

APR 11 2016

STATE OF ARIZONA

DEPARTMENT OF INSURANCE

DEPT OF INSURANCE
BY ms

In the Matter of:

WAHL FINANCIAL, INC.
(Arizona License Number 1117360)
(National Producer Number 17665511)
and WAHL, JAMES D
(Arizona License Number 157184)
(National Producer Number 7812328)

16A
No. ~~15A-038~~ INS
CONSENT ORDER

Respondents.

The State of Arizona Department of Insurance ("Department") has received evidence that **Wahl Financial, Inc. ("Wahl Financial") and James D Wahl ("Wahl")** (collectively "**Respondents**") violated provisions of Title 20, Arizona Revised Statutes. Respondents wish to resolve this matter without the commencement of formal proceedings, and admit the following Findings of Fact are true and consent to entry of the following Conclusions of Law and Order.

FINDINGS OF FACT

1. **Wahl Financial** is, and was at all material times, licensed as an Arizona resident life insurance producer, Arizona license number 1117360, which expires July 31, 2019. **Wahl Financial** first became licensed with the Department on July 27, 2015.
2. **Wahl Financial's** address of record is: 8633 E. Via de Ventura, Scottsdale, Arizona 85258 (business and mailing).
3. **James D Wahl ("Wahl")** is, and was at all material times, licensed as an Arizona resident accident/health and life insurance producer, Arizona license number 157184, which

1 expires January 31, 2016. Wahl first became licensed with the Department on July 28, 2003
2 and last renewed on February 7, 2012. (Wahl was licensed as for variable life/variable
3 annuities from December 5, 2006 to November 30, 2008.)

4 4. Wahl's address of record is: c/o 2633 E. Indian School Rd., #410, Phoenix,
5 Arizona 85011 (business and mailing).

6 5. Wahl is the President and Designated Responsible Licensed Producer of Wahl
7 Financial.

8 6. On or about January 9, 2013, the Superior Court of Arizona, Maricopa County
9 filed a Suspension of Sentence – Unsupervised Probation in State of Arizona v. James D
10 Wahl; Docket No. CR2012-136168 ("Docket CR2012-136168"). The Court found Wahl guilty of
11 Solicitation to Commit Possession of Narcotic Drugs, a class 6 Undesignated Felony in Docket
12 CR2012-136168.

13 7. Wahl failed to notify the Department of the criminal prosecution within thirty days
14 after the initial pretrial hearing date.

15 8. On or about July 27, 2015, Wahl Financial submitted an Application for a
16 Business-Entity Insurance License to the Department ("Application"). Section V of the
17 Application asks: . . . C. Has the applicant or any individual designated in the application as a
18 principal or individual who is to exercise the powers conferred by the license **EVER** been
19 convicted or found guilty of, had a judgment made against for, or admitted to, any of the
20 following: 1. A felony (of any kind)? Respondent answered "No" to Question C.1. Wahl
21 signed the Application.

22 **CONCLUSIONS OF LAW**

23 1. The Director has jurisdiction over this matter.

1 2. Wahl's conduct, as described above, constitutes failing to report to the Director,
2 within thirty days after the initial pretrial hearing date, any criminal prosecution of the producer
3 taken in any jurisdiction, within the meaning of A.R.S. § 20-301(B).

4 3. Respondents' conduct, as described above, constitutes providing incorrect,
5 misleading, incomplete or materially untrue information in the license application, within the
6 meaning of A.R.S. § 20-295(A)(1).

7 4. Wahl's conduct, as described above, constitutes a violation of any provision of
8 Title 20, any rule, subpoena or order of the Director, within the meaning of A.R.S. § 20-
9 295(A)(2).

10 5. Wahl's conduct, as described above, constitutes having been convicted of a
11 felony, within the meaning of A.R.S. § 20-295(A)(6).

12 6. Grounds exist for the Director to deny, suspend for not more than twelve months,
13 revoke, or refuse to renew an insurance producer's license pursuant to A.R.S. §§ 20-295(A)
14 and (B).

