

APR 1 1997

STATE OF ARIZONA
DEPARTMENT OF INSURANCE

DEPT. OF INSURANCE
BY Kathy

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In the Matter of:)	Docket No. 97A-032-INS
)	
BRYAN DAVID JUSTUS,)	ORDER
)	
Respondent.)	
_____)	

On February 27, 1997, the Director issued a Notice of Hearing (the "Notice") in the above-captioned matter, a copy of which is attached and incorporated by this reference.

The Notice required Bryan David Justus ("Justus") to provide a written answer to the allegations set forth in the Notice within twenty days of the issuance of the Notice. As of this date, Justus has failed to file an answer. On March 27, 1997, counsel for the Department filed a Request for Default, and a Proposed Findings of Fact, Conclusions of Law and Order. As of this date, Justus has not responded to the Department's request. Pursuant to A.A.C. R20-6-106(C), a party that fails to file an answer within the time provided shall be deemed to be in default and one or more of the allegations in the notice of hearing may be deemed to be admitted.

FINDINGS OF FACT

1. Notice was proper.
2. Justus is in default.
3. The allegations in the Notice are deemed admitted.

....
....

1 CONCLUSION OF LAW

2 1. The conduct alleged in the Notice constitutes grounds for the Director to suspend,
3 revoke or refuse to renew Justus' license to transact insurance in Arizona, pursuant to A.R.S. §§ 20-
4 316(A)(1) together with 20-290(B)(2).

5 ORDER

6 Based on the above, it is hereby ordered that:

7 1. All insurance licenses held by Bryan David Justus are revoked effective upon the
8 issuance of this Order.

9 DATED this 1 day of April, 1997.

10
11 

12 John A. Greene, Director
Department of Insurance

13 COPY of the foregoing
14 mailed this 1st day
of April, 1997

15 Office of Administrative Hearings
1700 W. Washington, Suite 602
16 Phoenix, AZ 85007

17 Charles R. Cohen, Deputy Director
John Gagne, Assistant Director
18 Cheryl Cluen, Investigator
Maureen Catalioto, Supervisor
19 Department of Insurance
2910 N. 44th Street, Suite 210
20 Phoenix, AZ 85018

21 Michael J. De La Cruz
Assistant Attorney General
22 1275 W. Washington
Phoenix, AZ 85007
23

1 Bryan D. Justus
4010 S. Hanna
2 Tempe, AZ 85282

3 Bryan D. Justus
6330-1 E. Thomas Road
4 Suite 120
Scottsdale, AZ 85251

5 *Kathy Hendon*
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FEB 27 1997

STATE OF ARIZONA

DEPARTMENT OF INSURANCE

DEPT. OF INSURANCE
BY CP

1 In the Matter of:)
 2) No. 97A-032
 3 BRYAN DAVID JUSTUS)
 4) NOTICE OF HEARING
 5 Respondent.)
 6 _____)

7 PLEASE TAKE NOTICE, that pursuant to the provisions of
 8 Arizona Revised Statutes ("A.R.S.") §§ 20-161 through and
 9 including 20-165 and 41-1061, et seq., the above-captioned matter
 10 will be heard before the Director of Insurance of the State of
 11 Arizona (the "Director"), or his duly designated representative,
 12 on the 9th day of April, 1997, at 1:30 o'clock p.m., at
 13 the Office of Administrative Hearings, 1700 West Washington
 14 Street, Suite 602, Phoenix, Arizona 85007 (the "Hearing").

15 Motions to continue this matter shall be made in writing to
 16 the Administrative Law Judge not less that five (5) business days
 17 prior to the date set for the Hearing. A copy of any motion to
 18 continue shall be mailed or hand-delivered to the opposing party
 19 on the same date of filing with the Office of Administrative
 20 Hearings.

21 A.R.S. §20-164 entitles any person affected by this Hearing
 22 to appear in person and by counsel, to be present during the
 23 giving of all evidence, to have a reasonable opportunity to
 24 inspect all documentary evidence, to examine witnesses, to present
 25 evidence in support of his/her interests, and to have subpoenas
 26 issued by the Administrative Law Judge to compel attendance of

1 witnesses and production of evidence on the person's behalf.

2 Questions concerning issues raised in this Notice of Hearing
3 should be directed to Assistant Attorney General MICHAEL J. DE LA
4 CRUZ (602) 542-7722, 1275 West Washington, Phoenix, Arizona 85007.

