

SEP 03 2018

STATE OF ARIZONA

DEPARTMENT OF INSURANCE

DEPT OF INSURANCE
BY MEK

In the Matter of:

No. 18A-123-INS

BRUNELL, CORTNEY ANN
(National Producer Number 17028308)
(Arizona Legacy ID Number 1052265)

CONSENT ORDER

Respondent.

The State of Arizona Department of Insurance ("Department") has received evidence that **Cortney Ann Brunell** ("Brunell" or "Respondent") violated provisions of Title 20, Arizona Revised Statutes ("A.R.S."). 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. Brunell was, at all material times, licensed as an Arizona resident insurance producer. On August 6, 2013, the Department issued Brunell a license, number 17028308¹, with one (1) line of authority: accident and health or sickness. On September 3, 2015, the Department issued Brunell two (2) additional lines of authority: variable life and variable annuity, and life. Brunell's license renewed effective January 1, 2017 and is currently scheduled to expire on December 31, 2020.

¹ Effective 04/21/2017, the license number issued to each Arizona-licensed insurance professional changed to match the producer's National Producer Number ("NPN"). Brunell's former Arizona license number, now known as the Legacy License ID Number, is 1052265.

1 **AHCCCS Complaint**

2 6. On or about May 7, 2018, the Department received a complaint from Thomas
3 Heiser ("Heiser"), AHCCCS's Operations Compliance Officer for Medicare. Heiser wrote in
4 part, "This request [complaint] supports Mercy Care Advantage's complaint of 05/04/2018."
5 Heiser further stated, "AHCCCS is concerned the meeting by the agent/broker named . . . could
6 potentially mislead AHCCCS members enrolled in the ALTCS program [Arizona Long Term
7 Care System] whose ALTCS enrollment with Mercy Care Advantage will not be changing.
8 AHCCCS' concern is that ALTCS members attending may be provided misleading information."

9 **Care1st Health Plan of Arizona, Inc.**

10 7. Brunell's marketing flyer also featured the name and logo of Care1st Health Plan
11 Arizona, Inc. ("Care1st"). On 07/23/2018, Care1st responded to an inquiry by the Department.
12 After reviewing Brunell's marketing flyer, Anna Maria Maldonado, Care1st's Director of Sales
13 and Marketing, advised as follows: "Care1st did not grant permission of any kind for use of our
14 logo to Ms. Cortney Brunell. In addition, she is not an affiliated, certified, credentialed or a
15 contracted agent with ONECare by Care1st."

16 **Health Choice Arizona**

17 8. Brunell's marketing flyer also featured the name and logo of Health Choice
18 Arizona ("HCA"). On 07/26/2018, HCA responded to an inquiry by the Department. After
19 reviewing Brunell's marketing flyer, Nicole Larson, HCA's Compliance Officer, advised as
20 follows: "I do not have any record or any request (and therefore, also no subsequent approval)
21 for either creation or distribution of this flyer. This flyer was created independently from this
22 Provider/Agent (who is not affiliated with Health Choice)."

1 **CONCLUSIONS OF LAW**

2 1. The Interim Director has jurisdiction over this matter.

3 2. Respondent's conduct, as described above, constitutes a violation of Title 20, with
4 the meaning of A.R.S. § 20-295(A)(2).

5 3. Respondent's conduct, as described above, constitutes placing before the public
6 a deceptive and misleading advertisement by means of a poster/flyer, within the meaning of
7 A.R.S. § 20-444(A).

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

12 5. Grounds exist for the Interim Director to impose a civil penalty of not more than
13 two hundred fifty dollars for each unintentional failure or violation, up to an aggregate civil
14 penalty of two thousand five hundred dollars or impose a civil penalty of not more than two
15 thousand five hundred dollars for each intentional failure or violation, up to an aggregate civil
16 penalty of fifteen thousand dollars, within the meaning of A.R.S. § 20-295(F).

17 6. Grounds exist for the Interim Director to order Respondent to cease and desist
18 her violation of A.R.S. § 20-444, within the meaning of A.R.S. § 20-456.

19 **ORDER**

20 **IT IS HEREBY ORDERED THAT:**

21 1. Respondent shall immediately cease and desist placing before the public a
22 deceptive and misleading advertisement by means of a poster/flyer.

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

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

9
10 08/27/2018
Date

Cortney Ann Brunell
Cortney Ann Brunell (NPN License No. 17028308)

11
12 COPIES of the foregoing delivered electronically
13 this 13th day of September, 2018, to

14 Cortney Ann Brunell
15 cbrunell@outlook.com
Respondent

16 COPIES of the foregoing mailed/delivered
17 this 13th day of September, 2018, to:

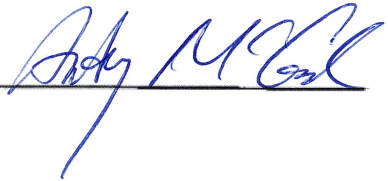
18 Cortney Ann Brunell
19 3722 N. Harrison Rd.
Tucson, AZ 85749
Respondent

20 Cortney Ann Brunell
21 6416 E. Tanque Verde Rd., #100
Tucson, AZ 85715
Respondent

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1 Mary Kosinski, Regulatory Legal Affairs Officer
Catherine M. O'Neil, Consumer Legal Affairs Officer
2 Steven Fromholtz, Assistant Director, Consumer Protection Division
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