

OCT 11 2013

STATE OF ARIZONA

DEPARTMENT OF INSURANCE

DEPT OF INSURANCE
BY [Signature]

In the Matter of:

BROWN, SHAWN BRUCE
(Arizona License Number 129245)
(National Producer Number 7129733)

No. 13A-128 -INS
CONSENT ORDER

Respondent.

The State of Arizona Department of Insurance ("Department") has received evidence that **Shawn Bruce Brown** 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. Shawn Bruce Brown ("Brown" or "Respondent") is, and was at all material times, licensed as an Arizona resident accident/health, life, casualty, and property insurance producer, Arizona license number 129425, which expires on May 31, 2015.
2. Brown's addresses of record are: c/o Farnsworth-Ricks Insurance Agency, 6065 E. University Dr., Mesa, Arizona 85205 (business and mailing), and 1348 S. Heartland Lane, Gilbert, Arizona 85296 (residence).
3. Brown was at all material times contracted with Encompass Insurance Company ("Encompass") to transact insurance on its behalf in Arizona.

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1 **Licensing Issues**

2 4. On or about October 1, 2013 during an examination under oath, Brown provided
3 his residential address which was different from his address of record. Brown testified that he
4 moved to the new address on or about May, 2012.

5 5. Brown did not report the change in his residential address within 30 days.

6 **Encompass Complaint**

7 6. On or about August 19, 2013, Encompass filed a Complaint ("Complaint") with
8 the Department.

9 7. As a result of a divorce decree entered December 13, 2011, Brown relinquished
10 all rights to the property insured by an Encompass homeowner's policy.

11 8. On or about January 14, 2013, without his ex-wife's knowledge, Brown filed claim
12 number CH150794 with Encompass against the homeowner's policy to cover a break-in to his
13 automobile after the claim was denied by his auto insurer.

14 9. On or about April 23, 2013, Brown forged the signature of his ex-wife on Chase
15 Bank check number 102509634 which was payment for Encompass claim number CH150794
16 filed by Brown.

17 **CONCLUSIONS OF LAW**

18 1. The Director has jurisdiction over this matter.

19 2. Brown's conduct, as described above, constitutes a violation of Title 20, within
20 the meaning of A.R.S. § 20-295(A)(2).
21 ...
22 ...
23 ...

1 3. Brown's conduct, as described above, constitutes failing to report to the Director,
2 within thirty days, of any change to the licensee's residential or business address, within the
3 meaning of A.R.S. § 20-286(C)(2).

4 3. Brown's conduct as described above constitutes using fraudulent, coercive or
5 dishonest practices, or demonstrating incompetence, untrustworthiness or financial
6 irresponsibility in the conduct of business in this state or elsewhere within the meaning of
7 A.R.S. § 20-295(A)(8).

8 4. Respondent's conduct as described above constitutes forging another's name to
9 any document related to an insurance transaction within the meaning of A.R.S. § 20-
10 295(A)(10).

11 5. Grounds exist for the Director to deny, suspend for not more than twelve months,
12 revoke, or refuse to renew an insurance producer's license, impose a civil penalty and/or order
13 restitution pursuant to A.R.S. §§ 20-295(A) and (F).

14 **ORDER**

15 IT IS HEREBY ORDERED THAT:

- 16 1. Brown shall, within 30 days, update his residence address with the Department.
17 2. Brown's license is suspended for 20 calendar days upon entry of this order.

18 DATED AND EFFECTIVE this 10th day of October, 2013.

19
20 
21 GERMAINE L. MARKS
22 Director of Insurance
23

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2 **CONSENT TO ORDER**

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

5 2. Respondent admits the jurisdiction of the Director of Insurance, State of Arizona,
6 and admits the foregoing Findings of Fact and consents to the entry of the foregoing
7 Conclusions of Law and Order.


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

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

15 5. Respondent acknowledges that the acceptance of this Consent Order by the
16 Director is solely to settle this matter against him and does not preclude any other agency,
17 officer, or subdivision of this state including the Department from instituting civil or criminal
18 proceedings as may be appropriate now or in the future.

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

23 10/10/13
Date



Shawn Bruce Brown, Arizona License # 129425

1 COPIES of the foregoing mailed/delivered
this 11th day of October, 2013, to:

2
3 Shawn Brown
4 Farnsworth-Ricks Insurance Agency
5 6065 E. University Dr.
6 Mesa, AZ 85205
7 Respondent

8 SIU Michael Chesterman
9 Encompass Insurance Company
10 309 Lakeside Dr.
11 Horsham, PA 19044

12 Mary E. Kosinski, Executive Assistant for Regulatory Affairs
13 Darren T. Ellingson, Deputy Director
14 Mary Butterfield, Assistant Director, Consumer Affairs Division
15 Catherine M. O'Neil, Consumer Legal Affairs Officer
16 Steven Fromholtz, Licensing Supervisor
17 Charles Gregory, Supervisor Investigations Division
18 Randy Markham, Investigator
19 Department of Insurance
20 2910 North 44th Street, Suite 210
21 Phoenix, Arizona 85018

22 
23 Curvey Walters Burton