

MAR 21 1995

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STATE OF ARIZONA

DEPARTMENT OF INSURANCE

DEPARTMENT OF INSURANCE  
By *UC*

ARIZONA DEPT. OF INS.  
LICENSING SECTION

In the Matter of	)	Docket No. 95-061
	)	
HAROLD THOMAS BENTON,	)	CONSENT ORDER
	)	
Respondent.	)	
_____	)	

The Arizona Department of Insurance ("Department") has received evidence that Harold Thomas Benton ("Respondent") pled guilty to a violation of 18 U.S.C. §641 in the State of Arizona. Respondent wishes to resolve this matter without the commencement of formal proceedings, and hereby admits the following Findings of Fact are true and consents to the following Conclusions of Law and the 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 an Arizona license to transact life and health insurance business as an agent, license number 826327. Respondent's license to transact property and casualty business expired effective May 31, 1994.
3. On or about July 15, 1994 a felony information/complaint was filed in the United States District Court, District of Arizona, docket number CR 94-252, charging Respondent with theft of public money.
4. The complaint alleges that Respondent, on or about March 22, 1993, did knowingly embezzle, steal, purloin and convert to his own use, money and property of the United States

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1 and the United States Department of Veterans Affairs ("VA"), a  
2 department and agency of the United States, more specifically he  
3 had Insurance Broker James Jones pay for his auto insurance with  
4 a counter check dated March 22, 1993, made payable to Victoria  
5 Fire and Casualty Company, in the amount of \$200.00. Respondent  
6 knew that his auto insurance was being paid for from monies James  
7 Jones had fraudulently obtained from VA. All in violation of  
8 Title 18, United States Code, Sections 641 and 2.

9 5. On or about August 1, 1994, Respondent signed a  
10 plea agreement in which Respondent agreed to plead guilty to a  
11 violation of Title 18, United States Code, Section 641, a felony  
12 offense.

13 6. Title 18, United States Code, Section 641 makes it  
14 a felony for a person to embezzle, steal, purloin, or knowingly  
15 convert to his own use, to the use of another, or to without  
16 authority sell, convey or dispose of any record, voucher, money  
17 or thing of value of the United States or of any department or  
18 agency thereof.

19 7. On or about October 17, 1994, the United States  
20 District Court, District of Arizona, convicted Respondent of the  
21 offense of Theft of Public Money, Aiding and Abetting, in  
22 violation of Title 18, United States Code, Sections 641 and 2, a  
23 Class C felony.

24 8. On or about October 17, 1994, District Court Judge  
25 Rosenblatt placed Respondent on probation for thirty-six months,  
26 ordered Respondent to make restitution to the Department of  
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1 VA in the amount of \$5,400, and imposed other fines and special  
2 assessments.

3 CONCLUSIONS OF LAW

- 4 1. The Director has jurisdiction over this matter.  
5 2. Respondent has been convicted by final judgment of  
6 a felony involving moral turpitude within the meaning of A.R.S.  
7 §20-316(A)(6).  
8 3. Grounds exist for the Director to suspend, revoke,  
9 or refuse to renew Respondent's insurance licenses or to order  
10 Respondent to pay civil penalties, or both, pursuant to A.R.S.  
11 §20-316(A) and (C).

12 ORDER

13 IT IS HEREBY ORDERED that:

- 14 1. The insurance license of Harold Thomas Benton is  
15 revoked upon entry of this order.

16 EFFECTIVE this 21st day of March, 1995.

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19 CHRIS HERSTAM  
20 Director of Insurance  
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Copies of the foregoing mailed/delivered  
this 21st day of March, 1995, to:

Harold Thomas Benton  
10215 West Montecito Avenue  
Phoenix, Arizona 85039

Chris Herstam, Director  
Gay Ann Williams, Deputy Director  
Charles Cohen, Executive Assistant Director  
Erin Klug, Executive Assistant  
Catherine O'Neil, Assistant Director  
John Gagne, Manager, Investigations  
Maureen Catalioto, Supervisor, Licensing  
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Chris Crawford