"lead fee" of \$40.00 if the referred customer purchased a policy from Respondent.

The Director has jurisdiction over this matter.

CONCLUSIONS OF LAW

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- 2. Solicit means attempting to sell insurance or asking or urging a person to apply for a particular kind of insurance from a particular company, within the meaning of A.R.S. § 20-281(15).
- A person shall not sell, solicit or negotiate insurance in this state for any class or classes of insurance unless the person is licensed for that line of authority, within the meaning of A.R.S. § 20-282.
- 4. Respondent's conduct, as described above, constitutes paying a commission, service fee, brokerage or other valuable consideration to a person for selling, soliciting or negotiating insurance in this state if that person is required to be licensed and is not so licensed, within the meaning of A.R.S. § 20-298(A).
- 5. Respondent's conduct, as described above, constitutes a violation of any provision of Title 20, within the meaning of A.R.S. § 20-295(A)(2).
- Grounds exist for the Director to order Respondent to cease and desist pursuant to A.R.S. § 20-292.
- Grounds exist for the Director to suspend, revoke, or refuse to renew
 Respondent's insurance license, impose a civil penalty and/or order restitution pursuant to
 A.R.S. §§20-295(A) and (F).

ORDER

IT IS HEREBY ORDERED THAT:

Respondent shall cease and desist his violative conduct immediately.

2. Respondent shall pay to the Director a civil penalty in the amount of \$500.00 immediately upon entry of this Order for deposit in the State General Fund in accordance with A.R.S. § 20-295(G).

DATED AND EFFECTIVE this 29th day of September 2008.

CHRISTINA URIAS Director of Insurance

CONSENT TO ORDER

- Respondent has reviewed the foregoing Findings of Fact, Conclusions of Law and Order.
- 2. Respondent admits the jurisdiction of the Director of Insurance, State of Arizona, and admits the foregoing Findings of Fact and consents to the entry of the foregoing Conclusions of Law and Order.
- 3. Respondent is aware of his right to notice and a hearing at which he may be represented by counsel, present evidence and examine witnesses. Respondent irrevocably waives his right to such notice and hearing and to any court appeals relating to this Consent Order.
- 4. Respondent states that no promise of any kind or nature whatsoever, except as expressly contained in this Consent Order, was made to him to induce him to enter into this Consent Order and that he has entered into this Consent Order voluntarily.
- Respondent acknowledges that the acceptance of this Consent Order by the
 Director is solely to settle this matter against him and does not preclude any other agency,

including the Department, officer, or subdivision of this state or this agency from instituting civil or criminal proceedings as may be appropriate now or in the future.

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

7/24/08 Date

Justin Mede Birch, License Number 194431

COPIES of the foregoing mailed/delivered/this 9th day of october, 2008, to:

Justin Merle Birch 607 W. Forest Dr. Payson, AZ 85541

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

Curvey Walters Burton