STATE OF ARIZONA FILED JUL 15 2013 STATE OF ARIZONA 1 2 DEPT OF YINSURANCE DEPARTMENT OF INSURANCE In the Matter of: 3 No. 13A-<u>1079-INS</u> ADVANCED RISK SOLUTIONS, INC. 4 CONSENT ORDER 5 Respondent, 6 7 The State of Arizona Department of Insurance ("Department") has received 8 evidence that Advanced Risk Solutions, Inc. violated provisions of Title 20, Arizona 9 Revised Statutes. Respondent wishes to resolve this matter without the commencement of 10 formal proceedings, and admits the following Findings of Fact are true and consents to entry 11 of the following Conclusions of Law and Order. 12 FINDINGS OF FACT 13 Advance Risk Solutions, Inc. ("Respondent") is a Kansas corporation1, 1. 14 Respondent's address of record is: 12980 Metcalf Avenue, Suite 490, Overland 2. 15 Park, KS 66213 (business and mailing) 16 Robert Michael Gagne ("Gagne") is the President of Respondent. 3. Gagne is, and was at all material times, licensed as an Arizona non-resident 17 4. property and casualty producer, Arizona license number 106041 which expires on August 31, 18 2016. 19 20 21 22 Respondent is not registered as a foreign corporation with the Arizona Corporation 23 Commission.

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- 5. On or about February 6, 2013, Respondent submitted an Insurance License Application for a Business Entity (From L-176) to the Department ("February 6, 2013 Application").
- 6. Section V, Subsection D of the February 6, 2013 Application asks: Is **ANY** case currently pending against the applicant of any individual designated in the application as a principal or individual who is to exercise the powers conferred by the license in any jurisdiction accusing you of any issue listed in Question C? Respondent answered "Yes" to Subsection D.
- 7. With the February 6, 2013 Application, Respondent requested the Department to issue an agency license with an effective date retroactive to January 1, 2006.

# **Unlicensed Activity**

- 8. Respondent was formerly licensed with the Department as a non-resident property and casualty insurance producer.
  - Respondent allowed its producer license to lapse in 2006.
- 10. Between 2006 and 2011, Respondent sold, solicited or negotiated seven (7) policies of workers' compensation insurance in Arizona.

### **CONCLUSIONS OF LAW**

- The Director has jurisdiction over this matter.
- 2. Respondent's conduct, as described above, constitutes selling, soliciting or negotiating insurance in this state for any class or classes of insurance without a license for that line of authority, within the meaning of A.R.S. §20-282
- 3. Respondent's conduct, as described above, constitutes violating any provision of Title 20 or any rule, subpoena or order of the director, within the meaning of A.R.S. § 295(A)(2).

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- 4. Grounds exist for the Director to deny, suspend, revoke or refuse to renew Respondent's insurance license pursuant to A.R.S. § 20-295(B).
- 5. Grounds exist for the Director to, in addition to or instead of any suspension, revocation or refusal to renew, impose a civil penalty of not more than two hundred fifty dollars for each unintentional 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 an aggregate civil penalty of fifteen thousand dollars, within the meaning of A.R.S. § 20-295(F).

### **ORDER**

## IT IS HEREBY ORDERED THAT:

- 1. Respondent's license is granted effective immediately upon entry of this Order.
- 2. Respondent shall remit with this Consent Order a civil penalty in the amount of \$1,750.00 for deposit into the State General Fund.

DATED AND EFFECTIVE this 15th day of July , 2013

GERMAINE L. MARKS
Director of Insurance

#### CONSENT TO ORDER

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

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3. Respondent is aware of its right to notice and a hearing at which it may be represented by counsel, present evidence and examine witnesses. Respondent irrevocably walves its right to such notice and hearing and to any court appeals relating to this Consent Order.

LICENSING

- 4. Respondent states that no promise of any kind or nature whatsoever, except as expressly contained in this Consent Order, was made to it to induce it to enter into this Consent Order and that it has entered into this Consent Order voluntarily.
- Respondent acknowledges that the acceptance of this Consent Order by the 5. Director is solely to settle this matter against it and does not preclude any other agency, officer, or subdivision of this state including the Department 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) and that it may have to report this administrative action on any future licensing applications either to the Department or other States' Departments of Insurance.
- 7. Robert Michael Gagne represents that he is the President of Advanced Risk Solutions, Inc. and, as such, is authorized to enter this Consent Order on its behalf.

Advanced Risk Solutions, Inc.

1	COPIES of the foregoing mailed/delivered this 15th day of, 2013, to:
2	Robert Michael Gagne
3	President
4	Advanced Risk Solutions, Inc. 12980 Metcalf Avenue, Suite 490
	Overland Park, KS 66213
5	Respondent
6	Mary Kosinski, Executive Assistant for Regulatory Affair Mary Butterfield, Consumer Affairs Assistant Director
7	Catherine M. O'Neil, Consumer Legal Affairs Officer
.8	Steve Fromholtz, Licensing Supervisor Department of Insurance
_	2910 North 44 <sup>th</sup> Street, Suite 210 Phoenix, Arizona 85018
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10	Lesvey Buston
11	Curvey Walters Burton
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