

JUN 24 2008

STATE OF ARIZONA

DEPARTMENT OF INSURANCE

DEPT OF INSURANCE
BY MS

In the Matter of:)

GENE AVERY BRIGNER)

Respondent.)

No. 08A-113-INS

CONSENT ORDER

The State of Arizona Department of Insurance ("Department") has received evidence that **Gene Avery Brigner** 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 consent to entry of the following Conclusions of Law and Order.

FINDINGS OF FACT

1. Gene Avery Brigner ("Brigner" or "Respondent") is, and was at all material times licensed as an Arizona resident accident/health and life producer, Arizona license number 909279, which expires November 30, 2011.

2. Brigner's addresses of record are: 208 N. Wickiup St., Apache Jct., Arizona 85219 (business, mailing and residence).

3. On December 31, 2007, Brigner submitted an Application for an Individual Insurance License to the Department. Section VII of the application asks: A. Have you ever been convicted of a felony? Brigner answered "No" and signed the application.

4. On November 30, 1984, the State of Michigan 14th Circuit Court entered an "Order of Probation" in State of Michigan v. Gene Avery Brigner, Docket No. 84-25949-FH ("Order"). The Order found Brigner guilty of Attempted Embezzlement by Agent over \$100.

1 Felony, a felony conviction. The court placed Brigner on 5 years of probation. On June 27,
2 1988, in the same case, the court entered a "Judgment of Sentence – Commitment to Jail"
3 ("Judgment"). The Judgment found Brigner guilty of Probation Violation (Embezzelment (sic)
4 by Agent). The court ordered Brigner incarcerated and to be placed on probation for 5 years.
5 On January 13, 1994, the court entered a "Petition and Order for Discharge from Probation."

6 CONCLUSIONS OF LAW

- 7 1. The Director has jurisdiction over this matter.
- 8 2. Respondent's conduct, as described above, constitutes providing incorrect,
9 misleading, incomplete or materially untrue information on the license application, within the
10 meaning of A.R.S. § 20-295(A)(1).
- 11 3. Respondent's conduct, as described above, constitutes having been convicted of
12 a felony, within the meaning of A.R.S. § 20-295(A)(6).
- 13 4. 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 shall immediately pay a civil penalty in the amount of \$100 for
19 deposit into the state general fund.

20 DATED AND EFFECTIVE this 23rd day of June, 2008.

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CHRISTINA URIAS
Director of Insurance

1 **CONSENT TO ORDER**

2 1. Respondent has reviewed the foregoing Findings of Fact, Conclusions of Law
3 and Order.

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

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

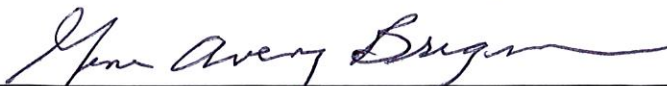
11 4. Respondent states that no promise of any kind or nature whatsoever, except as
12 expressly contained in this Consent Order, was made to him to induce him to enter into this
13 Consent Order and that he has entered into this Consent Order voluntarily.

14 5. Respondent acknowledges that the acceptance of this Consent Order by the
15 Director is solely to settle this matter against him 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. Respondent acknowledges that this Consent Order is an administrative action
19 that will be reported to the NAIC and that he may have to report this administrative
20 action on any future licensing applications either to the Department or other states'
21 Departments of Insurance.

22 6-18-08

23 Date



Gene Avery Brigner, Arizona License #909279

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COPIES of the foregoing mailed/delivered
this 24th day of June, 2008, to:

Gene Avery Brigner
208 N. Wickiup St.
Apache Junction, Arizona 85219
Respondent

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


Curvey Walters Burton