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State of Arizona

STATE OF ARIZONA FILED

DEPARTMENT OF INSURANCE

MAR 8 2013

In the Matter of: No. 13A-018-INS

DEPT OF ANSPRANCE

MERCER, DENNIS JAMES,

CONSENT ORDER

Petitioner.

The State of Arizona Department of Insurance ("Department") has received evidence that **Dennis James Mercer** has violated provisions of Title 20, Arizona Revised Statutes ("A.R.S."). Petitioner 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

- On or about November 27, 2012, Dennis James Mercer ("Mercer" or "Petitioner") submitted to the Department an Application for Individual Insurance License (Form L-169) ("2012 Application").
- 2. Petitioner answered "no" to question A of Section V of the 2012 Application: A) "Have you EVER had any professional, vocational, business license or certification refused, denied, suspended, revoked or restricted, or a fine imposed by any public authority?"
- On or about January 11, 2013, the Department denied Petitioner's 2012
 Application.
 - 4. In a letter dated January 15, 2013, Petitioner timely requested a hearing.

- 5. On November 28, 1994, the Arizona State Gaming Agency ("Gaming') issued a Notice of Denial to Petitioner denying him a permanent State Certification ("Certification"). Gaming denied the Certification based on Mercer's failure to disclose a 1990 arrest for felony larceny, in violation of §§ 5(f)(2), (3), (5), (6) and (12) of the Fort McDowell Mohave-Apache Indian Community Tribal/State Gaming Compact.
- 6. On January 27, 1995, the Department denied Petitioner's 1995 application for an insurance license.

CONCLUSIONS OF LAW

- 1. The Director has jurisdiction over this matter.
- 2. Petitioner's conduct, as alleged above, constitutes obtaining or attempting to obtain a license through misrepresentation or fraud, within the meaning of A.R.S. § 20-295(A)(3).
- 3. Petitioner's conduct, as alleged above, constitutes having an insurance producer license denied, suspended or revoked in any state, province, district or territory, within the meaning of A.R.S. § 20-295(A)(9).
- 4. Grounds exist for the Director to deny, suspend, revoke, or refuse to renew Petitioner's insurance license pursuant to A.R.S. § 20-295(A).
- 5. Grounds exist for the Director to, in addition to or instead of any suspension, revocation or refusal to renew a license, impose a civil penalty of not more than two hundred fifty dollars for each unintentional failure or violation, up to an aggregate civil penalty of two thousand five hundred dollars or impose a civil penalty of not more than two thousand five hundred dollars for each intentional violation up to and aggregate civil penalty of fifteen thousand dollars pursuant to A.R.S. § 20-295(F).

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ORDER

IT IS HEREBY ORDERED THAT:

- The Department shall withdraw its denial of Petitioner's 2012 Application and 1. issue the license.
- Petitioner shall immediately pay a civil penalty in the amount of \$100.00 for 2. deposit into the State General Fund.
- The hearing, Docket #13A-018-INS, scheduled for March 12, 2013, at 1:00 p.m. 3. is vacated.

DATED AND EFFECTIVE this But day of March, 2013.

Director of Insurance

CONSENT TO ORDER

- Petitioner has reviewed the foregoing Findings of Fact, Conclusions of Law and 1. Order.
- Petitioner admits the jurisdiction of the Director of Insurance, State of Arizona, 2. and admits the foregoing Findings of Fact and consents to the entry of the foregoing Conclusions of Law and Order.
- Petitioner is aware of his right to notice and hearing at which he may be 3. represented by counsel, present evidence and examine witnesses. Petitioner irrevocably waives his right to such notice and hearing and to any court appeals relating to this Consent Order.
- Petitioner states that no promise of any kind or nature whatsoever, except as 4. 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.

Curvey Walters Burton

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