

JUL 2 2012

STATE OF ARIZONA

DEPARTMENT OF INSURANCE

DEPT OF INSURANCE
BY 

In the Matter of:)
)
INGRAHAM, DAVID HARVEY,)
(Arizona License Number 4609))
(National Producer Number 6733236))
)
Respondent.)
)
)
)

No. 12A- 067- INS

CONSENT ORDER

The State of Arizona Department of Insurance ("Department") has received evidence that **David Harvey Ingraham ("Respondent")** 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 consents to entry of the following Conclusions of Law and Order.

FINDINGS OF FACT

1. Respondent is, and was at all material times, licensed as an Arizona resident accident/health, life, casualty, and property insurance producer, Arizona license number 4609, which expires on February 29, 2016.
2. Respondent's addresses of record are 13100 Sunland Gin, Arizona City, AZ 85223 (business), PO BOX 1035, Arizona City, AZ 85223 (mailing), and 9285 Enchantment, Arizona City, AZ 85223 (residence).
3. Respondent was at all material times contracted with Healthnet of Arizona Insurance Company ("Healthnet") to transact insurance on its behalf in Arizona.
4. On or about April 18, 2012, Respondent submitted 11 Authorization for Disclosure of Protected Health Information forms for small group health insurance on behalf of

1 the Arizona City Sanitary District to Healthnet listing himself as the recipient of the Protected
2 Health Information.

3 **CONCLUSIONS OF LAW**

4 1. The Director has jurisdiction over this matter.

5 2. Respondent's conduct as described above constitutes making or publishing in
6 any way any statement containing any representation with respect to the business of
7 insurance or with respect to any person in the conduct of his insurance business, which is
8 untrue, deceptive or misleading, in violation of A.R.S. § 20-444(A).

9 3. Grounds exist for the Director to order Respondent to cease and desist his
10 violation, pursuant to A.R.S. § 20-456(A).

11 4. Grounds exist for the Director to order payment of a civil penalty of not more than
12 one thousand dollars for each violation, pursuant to A.R.S. § 20-456(B).


13 **ORDER**

14 **IT IS HEREBY ORDERED THAT:**

15 1. Respondent shall immediately cease and desist from unlawfully identifying
16 himself as the recipient of Protected Health Information when submitting applications to
17 insurance carriers on behalf of consumers.

18 2. Respondent shall pay a civil penalty of \$600.00 for deposit into the State
19 General Fund on or before August 2, 2012.

20 DATED AND EFFECTIVE this 2nd day of July, 2012.

21 
22 GERMAINE L. MARKS
23 Acting 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 officer, or subdivision of this state including the Department from instituting civil or criminal
17 proceedings as may be appropriate now or in the future.

18 6. Respondent acknowledges that this Consent Order is an administrative action
19 that the Department will report to the National Association of Insurance Commissioners (NAIC)
20 and that he may have to report this administrative action on any future licensing applications
21 either to the Department or other states' Departments of Insurance.

22 7-2-2012
Date



David Harvey Ingraham, License No. 4609


1 COPIES of the foregoing mailed/delivered
this 2nd day of July, 2012, to:

2 David Harvey Ingraham
3 13100 Sunland Gin
4 Arizona City, AZ 85223
Respondent

5 David Harvey Ingraham
6 PO BOX 1035
7 Arizona City, AZ 85223
Respondent

8 David Harvey Ingraham
9 9285 Enchantment
10 Arizona City, AZ 85223

11 Mary Kosinski, Executive Assistant for Regulatory Affairs
12 Catherine M. O'Neil, Consumer Legal Affairs Officer
13 Steve Fromholtz, Licensing Supervisor
14 Charles Gregory, Investigations Supervisor
15 Randy Markham, Investigator
16 Department of Insurance
17 2910 North 44th Street, Suite 210
18 Phoenix, Arizona 85018

19 
20 Curvey Walters Burton