

DEC 27 2012

State of Arizona

DEPARTMENT OF INSURANCE

DEPT OF INSURANCE
BY ML

In the Matter of:

SMITH, GREGORY KENT,
(Arizona License # 167800)
(NPN # 328764)

Respondent.

No. 12A-176 -INS

CONSENT ORDER

The State of Arizona Department of Insurance ("Department") has received evidence that **Gregory Kent Smith** has violated provisions of Title 20, Arizona Revised Statutes. Respondent wishes to resolve this matter without the commencement of formal proceedings, and admits the following Findings of Fact are true and consents to entry of the following Conclusions of Law and Order.

FINDINGS OF FACT

1. Gregory Kent Smith ("Respondent") is licensed with the Department as a resident accident/health and life insurance producer, Arizona license number 167800, which expires on September 30, 2013. Respondent held a variable life/variable annuities line of authority which expired on September 30, 2009.

2. Respondent's addresses of record are: c/o Greg Smith and Associates, 7530 N. La Cholla Blvd., Tucson, Arizona 85741 (business and mailing); and 3111 W. Lynne Pl., Tucson, Arizona 85742 (residence).

3. On or about October 11, 2012, an Insurance Examiner from the New York Department of Financial Services notified the Department by letter that the Financial Industry Regulation Authority ("FINRA") had taken an action against Respondent.

1 FINRA Case No. 2009017601501.

2 4. On or about August 24, 2011, Respondent submitted a Letter of Acceptance,
3 Waiver and Consent in FINRA Case No. 2009017601501 in which Respondent consented to,
4 without admitting or denying the findings, the allegations of a violation of FINRA rules 2010,
5 8210. As a result, Respondent is permanently barred from association with any FINRA
6 member in any capacity.

7 5. Respondent failed to notify the Department of the FINRA action within 30 days.

8 **CONCLUSIONS OF LAW**

9 1. The Director has jurisdiction over this matter.

10 2. Respondent's conduct, as alleged above, constitutes failure to report to the
11 Director within thirty days after the final disposition of the matter, any administrative action
12 taken against the producer in another jurisdiction or by another governmental agency in this
13 state, within the meaning of A.R.S. § 20-301(A).

14 3. Respondent's conduct, as alleged above, constitutes violating any provision of
15 Title 20, within the meaning of A.R.S. § 20-295(A)(2).

16 4. Grounds exist for the Director to suspend, revoke, or refuse to renew
17 Respondent's insurance license pursuant to A.R.S. § 20-295(A).

18 5. Grounds exist for the Director to, in addition to or instead of any suspension,
19 revocation or refusal to renew a license, impose a civil penalty of not more than two hundred
20 fifty dollars for each unintentional failure or violation, up to an aggregate civil penalty of two
21 thousand five hundred dollars or impose a civil penalty of not more than two thousand five
22 hundred dollars for each intentional violation up to and aggregate civil penalty of fifteen
23 thousand dollars pursuant to A.R.S. § 20-295(F).

1 officer, or subdivision of this state from instituting proceedings as may be appropriate now or
2 in the future.

3 .6. Respondent acknowledges that this Consent Order is an administrative action
4 that the Department will report to the National Association of Insurance Commissioners
5 (NAIC). Respondent further acknowledges that he must report this administrative action to
6 any and all states in which he holds an insurance license and must disclose this administrative
7 action on any license application.

8
9 12/18/12
Date

8
9 Gregory Kent Smith
Gregory Kent Smith, License # 167800

10
11 COPIES of the foregoing mailed/delivered
12 this 27th day of December, 2012, to:

13 Gregory Kent Smith
14 c/o Greg Smith and Associates
15 7530 N. La Cholla Blvd.
16 Tucson, Arizona 85741
17 Respondent

18 Mary E. Kosinski, Exec. Assistant for Reg. Affairs
19 Mary Butterfield, Assistant Director
20 Catherine M. O'Neil, Consumer Legal Affairs Officer
21 Steven Fromholtz, Licensing Supervisor
22 Department of Insurance
23 2910 North 44th Street, Suite 210
Phoenix, Arizona 85018

20 Maidence Schuman
21 Curvey Walters Burton *for*