# STATE OF ARIZONA

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MAY 1 3 2019

**DEPARTMENT OF INSURANCE** 

DEPT OF INSURANCE BY MEK

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In the Matter of:

**BALDRY, TIMOTHY WARD** 

(National Producer Number 15812439)

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No. 19A- 076-INS

CONSENT ORDER

## Respondent.

The State of Arizona Department of Insurance ("Department") has received evidence that **Timothy Ward Baldry** ("Baldry" 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. Baldry was, at all material times, licensed as an Arizona resident insurance producer. On May 12, 2014, the Department issued Baldry a license, number 15812439<sup>1</sup>, with four (4) lines of authority: property, casualty, life, and accident and health or sickness. Baldry's license last renewed effective November 1, 2017 and is currently scheduled to expire on October 31, 2021.

<sup>&</sup>lt;sup>1</sup> Effective 04/21/2017, the license number issued to each Arizona-licensed insurance professional changed to match the producer's National Producer Number ("NPN"). Baldry's former Arizona license number, now known as the Legacy License ID Number, is 968222.

2. Baldry's addresses of record are: 1791 East Queen Creek Road, Suite 3, Chandler, Arizona 85286-2014 (business), 1350 South Ellsworth Road, #1125, Mesa, Arizona 85209-2809, (mailing), and tbaldry@amfam.com (business email).

## American Family Insurance Company, S.I., Complaint

- On or about March 18, 2019, the Department received a "Termination for Cause" letter from American Family Insurance Company, S.I. ("AmFam") for rebating. AmFam terminated Baldry effective March 1, 2019.
- 4. In addition to the letter, AmFam provided a "Compliance Investigation Report" which stated that Baldry "mistakenly put an insured's policy into effect before the insured's requested coverage date."
- 5. In or about December, 2018, Baldry provided an auto insurance quote to a potential insured. As the insured already had a policy in place with another insurance company, he advised Baldry that he wanted the AmFam policy to be put into effect on January 21, 2019.
- 6. Per the insured's instructions, Baldry released the saved quote, thereby sending the quote to application in AmFam's Policy Center. However, Baldry failed to change the effective date of the quote which put the policy into effect in December, 2018.
- 7. The insured contacted Baldry after noticing he was billed for two (2) months, December 2018 and January 2019. Because a statewide rate revision had taken effect after the December quote and would have resulted in a "dramatically increased premium," Baldry suggested to the insured that he leave in place the policy with the effective December date in order to keep the lower premium. In addition, Baldry offered cash to the insured "to cover the December premium during the time he had double coverage."

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1	8. AmFam contacted Baldry who admitted offering cash to the insured in order "to
2	make things right" for his mistake.
3	CONCLUSIONS OF LAW
4	The Director has jurisdiction over this matter.
5	2. Respondent's conduct, as described above, constitutes a violation of Title 20
6	within the meaning of A.R.S. § 20-295(A)(2).
7	3. Respondent's conduct, as described above, constitutes offering as an inducement
8	to insurance, or after insurance has been effected, any rebate, discount, abatement, credit o
9	reduction of the premium named in a policy of insurance within meaning of A.R.S. § 20-451(A)
10	4. Grounds exist for the Director to impose a civil penalty of not more than two
11	hundred fifty dollars for each unintentional failure or violation, up to an aggregate civil penalt
12	of two thousand five hundred dollars, or impose a civil penalty of not more than two thousand
13	five hundred dollars for each intentional failure or violation, up to an aggregate civil penalty of
14	fifteen thousand dollars, within the meaning of A.R.S. § 20-295(F).
15	ORDER
16	IT IS HEREBY ORDERED THAT:
17	<ol> <li>Respondent shall immediately pay a civil penalty in the amount of Two-Hundre</li> </ol>
18	Fifty Dollars (\$250.00) for deposit into the State General Fund.
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20	DATED AND EFFECTIVE this /3th day of May, 2019.
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22	WEEKLA COLUDAD
23	KEYTH A. SCHRAAD Director of Insurance
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#### **CONSENT TO ORDER**

- Respondent has reviewed the foregoing Findings of Fact, Conclusions of Law and Order.
- Respondent admits the jurisdiction of the Director of Insurance, State of Arizona,
   and admits the foregoing Findings of Fact and consents to the entry of the foregoing
   Conclusions of Law and Order.
- 3. Respondent is aware of his right to notice and to a 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 into 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.
- 6. Respondent acknowledges that this Consent Order is an administrative action that the Department will report to the National Association of Insurance Commissioners (NAIC) and that he may have to report this administrative action on any future licensing applications either to the Department or other states' Departments of Insurance.

5/6/20/9 Date

Firstothy Ward Baldry (NPN License No. 15812439)

1	COPY of the foregoing mailed this, 2019, to:
2	Timothy Ward Baldry
3	1791 E. Queen Creek Rd., Ste-3 Chandler, AZ 85286-2014
4	Respondent
5	Timothy Ward Baldry 1350 S. Ellsworth Rd., #1125
6	Mesa, AZ 58209-2809 Respondent
7	CORV of the foregoing delivered some data to
8	COPY of the foregoing delivered, same date, to:
9	Mary Kosinski, Regulatory Legal Affairs Officer Catherine M. O'Neil, Consumer Legal Affairs Officer
10	Steven Fromholtz, Assistant Director, Consumer Protection Division Sharyn Kerr, Administrative Assistant, Consumer Protection Division
11	Wendy Greenwood, Investigator / Investigations Supervisor Arizona Department of Insurance
12	100 North 15 <sup>th</sup> Avenue, Ste.102 Phoenix, Arizona 85007-2624
13	COPY sent same date via electronic mail to:
14	Timothy Ward Baldry tbaldry@amfam.com
15	Respondent
16	Timothy Ward Baldry timmybfleetman@gmail.com
17	Respondent
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19	Francine Martinez
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