

MAR 15 2013

DEPT OF INSURANCE
BY 

STATE OF ARIZONA
DEPARTMENT OF INSURANCE

In The Matter Of:
**EXECUTIVE PROFESSIONAL
INSURANCE CONSULTANTS, PLLC**
(Arizona License # 974066);
and **MARTIN, DAVID GLENN**
(Arizona License # 971399)
(National Producer # 7670279)

No. 12A-121-INS
CONSENT ORDER

Respondents.

The State of Arizona Department of Insurance ("Department") has alleged that **Executive Professional Insurance Consultants, PLLC and David Glenn Martin** ("Respondents") violated provisions of Title 20, Arizona Revised Statutes. Respondents wish to resolve this matter without the commencement of formal proceedings, admit the following Findings of Fact are true, and consent to entry of the following Conclusions of Law and Order.

FINDINGS OF FACT

1. Executive Professional Insurance Consultants PLLC ("Executive Professional") is, and was at all material times, licensed as an Arizona resident accident/health, life, casualty, and property insurance producer, Arizona license number 974066, which expires September 30, 2014.

2. Executive Professional's addresses of record are: 6610 North 93rd Ave. #1052, Glendale, Arizona 85305 (business) and P.O. Box 5668, Peoria, Arizona 85385 (mailing).

3. David Glenn Martin ("Martin") is, and was at all material times, licensed as an Arizona resident accident/health, casualty, and property insurance producer, Arizona license number 971399, which expires June 30, 2014.

1 Wickersham also sent a Health Net Application and Change Request for Group Benefits
2 ('Houska application").

3 13. Because neither Executive Professional nor Martin were contracted with
4 Health Net, Rose-Martin contacted Black Gould & Assoc, Inc. ("Black Gould") to file the
5 Houska application with Health Net.

6 14. Black Gould is, and was at all material times, licensed as an Arizona
7 resident accident/health, life, variable life/variable annuities insurance producer. Black
8 Gould is a contracted producer with Health Net.

9 15. On January 3, 2012, at 2:54 p.m., at Rose-Martin's direction, Mrs. Houska
10 faxed to Executive Professional a blank business check, check # 10362, which was not
11 filled in or signed ("blank check"). According to Mrs. Houska, Rose-Martin had requested
12 the faxed check for purposes of verifying the business and instructed her not to write
13 "VOID" on the blank check.

14 16. On January 3, 2012, at 4:19 p.m., Executive Professional forwarded a copy
15 of check number 10362 to Black Gould; however, this version of the check ("forwarded
16 check") had been filled out with the following information: a date of "December 29, 2012,"
17 the payee name of "Health Net," an amount of "\$700.00" ("Seven Hundred and 00/100"),
18 "AZ6573," and a signature purporting to be Mr. Houska's signature.

19 17. Black Gould sent the forwarded check and enrollment materials to Health
20 Net.

21 18. Both Mr. and Mrs. Houska deny completing or signing the forwarded check.

22 19. During an examination under oath at the Department, Rose-Martin admitted
23 to filling out every part of the forwarded check except for the signature line.

24 20. On January 7, 2012, Mr. Houska used the actual business check, check
25 number 10362, to pay a vendor.

26

1 **CONSENT TO ORDER**

2 1. Respondents have reviewed the foregoing Findings of Fact, Conclusions of
3 Law and Order.

4 2. Respondents admit the jurisdiction of the Director of Insurance, State of
5 Arizona, and admit the foregoing Findings of Fact and consent to the entry of the
6 foregoing Conclusions of Law and Order.

7 3. Respondents are aware of their right to notice and a hearing at which they
8 may be represented by counsel, present evidence and examine witnesses. Respondents
9 irrevocably waive their right to such notice and hearing and to any court appeals relating
10 to this Consent Order.

11 4. Respondents state that no promise of any kind or nature whatsoever,
12 except as expressly contained in this Consent Order, was made to them to induce them
13 to enter into this Consent Order and that they have entered into this Consent Order
14 voluntarily.

15 5. Respondents acknowledge that the acceptance of this Consent Order by
16 the Director is solely to settle this matter against them and does not preclude any other
17 agency, officer, or subdivision of this state including the Department from instituting civil
18 or criminal proceedings as may be appropriate now or in the future.

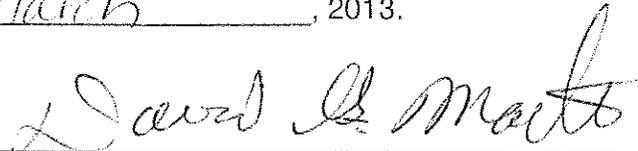
19 6. Respondents acknowledge that this Consent Order is an administrative
20 action that the Department will report to the National Association of Insurance
21 Commissioners (NAIC).

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1 7. David Glenn Martin represents that he is the Designated Responsible
2 Licensed Producer for Executive Professional Insurance Consultants, PLLC, and, as
3 such, is authorized to enter this Consent Order on its behalf.

4 DATED this 17th day of March, 2013.

5
6 By



7 David Glenn Martin, Designated Responsible
8 Licensed Producer for Executive Professional
9 Insurance Consultants, PLLC

9 COPIES of the foregoing mailed/delivered
10 this 15th day of March, 2013, to:

11 Charles R. Cohen
12 Low & Cohen, PLLC
13 2999 North 44th Street, Suite 550
14 Phoenix, Arizona 85018
15 Attorney for Respondents

16 Mary Kosinski, Executive Assistant for Regulatory Affairs
17 Catherine M. O'Neil, Consumer Legal Affairs Officer
18 Steve Fromholtz, Licensing Supervisor
19 Department of Insurance
20 2910 North 44th Street, Suite 210
21 Phoenix, Arizona 85018

22 Alyse C. Meislik
23 Assistant Attorney General
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