STATE OF ARIZONA FILED

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STATE OF ARIZONA

DEPARTMENT OF INSURANCE BY

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In the Matter of:

SMITH, MAURICE LYNELL

(National Producer No. 18992235)

Respondent.

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Docket No. 19A-014-INS

CONSENT ORDER

The State of Arizona Department of Insurance ("Department") has received evidence that Maurice Lynell Smith ("Respondent") 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 the entry of the following Conclusions of Law and Order.

FINDINGS OF FACT

- 1. Respondent is, and was at all material times, licensed as an Arizona resident insurance producer with lines of authority in life and accident and health or sickness insurance, National Producer Number 18992235. Respondent's license expires on December 31, 2022.
- 2. Respondent's addresses of record with the Department are: 7205 S. 41st Dr., Phoenix, AZ 85041 (business and mailing) and electronichobo@live.com (business e-mail).

- 3. On December 10, 2018, Respondent submitted an application for an Arizona insurance producer license ("Application") to the Department.
- 4. In the Application, under Background Questions, Respondent answered "No" to the following question: 1b) Have you ever been convicted of a felony, had a judgment withheld or deferred or are you currently charged with committing a felony?" You may exclude juvenile adjudications (offenses where you were adjudicated delinquent in a juvenile court).
- 5. The Federal Bureau of Investigations conducted a criminal history check of Respondent's fingerprint card and notified the Department that Respondent had been convicted on October 3, 1991 of two counts of Bank Robbery, for which the Court sentenced Smith to 87 months of incarceration.¹
 - 6. Respondent signed and dated the Attestation section of the Application.

CONCLUSIONS OF LAW

- 1. The Director has jurisdiction over this matter.
- 2. Respondent's conduct, as described above, constitutes having been convicted of a felony, in violation of A.R.S. § 20-295(A)(6).
- Respondent's conduct, as described above, constitutes obtaining or attempting to obtain a license through misrepresentation or fraud, in violation of A.R.S. § 20-295(A)(3).

¹ Smith appealed this conviction to the U.S. 8th Circuit Court of Appeals, see U.S. v. Smith; 973 F.2d 1374 (1992).

4. Grounds exist for the Director to suspend for not more than twelve months or revoke Respondent's insurance producer license, pursuant to A.R.S. § 20-295(A).

ORDER

IT IS HEREBY ORDERED THAT:

Respondent shall pay a civil penalty of two hundred fifty dollars (\$250.00) to the Department, due upon the submission of this Consent Order.

Effective this __/2 day of ______, 2019.

Keith A. Schraad, Director
Arizona Department of Insurance

CONSENT TO ORDER

- Respondent has reviewed the forgoing Findings of Fact, Conclusions of Law and Order.
- 2. Respondent admits to the jurisdiction of the Director of Insurance, State of Arizona, and admits the forgoing Findings of Fact and consents to the entry of the forgoing Conclusions of Law and Order.
- 3. Respondent is aware of his right to notice and hearing at which he may be represented by counsel, present evidence and examine witnesses. Respondent irrevocably waives his right to such notice and hearing and to any court appeals relating to this Consent Order.

- 4. Respondent states that no promise of any kind or nature whatsoever, except as expressly contained in this Consent Order, was made to him to induce him to enter this Consent Order and that he has entered into this Consent Order voluntarily.
- 5. Respondent acknowledges that the acceptance of this Consent Order by the Director is solely to settle this matter against him 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 not related to this matter.
- 6. Respondent acknowledges that this Consent Order is an administrative action that the Department will report to the National Association of Insurance Commissioners (NAIC). Respondent further acknowledges that he must report his administrative action to any and all states in which he holds an insurance license and must disclose this administrative action on any license application.

7/10/2019 Date

Maurice Lynell Smith, NPN 18992235

1	this <u>full</u> day of <u>full</u> , 2019, to:
2	V 0
3	Maurice Lynell Smith 7205 S. 41st Drive
4	Phoenix, AZ 85041 Respondent
5	COPY delivered same date to:
6	Mary Kosinski, Pogulatory Logal Affaire Officer
7	Mary Kosinski, Regulatory Legal Affairs Officer Steven Fromholtz, Assistant Director for Consumer Protection Aqueelah Currie, Licensing Supervisor
8	Sharyn Kerr, Consumer Affairs Division
9	Arizona Department of Insurance 100 N 15 th Ave. #102
10	Phoenix, Arizona 85007
11	COPY delivered electronically, same date to:
12	Maurice Lynell Smith electronichobo@live.com
13	Respondent
14	Francine Martinez
15	8027743
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