5 NOTICE OF APPLICABLE RULES

6 On January 23, 1992, the Arizona Department of Insurance
7 adopted A.A.C. R20-6-101 through R20-6-115, setting forth the
8 rules of practice and procedure applicable in contested cases
9 before the Director of Insurance. The hearing will be conducted
10 pursuant to these rules.

11 PURSUANT TO A.A.C. R20-6-106 RESPONDENT SHALL FILE A WRITTEN
12 ANSWER WITH THE OFFICE OF ADMINISTRATIVE HEARINGS WITHIN TWENTY
13 (20) DAYS AFTER ISSUANCE OF THIS NOTICE OF HEARING AND SHALL MAIL
14 OR DELIVER A COPY OF THE ANSWER TO THE ASSISTANT ATTORNEY GENERAL
15 DESIGNATED ABOVE. THE ANSWER SHALL STATE RESPONDENT'S POSITION OR
16 DEFENSE AND SHALL SPECIFICALLY ADMIT OR DENY EACH ASSERTION IN THE
17 NOTICE OF HEARING. ANY ASSERTION NOT DENIED SHALL BE DEEMED TO BE
18 ADMITTED. ANY DEFENSE NOT RAISED IN THE ANSWER SHALL BE DEEMED
19 WAIVED. IF AN ANSWER IS NOT TIMELY FILED, THE RESPONDENT SHALL BE
20 DEEMED IN DEFAULT AND THE DIRECTOR MAY DEEM THE ALLEGATIONS ARE
21 TRUE AND TAKE WHATEVER ACTION IS APPROPRIATE, INCLUDING
22 SUSPENSION, REVOCATION, DENIAL OF A LICENSE, OR RENEWAL OF A
23 LICENSE, IMPOSITION OF A CIVIL PENALTY AND/OR RESTITUTION TO ANY
24 PARTY INJURED.

25 PERSONS WITH DISABILITIES MAY REQUEST REASONABLE
26 ACCOMMODATIONS SUCH AS INTERPRETERS, ALTERNATIVE FORMAT, OR

1 ASSISTANCE WITH PHYSICAL ACCESSIBILITY. REQUESTS FOR
2 ACCOMMODATIONS SHOULD BE MADE AS EARLY AS POSSIBLE TO ALLOW TIME
3 TO ARRANGE THE ACCOMMODATIONS. IF YOU REQUIRE ACCOMMODATIONS,
4 PLEASE CONTACT THE OFFICE OF ADMINISTRATIVE HEARINGS AT (602) 542-
5 9826.

6 The allegations supporting this Notice of Hearing are as
7 follows:

8 1. Bryan David Justus ("Mr. Justus") is currently licensed
9 as a resident life and disability and variable annuity agent
10 (License #652544). That license is due to expire February 28,
11 1997.

12 2. On or about November 3, 1995, the Arizona Corporation
13 Commission Securities Division (the "Commission") issued a Notice
14 of Opportunity for Hearing Regarding Proposed Order of Revocation
15 of Salesman Registration ("Notice of Opportunity for Hearing"), In
16 the Matter of the Securities Salesman Registration of: BRYAN D.
17 JUSTUS (CRD #1899004), Docket No. S-3074-I, alleging that Mr.
18 Justus solicited his securities clients to make personal loans to
19 him and, as a result of such solicitation, borrowed substantial
20 sums from several of his securities clients. The Commission
21 further alleged that such conduct demonstrated that Mr. Justus was
22 lacking in integrity and that he had engaged in dishonest and
23 unethical conduct.

24 3. Mr. Justus was personally served with a copy of the
25 Notice but failed to respond or appear in response to the Notice
26 of Opportunity for Hearing.

1 4. On or about December 20, 1995, the Corporation
2 Commission issued Decision No. 59417, in Docket No. S-3074-I,
3 concluding as a matter of law that Mr. Justus's conduct alleged in
4 the Notice of Opportunity for Hearing constituted grounds for
5 revocation of his registration as a securities salesman pursuant
6 to A.R.S. § 44-1962(4), in that it demonstrated that Mr. Justus
7 was lacking in integrity, and A.R.S. § 44-1962(10), in that he
8 engaged in dishonest and unethical conduct as defined in A.A.C.
9 R14-4-130(A) (15).

