

NOV 18 2019

STATE OF ARIZONA
DEPARTMENT OF INSURANCE

DEPT OF INSURANCE
BY AS 11/18/2019

In the Matter of:

No. 19A- 101 -INS

MARCUM, GARY D
(National Producer Number 58157)

CONSENT ORDER

Respondent.

The State of Arizona Department of Insurance ("Department") has received evidence that **Gary D Marcum** ("Marcum" 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. On December 24, 2013, the Department issued Marcum a non-resident insurance producer's license, number 58157, with two lines of authority: life and accident and health or sickness insurance. The license last renewed August 1, 2017 and is scheduled to expire on July 31, 2021. Marcum's home state is Iowa.

2. Marcum's addresses of record are: 14935 Sheridan Circle, Clive, Iowa 50325 (business and mailing), and gary@rsgagents.org (business email).

3. On July 30, 2019, the Department suspended Marcum's non-resident insurance producer's license for ninety days pursuant to Consent Order No. 19A-112-INS. Marcum's suspension is set to expire on or about October 28, 2019.

1 **Iowa Division of Insurance Disciplinary Action**

2 4. On or about October 10, 2019, the Iowa Division of Insurance ("IDOI") notified
3 the Department that it disciplined Marcum for violation of the Iowa insurance laws related to
4 the contracting of insurance annuities for several Iowa consumers.

5 5. Marcum signed a Consent Order with IDOI on or about October 4, 2019 which
6 ordered the payment of a civil monetary penalty and restitution.

7 6. In addition, IDOI suspended Marcum's license effective October 9, 2019 for
8 eighteen months.

9 **CONCLUSIONS OF LAW**

10 1. The Director has jurisdiction over this matter.

11 2. Respondent's conduct, as described above, constitutes a violation of Title 20,
12 within the meaning of A.R.S. § 20-295(A)(1).

13 3. Respondent's conduct, as described above, constitutes having an insurance
14 producer license, or its equivalent suspended in any state, within the meaning of A.R.S. § 20-
15 295(A)(9).

16 4. Respondent's conduct, as described above, constitutes failing to be currently
17 licensed and in good standing in the person's home state, within the meaning of A.R.S. § 20-
18 287(A)(1).

19 5. Grounds exist for the Director to deny, suspend for not more than twelve months,
20 revoke or refuse to renew and insurance producer's license, within the meaning of A.R.S. § 20-
21 295(A).

22 . . .

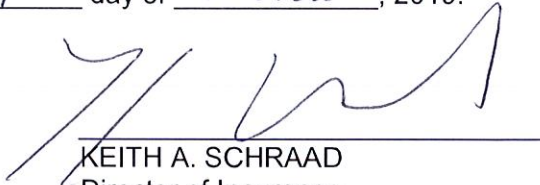
23 . . .

1 **ORDER**

2 IT IS HEREBY ORDERED THAT:

3 1. The non-resident insurance producer license for **Gary D Marcum**, National
4 Producer Number 58157, is revoked, effective immediately.

5 DATED AND EFFECTIVE this 7th day of November, 2019.

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8 KEITH A. SCHRAAD
Director of Insurance

9 **CONSENT TO ORDER**

10 1. Respondent has reviewed the foregoing Findings of Fact, Conclusions of Law and
11 Order.

12 2. Respondent admits the jurisdiction of the Director of Insurance, State of Arizona,
13 and admits the foregoing Findings of Fact and consents to the entry of the foregoing
14 Conclusions of Law and Order.

15 3. Respondent is aware of his right to notice and to a hearing, at which he may be
16 represented by counsel, present evidence and examine witnesses. Respondent irrevocably
17 waives his right to such notice and hearing and to any court appeals relating to this Consent
18 Order.

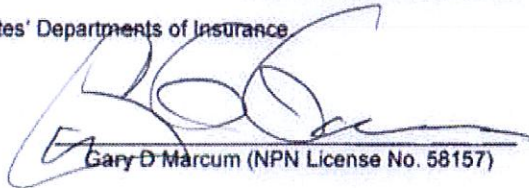
19 4. Respondent states that no promise of any kind or nature whatsoever, except as
20 expressly contained in this Consent Order, was made to him to induce him to enter into this
21 Consent Order and that he has entered into this Consent Order voluntarily.

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

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

7
8 11/07/2019
9 Date


Gary D Marcum (NPN License No. 58157)

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13 **COPY** of the foregoing mailed this
14 18th day of November 2019, to:

15 Gary D Marcum
16 14935 Sheridan Circle
17 Clive, IA 50325
18 Respondent

19 **COPY** of the foregoing delivered, same date, to:

20 Mary Kosinski, Regulatory Legal Affairs Officer
21 Catherine M. O'Neil, Consumer Legal Affairs Officer
22 Steven Fromholtz, Assistant Director, Consumer Protection Division
23 Ana Starcevic, Paralegal Project Specialist
24 Sharyn Kerr, Administrative Assistant, Consumer Protection Division
Wendy Greenwood, Investigations Supervisor
Jeff Eavenson, Investigator
Arizona Department of Insurance
100 North 15th Avenue, Ste. 102
Phoenix, Arizona 85007-2624

1 **COPY** sent same date via electronic mail to:

2 Gary D Marcum
3 gary@rsagents.org
4 Respondent

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5 
6 Francine Martinez

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