

AUG 08 2019

STATE OF ARIZONA

DEPARTMENT OF INSURANCE

DEPT OF INSURANCE
BY MEK 8/8/19

In the Matter of:

GRAY, WAYNE DELBERT
(National Producer Number 2154454)

Petitioner.

No. 19A-105-INS

CONSENT ORDER

The State of Arizona Department of Insurance ("Department") has received evidence that **Wayne Delbert Gray ("Petitioner" or "Gray")** has violated provisions of Title 20, Arizona Revised Statutes ("A.R.S."). Petitioner wishes to resolve this matter 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. On or about May 29, 2019, Gray submitted a renewal application for a non-resident insurance producer's license to the Department. Gray's resident state is Utah. Gray has been licensed with the Department as a life and accident and health or sickness insurance producer since December 21, 2011.

2. Gray answered "No" to Question 2 of the Background Questions on the application, which asks:

"Have you ever been named or involved as a party in an administrative proceeding, including a FINRA sanction or arbitration proceeding regarding any professional or occupational license or registration, which has not been previously reported to this insurance department?

'Involved' means having a license censured, suspended, revoked, canceled, terminated; or, being assessed a fine, placed on probation, sanctioned or surrendering license to resolve an administrative action.

'Involved' also means being named as a party to an administrative or arbitration proceeding, which is related to a professional or occupational license, or registration. 'Involved' also means having a license, or

1 registration, application denied or the act of withdrawing an application to
2 avoid a denial. INCLUDE any business so named because of your
3 actions in your capacity as an owner, partner, officer or director, or
4 member or manager of a Limited Liability Company. You may exclude
5 terminations due solely to noncompliance with continuing education
6 requirements or failure to pay a renewal fee. If you answer yes, you must
7 attach to this application: a) a written statement identifying the type of
8 license and explaining the circumstances of each incident, b) a copy of
9 the Notice of Hearing or other document that states the charges and
10 allegations, and c) a copy of the official document, which demonstrates
11 the resolution of the charges or any final judgment.”

12 3. On or about June 15, 2015, the Insurance Commissioner of the State of Utah
13 filed a Stipulation and Order in Utah Insurance Department v. Legacy Insurance and Financial
14 Services, License # 297909, Wayne Gray, Owner, License # 215156, Docket No. 2015-058
15 LC, Enf. Case No. 3619 (“Utah DOI Administrative Order”). The Utah DOI Administrative
16 Order assessed an administrative forfeiture in the amount of \$4000 and placed Legacy
17 Insurance and Financial Services on probation for a period of 12 months.

18 4. On or about June 24, 2019, the Department sent Gray notification that it was
19 denying his renewal application for a non-resident insurance producer license.

20 5. On July 18, 2019, the Department received Gray’s letter appealing the denial of
21 his application.

22 **CONCLUSIONS OF LAW**

23 1. The Director has jurisdiction over this matter.

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

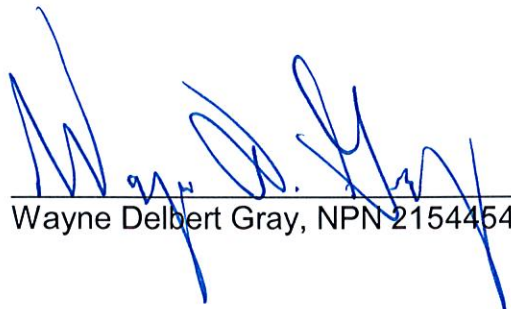
1 2. Petitioner admits to the jurisdiction of the Director of Insurance, State of Arizona,
2 and admits the foregoing Findings of Fact and consents to the entry of the foregoing
3 Conclusions of Law and Order.

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

7 4. Petitioner acknowledges that the acceptance of this Consent Order by the
8 Director is solely to settle this matter against him and does not preclude any other agency,
9 officer, or subdivision of this state including the Department from instituting civil or criminal
10 proceedings as may be appropriate now or in the future not related to this matter.

11 5. Petitioner acknowledges that this Consent Order is an administrative action that
12 the Department will report to the National Association of Insurance Commissioners (NAIC).
13 Petitioner further acknowledges that he must report this administrative action to any and all
14 states in which he holds an insurance license and must disclose this administrative action on
15 any license application.

16 7-25-2019
17 Date

16 
17 _____
18 Wayne Delbert Gray, NPN 2154454

19 **COPIES** of the foregoing emailed and mailed
20 this 9th day of AUGUST, 2019, to:

21 Jon A. Titus
22 Titus Brueckner & Levine PLC
23 8355 East Hartford Dr., Suite 200
24 Scottsdale, AZ 85255
25 Attorney for Petitioner

1 **COPIES** of the foregoing delivered same date to:

2 Mary Kosinski, Regulatory Legal Affairs Officer
3 Steven Fromholtz, Assistant Director, Consumer Protection
4 Aqueelah Currie, Licensing Manager
5 Sharyn Kerr, Consumer Affairs Division
6 Arizona Department of Insurance
7 2910 North 44th Street, Suite 210
8 Phoenix, Arizona 85018

9 **COPIES** of the foregoing delivered electronically,
10 same date to:

11 Deian Ousounov
12 Assistant Attorney General
13 AdminLaw@azag.gov
14 Attorney for the Department of Insurance

15 
16 Francine Martinez

17
18
19
20
21
22
23