10 5. Based on the Commission's Findings of Fact and
11 Conclusion of Law, on December 20, 1995, the Commission ordered
12 that Mr. Justus's securities salespersons registration be revoked.

13 6. Mr. Justus has a record of dishonesty in business or
14 financial matters in violation of A.R.S. § 20-316(A) (1) together
15 with A.R.S. § 20-290(B) (2).

16 7. Grounds exist for the Director to suspend, revoke or
17 refuse to renew Mr. Justus's insurance license, impose a civil
18 penalty upon him, and/or order restitution, pursuant to A.R.S. §§
19 20-290(B) (2), 20-316(A) (1), and 20-316(C).

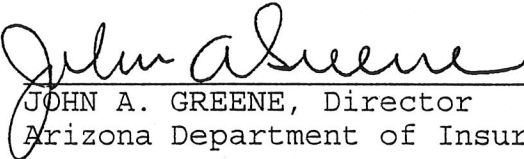
20 WHEREFORE, if after hearing, the Director makes a finding of
21 one or more of the above-described allegations the Director may
22 suspend, revoke or refuse to renew Respondent's insurance license,
23 impose a civil penalty and order restitution, pursuant to A.R.S.
24 §§ 20-316(A) and 20-316(C).

25 Pursuant to A.R.S. § 20-150, the Director of Insurance
26 delegates the authority vested in the Director of Insurance of the

1 State of Arizona, whether implied or expressed, to the Director of
2 the Office of Administrative Hearings or his designee to preside
3 over the hearing of this matter as the Administrative Law Judge,
4 to make written recommendations to the Director of Insurance
5 consisting of proposed findings of fact, proposed conclusions of
6 law, and a proposed order. This delegation does not include a
7 delegation of the authority of the Director of Insurance to make
8 the order on hearing or other final decision in this matter.

9 Pursuant to Arizona Revised Statute § 41-1092.01, your
10 hearing will be conducted through the Office of Administrative
11 Hearings, an independent agency. Please find enclosed a copy of
12 the procedures to be followed.

13 DATED this 27 day of February, 1997.

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16 
17 JOHN A. GREENE, Director
Arizona Department of Insurance

18
19 COPY of the foregoing mailed this
27th day of February, 1997, to:

20 Administrative Law Judge
21 Office of Administrative Hearings
1700 West Washington, Suite 602
Phoenix, AZ 85007

22 Michael J. De La Cruz
23 Assistant Attorney General
1275 West Washington, Room 259
24 Phoenix, AZ 85007
Attorney for the Department

25
26 ...

1 Charles R. Cohen, Deputy Director
John Gagne, Assistant Director
2 Cheryl Cluen, Investigator
Maureen Catalioto, Supervisor
3 Department of Insurance
2910 North 44th Street, Suite 210
4 Phoenix, Az 85018

5 Mr. Bryan Justus
4010 S. Hanna
6 Tempe, AZ 85282

7 Mr. Bryan Justus
6330-1 E. Thomas Rd.
8 Suite 120
Scottsdale, AZ 85251

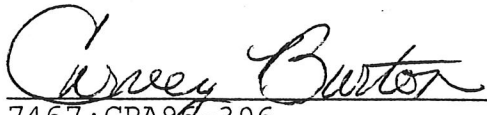
9
10 Mr. Bryan Justus
6464 E. Northridge
Mesa, AZ 85215

11
12 Mr. Bryan Justus
3660 W. Mercer Way
Mercer Island, WA 98040

13
14 A courtesy copy of this Notice of Hearing has been
mailed/delivered to the persons listed below. If you are listed
15 below, you will receive no further notices or documents concerning
this matter other than the Director's final order. Information
16 about the status of this matter, including whether the hearings
date has been changed, may be obtained by contacting the
Department of Insurance at (602) 912-8454 or the Assistant
17 Attorney General identified above, at (602) 542-7719.

18 Ms. Barbara J. Gardner, Vice President
MetLife Customer Service Center
19 Metropolitan Life Insurance Company
P.O. Box 500
20 Tulsa, OK 74102-0500

21 Mr. David Livingston, Vice-President
Weyerhaeuser Insurance Services
22 14140 Ventura Blvd., Suite 200
Sherman Oaks, CA 91423

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24
25 
26 7467:CPA96-306