

JUL 27 1994

STATE OF ARIZONA

DEPARTMENT OF INSURANCE

DEPARTMENT OF INSURANCE
By

In the matter of:)	Docket No. 8481
)	
MICKEY NELSON CLAYTON,)	CONSENT ORDER
)	
Respondent.)	
_____)	

The Arizona Department of Insurance (Department) has conducted an investigation into the activities of Respondent Mickey Nelson Clayton (Clayton) with respect to a complaint received on or about June 9, 1994 from Christine Brush (Brush).

In order to resolve this matter without the commencement of formal proceedings, Respondent hereby admits that the following Findings of Fact are true and consents to the entry of the following Conclusions of Law and Order.

FINDINGS OF FACT

1. The Director is charged with the enforcement of Title 20, Arizona Revised Statutes, relating to insurance.

2. Respondent, at all material times, held a license to transact property and casualty business as both an agent and a broker, license number 15695. Respondent is also a licensed life and disability agent.

3. On or about April 20, 1994, Respondent received an application from Brush for a six month motor vehicle insurance policy through Five Star Insurance (Five Star), a premium finance agreement through Dwight Financial Services (Dwight) and an initial premium payment of \$194 from Brush. The policy was to be effective April 21, 1994 through October 21, 1994.

1 4. Neither the application nor the premium payment
2 were ever forwarded to Five Star nor was the premium finance
3 agreement ever sent to Dwight.

4 5. On or about May 17, 1994, Respondent received
5 notice from Five Star that the binder issued to Brush was void
6 and that Brush had no insurance coverage through Five Star.

7 6. On or about June 6, 1994, Brush's unoccupied
8 vehicle was damaged in a hit and run accident in a parking lot.

9 7. On or about June 9, 1994, Respondent issued a
10 motor vehicle identification card to Brush showing automobile
11 insurance coverage with Five Star effective April 21, 1994.

12 8. On or about June 21, 1994, Respondent paid \$194 to
13 Brush as restitution for premium payment collected but never
14 forwarded to Five Star.

15 9. Brush reports that the damage to her vehicle has
16 been repaired by the insurer of the driver who struck her
17 vehicle.

18 CONCLUSIONS OF LAW

19 1. The Director has jurisdiction over this matter.

20 2. Respondent's conduct constitutes a willful
21 violation of, or willful noncompliance with, any provision of
22 this title, or any lawful rule, regulation or order of the
23 Director, within the meaning of A.R.S. § 20-316(A)(2).

24 3. Respondent's conduct constitutes the conduct of
25 affairs under the license showing the Respondent to be
26 incompetent or a source of injury and loss to, or repeated
27 complaint by, the public or any insurer in violation of A.R.S.
28 § 20-316(A)(7).

1 Findings of Fact and Conclusions of Law and consents to the
2 entry of this Order.

3 3. Respondent is aware of his right to a hearing at
4 which Respondent may be represented by counsel, present evidence
5 and cross-examine witnesses. Respondent hereby irrevocably
6 waives his right to such public hearing and to any court appeals
7 relating thereto.

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

12 5. Respondent acknowledges that the acceptance of
13 this Order by the Director of Insurance, State of Arizona, is
14 solely for the purpose of settling this matter against him and
15 does not preclude any other agency or officer of this state or
16 subdivision thereof from instituting civil or criminal
17 proceedings as may be appropriate now or in the future.

18
19 7-27-94
20 (Date)

By 
MICKEY NELSON CLAYTON

21 COPIES of the foregoing mailed/delivered
22 this 27th day of July, 1994, to:

23 Mickey Nelson Clayton
4545 North 27th Avenue
Phoenix, Arizona 85017

24 Carnegie General Insurance Agency
25 Post Office Box 3305
Thousand Oaks, California 91359

26 Dwight Financial, Inc.
27 3335 North 16th Street, Suite 2000
Post Office Box 7397
28 Phoenix, Arizona 85011-7397

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Five Star Insurance
4545 North 27th Avenue
Phoenix, Arizona 85017

Christine S. Brush
7315-1 North Black Canyon Highway
Phoenix, Arizona 85021

Chris Herstam, Director
Gay Ann Williams, Deputy Director
Charles Cohen, Executive Assistant Director
Catherine O'Neil, Special Assistant
Deloris Williamson, Assistant Director
Jay Rubin, Manager, Investigations Unit
John Gagne, Investigator
Department of Insurance
2910 North 44th Street, Suite 210
Phoenix, Arizona 85018


Chris Crawford