

AUG 21 1992

DEPARTMENT OF INSURANCE
By CC

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2 CPA92-186/eig

3 STATE OF ARIZONA
4 DEPARTMENT OF INSURANCE

5 In the Matter of:)
6 BRYAN HOUGHTON TURNER; and) No. 7792
7 ALLSTAR INSURANCE AGENCY, INC.,) CONSENT ORDER
8 Respondents.)
_____)

9 A Notice of Hearing was issued by the Arizona Department
10 of Insurance (the "Department") on July 23, 1992, wherein the
11 Department made certain allegations of misconduct by Bryan
12 Houghton Turner and Allstar Insurance Agency, Inc.
13 ("Respondents").

14 Respondents have been informed of their rights to a
15 hearing to contest those charges, to present evidence, and to be
16 represented by an attorney, and have waived those rights.
17 Respondents have admitted the jurisdiction of the Department and
18 admitted the following Findings of Fact. Respondents have
19 consented to the entry of the following Conclusions of Law and
20 Order. Therefore, the Department makes the following Findings of
21 Fact and Conclusions of Law and enters the following Order.

22 FINDINGS OF FACT

23 1. Bryan Houghton Turner ("Turner") is presently, and
24 was at all material times, licensed as a property and casualty
25 insurance agent and broker in the state of Arizona (License No.
26 002041). Turner's licenses expire April 30, 1994.

1 2. Allstar Insurance Agency, Inc. ("Allstar") is
2 presently, and was at all material times, licensed as a property
3 and casualty agent in the state of Arizona (License No. 006392).
4 Allstar's license expires December 31, 1992.

5 3. Turner is presently, and was at all material times,
6 the president of Allstar.

7 4. On or about April 15, 1992, Department of Insurance
8 Investigator John Berentz discovered advertisements indicating
9 that Allstar sold life insurance. The US West Direct Yellow
10 Pages contains an advertisement with "Life" listed as one of the
11 types of insurance sold. When Investigator Berentz called the
12 Allstar office, he received an advertising message while on hold
13 which indicated that Allstar had the ability to sell life and
14 health insurance.

15 5. On or about May 5, 1992, in a statement to
16 Investigator Berentz, Turner admitted that he knowingly offered
17 and advertised to sell among other things life and health
18 insurance for which he is not licensed. He indicated that he had
19 caused the above-referenced advertisements to be placed in the US
20 West Direct Yellow Pages and on the tape which played when calls
21 were placed on hold at the Allstar office.

22 6. As of July 23, 1992, Respondents had never applied
23 with the Department for a life and disability insurance license.

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CONCLUSIONS OF LAW

1. The Department of Insurance has jurisdiction over this matter.

2. The conduct of Respondents described herein constitutes a violation of A.R.S. § 20-444 which prohibits any person from making, publishing, disseminating, circulating or placing before the public, or causing, directly or indirectly, to be made, published, disseminated, circulated or placed before the public, in any way, any advertisement, announcement, sales material or statement containing any assertion, representation or statement with respect to the business of insurance, which is untrue, deceptive or misleading.

3. The conduct of Respondents described herein constitutes the wilful violation of, or wilful noncompliance with, any provision of A.R.S., Title 20, within the meaning of A.R.S. § 20-316(A)(2).

4. Grounds exist for the Director to suspend, revoke or refuse to renew Respondents' insurance licenses, and/or order civil penalties pursuant to A.R.S. §§ 20-316 and 20-444.

O R D E R

NOW, THEREFORE, IT IS ORDERED:


1. Pursuant to A.R.S. § 20-456(A), Respondents are immediately ordered to cease and desist from all activities in violation of A.R.S. § 20-444.

. . .

. . .

1 2. Respondents shall pay a civil penalty pursuant to
2 A.R.S. §§ 20-456(B) and 20-316(C) in the amount of \$500.00 to the
3 Department upon the entry of this Order.

4 DATED this 19th day of August, 1992.

5
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7 _____
8 SUSAN GALLINGER, Director
9 Arizona Department of Insurance

10 CONSENT TO ORDER

11 1. The undersigned acknowledge that they have read the
12 foregoing Findings of Fact, Conclusions of Law and Order and are
13 aware of their right to an administrative hearing in this matter
14 and have waived same.

15 2. The undersigned admit the jurisdiction of the
16 Department and admit the foregoing Findings of Fact and consent
17 to the entry of the foregoing Conclusions of Law and Order.

18 3. The undersigned state that no promise was made to
19 them to induce them to enter into this Consent Order and declare
20 that they have entered into this Consent Order voluntarily.

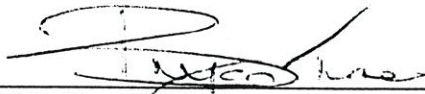
21 4. The undersigned acknowledge that acceptance of this
22 Consent Order is for the purpose of settling this litigation as
23 against them and does not preclude the Department of Insurance,
24 or any other agency or officer of this State, or subdivision
25 thereof, from instituting other civil or criminal proceedings as
26 may be appropriate now or in the future.

. . .

1 5. The undersigned waive all rights to challenge such
2 Findings of Fact, Conclusions of Law and Order on appeal or
3 otherwise, and agree to be bound by the foregoing Order.

4 6. Bryan H. Turner represents that he is the president
5 of Allstar Insurance Agency, Inc. and that, as such, has been
6 authorized by said corporate respondent to enter into this
7 Consent Order for and on its behalf.

8
9 8/19/92
Date


BRYAN H. TURNER

11
12 ALLSTAR INSURANCE AGENCY, INC.

13 8/19/92
Date

By 
Bryan H. Turner, President

14
15 RESPONDENTS

16
17 COPY of the foregoing
18 mailed this 21st day
19 of August, 1992, to:

20 Kathryn Leonard
21 Assistant Attorney General
22 1275 West Washington, Room 259
23 Phoenix, Arizona 85007

24 Joseph M. Hennelly, Jr., Deputy Director
25 Jay Rubin, Assistant Director
26 Maureen Catalioto, Supervisor, Licensing
Vincent Marotta, Supervising Investigator
Department of Insurance
3030 North Third Street, Suite 1100
Phoenix, Arizona 85012

Bryan H. Turner
8644 East Valley View
Scottsdale, Arizona 85253

- 1 Allstar Insurance Agency, Inc.
1212 West Camelback Road, #200
2 Phoenix, Arizona 85013
- 3 Century National Insurance Company
P.O. Box 3999
4 North Hollywood, California 91609
- 5 Merit Insurance Company
8777 East Villa De Ventura
6 Scottsdale, Arizona 85258
- 7 American Summitt Insurance Company
8220 Commonwealth Drive, Suite 105E
8 Eden Prairie, Minnesota 55344
- 9 Statewide Insurance Company
P.O. Box 799
10 Waukegan, Illinois 60079
- 11 Southwest Fire & Casualty Insurance Company
610 Avenue H
12 Matamoras, Pennsylvania 18336
- 13 Safeway Insurance Company
500 South Racine Avenue
14 Chicago, Illinois 60607
- 15 Darryl L. Jacobson-Barnes, CLU
All-Star Insurance Agency
16 2426 East Wesleyan Drive
Tempe, Arizona 85282

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