


AUG 28 2013

DEPT OF INSURANCE
BY 

STATE OF ARIZONA

DEPARTMENT OF INSURANCE

In the Matter of:

SAUER, BRETT ANDREW
(Arizona License Number 917777)
(National Producer Number 10685335)

No. 13A-104-INS

CONSENT ORDER

Respondent.

The State of Arizona Department of Insurance ("Department") has received evidence that **Brett Andrew Sauer** 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. Brett Andrew Sauer ("Respondent") is, and was at all material times, licensed as an Arizona resident adjuster and property and casualty insurance producer, Arizona license number 917777, which expires on March 31, 2016.

2. Respondent's addresses of record are: c/o Ashton Tiffany, LLC, 333 E. Osborn Rd., Suite 300, Phoenix, Arizona 85012 (business and mailing); 1815 W. Bluebird Drive, Chandler, Arizona 85286 (residence).

Revocation of Notary Commission on January 31, 2008

3. On or about January 26, 2005, the Arizona Secretary of State issued to Respondent a Notary Commission which it revoked on or about January 31, 2008.

1 **April 24, 2008 Application**

2 4. On or about April 24, 2008, Respondent submitted an Application for an
3 Individual Insurance License to the Department ("April 24, 2008 Application").

4 5. Section VII, Subsection B of the April 24, 2008 Application asks: Have you EVER
5 had any professional, vocational, business license or certification refused, denied, suspended,
6 revoked or restricted, or a fine imposed by any public authority? Respondent answered "No"
7 to Subsection B and signed the April 24, 2008 Application.

8 6. On or about April 24, 2008, the Department issued a license to Respondent,
9 Arizona license number 917777, with an adjuster line of authority. Respondent renewed the
10 license on March 31, 2012.

11 **February 1, 2012 Renewal Application**

12 7. On or about February 1, 2012, Respondent submitted an Online Renewal
13 Application for an Individual Insurance License to the Department ("February 1, 2012 Renewal
14 Application").

15 8. Section A of the February 1, 2012 Renewal Application asks: Have you EVER
16 had any professional, vocational, business license or certification refused, denied, suspended,
17 revoked or restricted, or a fine imposed by any public authority that has not been previously
18 disclosed in written format by you to this agency? Respondent answered "No" to Section A
19 and electronically signed the February 1, 2012 Renewal Application.

20 9. On or about February 1, 2012, the Department renewed Respondent's Arizona
21 license number 917777.

22 ...

23 ...

1 **May 17, 2013 Application**

2 10. On or about May 17, 2013, Respondent submitted an Application for an
3 Individual Insurance License to the Department to add property and casualty producer lines of
4 authority to his existing license ("May 17, 2013 Application").

5 11. Section V, Subsection A of the May 17, 2013 Application asks: Have you EVER
6 had any professional, vocational, business license or certification refused, denied, suspended,
7 revoked or restricted, OR been issued a consent order, an administrative action OR a fine
8 imposed by any public authority? Respondent answered "No" to Subsection A and signed the
9 May 17, 2013 Application.

10 12. On May 17, 2013, the Department reissued Respondents Arizona license
11 number 91777 with the added lines of authority for property and casualty producer.

12 **CONCLUSIONS OF LAW**

13 1. The Director has jurisdiction over this matter.

14 2. Respondent's conduct, as described above, constitutes providing incorrect,
15 misleading, incomplete or materially untrue information in the license application, within the
16 meaning of A.R.S. §20-295(A)(1).

17 3. Grounds exist for the Director to deny, suspend, revoke, or refuse to renew
18 Respondent's insurance license and/or order restitution pursuant to A.R.S. §§20-295(A) and
19 (F).

20 4. Grounds exist for the Director to, in addition to or instead of any suspension,
21 revocation or refusal to renew a license, impose a civil penalty of not more than two hundred
22 fifty dollars for each unintentional failure or violation, up to an aggregate civil penalty of two
23 thousand five hundred dollars, and impose a civil penalty of not more than two thousand five

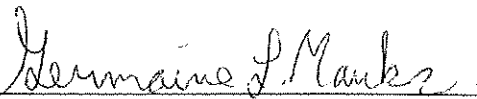
1 hundred dollars for each intentional failure or violation, up to an aggregate civil penalty of
2 fifteen thousand dollars pursuant to A.R.S. § 20-295(F).

3 **ORDER**

4 IT IS HEREBY ORDERED THAT:

5 1. Respondent shall immediately pay a civil penalty in the amount of \$300 for
6 deposit into the State General Fund.

7 DATED AND EFFECTIVE this 20th day of August, 2013.

8 
9 _____
10 GERMAINE L. MARKS
11 Director of Insurance

11 **CONSENT TO ORDER**

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

14 2. Respondent admits the jurisdiction of the Director of Insurance, State of Arizona,
15 and admits the foregoing Findings of Fact and consents to the entry of the foregoing
16 Conclusions of Law and Order.

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

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