15 7. Grounds exist for the Director, in addition to or instead of any suspension,
16 revocation or refusal to renew, impose a civil penalty of not more than two hundred fifty
17 dollars for each unintentional failure or violation, up to an aggregate civil penalty of two
18 thousand five hundred dollars, or impose a civil penalty of not more than two thousand five
19 hundred dollars for each intentional failure or violation, up to an aggregate civil penalty of
20 fifteen thousand dollars, within the meaning of A.R.S. § 20-295(F).

21 ...

22 ...

23 ...

1 **ORDER**

2 IT IS HEREBY ORDERED THAT:

3 1. Respondents shall immediately pay a civil penalty of \$500.00 for deposit into the
4 State General Fund.

5 DATED AND EFFECTIVE this 8th day of April, ²⁰¹⁶2015.

6
7 Leslie F. Hess
8 ~~Andy Tobin~~ Leslie Hess
Interim Director of Insurance

9 **CONSENT TO ORDER**

10 1. Respondents have reviewed the foregoing Findings of Fact, Conclusions of Law
11 and Order.

12 2. Respondents admit the jurisdiction of the Director of Insurance, State of Arizona,
13 and admit the foregoing Findings of Fact and consent to the entry of the foregoing Conclusions
14 of Law and Order.

15 3. Respondents are aware of their right to notice and a hearing at which they may
16 be represented by counsel, present evidence and examine witnesses. Respondents
17 irrevocably waive their right to such notice and hearing and to any court appeals relating to this
18 Consent Order.

19 4. Respondents state that no promise of any kind or nature whatsoever, except as
20 expressly contained in this Consent Order, was made to them to induce them to enter into this
21 Consent Order and that they have entered into this Consent Order voluntarily.

22 5. Respondents acknowledge that the acceptance of this Consent Order by the
23 Director is solely to settle this matter against them and does not preclude any other agency,


1 including the Department, officer, or subdivision of this state or this agency from instituting civil
2 or criminal proceedings as may be appropriate now or in the future.

3 6. Respondents acknowledge that this Consent Order is an administrative action
4 the Department will report to the National Association of Insurance Commissioners (NAIC).
5 Respondents further acknowledge that they must report this administrative action to
6 any and all states in which they hold an insurance license and must disclose this administrative
7 action on any license application.


8 7. James D Wahl represents that he is the President of Wahl Financial, Inc. and
9 that, as such, he is authorized to enter into this Consent Order on its behalf.

10 Wahl Financial, Inc., Arizona License # 1117360

11 4-4-16
12 Date


13 _____
14 James D Wahl, President

13 4-4-16
14 Date


15 _____
16 James D Wahl, Arizona License # 157184

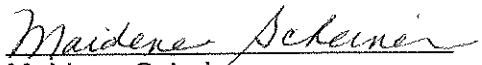
17 COPIES of the foregoing mailed/delivered
18 this 11th day of April, ~~2015~~, to:
19 2016

20 Wahl Financial, Inc.
21 8633 E. Via De Ventura
22 Scottsdale, Arizona 85258
23 Respondent

21 Wahl Financial, Inc.
22 c/o James Wahl
23 8655 E. Via de Ventura, #F-160
Scottsdale, Arizona 85258
Statutory Agent for Respondent Wahl Financial, Inc.

1 James D Wahl
2633 E. Indian School Rd., #410
2 Phoenix, Arizona 85011
Respondent

3 Mary E. Kosinski, Executive Assistant for Regulatory Affairs
4 Darren T. Ellingson, Deputy Director
Yvonne Hunter, Assistant Director
5 Catherine M. O'Neil, Consumer Legal Affairs Officer
Steven Fromholtz, Licensing Supervisor
6 Department of Insurance
2910 North 44th Street, Suite 210
7 Phoenix, Arizona 85018

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9 Maidene Scheiner

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