent

4 Mary E. Kosinski, Exec. Assistant for Regulatory Affairs  
5 Mary Butterfield, Assistant Director  
Catherine M. O'Neil, Consumer Legal Affairs Officer  
6 Steven Fromholtz, Licensing Supervisor  
Department of Insurance  
7 2910 North 44th Street, Suite 210  
Phoenix, Arizona 85018

8  
9 *Maidene Schenier for*  
10 Curvey Walters Burton

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