

FEB 15 2013

DEPT OF INSURANCE  
BY 

STATE OF ARIZONA  
DEPARTMENT OF INSURANCE

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In the Matter of:

**WHITLOCK, BRYAN SHANE,**  
(Arizona License Number 199952)  
(National Producer Number 7593851)

**Respondents.**

No. 13A-026-INS

**CONSENT ORDER**

The State of Arizona Department of Insurance ("Department") has received evidence that **Bryan Shane Whitlock ("Respondent")** violated provisions of Title 20, Arizona Revised Statutes. Respondents wish to resolve this matter without the commencement of formal proceedings, and admit the following Findings of Fact are true and consent to entry of the following Conclusions of Law and Order.

**FINDINGS OF FACT**

1. Bryan Shane Whitlock ("Whitlock") is, and was at all material times, licensed as an Arizona resident accident/health, life, casualty, and property insurance producer, Arizona license number 199952, which expires March 31, 2013.

2. Whitlock's addresses of record are: 4135 S. Power Rd., Ste 133, Mesa, Arizona 85212 (business); c/o Oracle Insurance Group, Inc., P O Box 3320, Gilbert, Arizona 85299 (mailing); and 303 E. Gurley Rd., #202, Prescott, Arizona 86301 (residence).

3. Respondent was at all material times contracted with The Hartford Insurance Company ("Hartford") to transact insurance on its behalf in Arizona.

1 4. Between August 20, 2011 and August 28, 2012, Respondents issued at least  
2 16 unauthorized Hartford bonds to PMB Construction, LLC. ("PMB") and Cooper Bates,  
3 LLC. ("Cooper Bates").

4 5. Respondents collected \$39,800.00 in premium from PMB for the  
5 unauthorized bonds and failed to remit the premium to Hartford.  
6

7 6. After Hartford filed a Complaint with the Department and the Department  
8 initiated an investigation, Respondents returned the \$39,800 in premium to Hartford.  
9

10 7. One of the unauthorized bonds issued by the Respondents to Cooper Bates  
11 resulted in a claim being filed against Hartford in the amount of \$117,541.28. Hartford has  
12 honored this claim.

**CONCLUSIONS OF LAW**

13 1. The Director has jurisdiction over this matter.

14 2. Respondents' conduct, as described above, constitutes improperly  
15 withholding, misappropriating or converting any monies received in the course of doing  
16 insurance business, within the meaning of A.R.S. § 20-295(A)(4).  
17

18 3. Respondents' conduct, as described above constitutes using, dishonest  
19 practices, untrustworthiness or financial irresponsibility in the conduct of business in this  
20 state, within the meaning of A.R.S. § 20-295(A)(8)

21 5. Grounds exist for the Director to deny, suspend for not more than twelve  
22 months, revoke, or refuse to renew an insurance producer's license, impose a civil  
23 penalty and/or order restitution pursuant to A.R.S. §§20-295(A) and (F).

24 6. Grounds exist for the Director to deny, suspend for not more twelve months,  
25 revoke or refuse to renew the license of a business entity for any of the causes prescribed  
26

1 in A.R.S. § 20-295(A) if the cause relates to the designated producer or any member,  
2 officer, director or manager of the business entity pursuant to A.R.S. § 20-295(B).

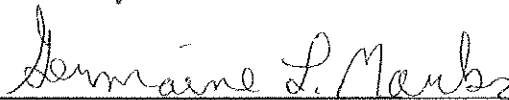
3 **ORDER**

4 IT IS HEREBY ORDERED THAT:

5 1. Respondents' resident license (Arizona license # 199952) are suspended for  
6 a period of 30 calendar days effective February 12, 2013 through March 13, 2013.

7 2. Respondent shall immediately pay a civil penalty of \$5,000.00 for deposit into  
8 the State General Fund.

9 DATED this 15<sup>th</sup> day of February, 2013.

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12 \_\_\_\_\_  
13 GERMAINE L. MARKS, Director  
14 Arizona Department of Insurance

15 **CONSENT TO ORDER**

16 1. Respondent has reviewed the foregoing Findings of Fact, Conclusions of Law  
17 and Order.

18 2. Respondent admits the jurisdiction of the Director of Insurance, State of  
19 Arizona, and admits the foregoing Findings of Fact and consent to the entry of the  
20 foregoing Conclusions of Law and Order.

21 3. Respondent is aware of his right to notice and hearing at which he may be  
22 represented by counsel, present evidence and examine witnesses. Respondent  
23 irrevocably waives his right to such notice and hearing and to any court appeals relating to  
24 this Consent Order.

1           4.       Respondent states that no promise of any kind or nature whatsoever, except  
2 as expressly contained in this Consent Order, was made to him to induce them to enter into  
3 this Consent Order and that they have entered into this Consent Order voluntarily.

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

8           6.       Respondent acknowledges that this Consent Order is an administrative action  
9 that the Department will report to the National Association of Insurance Commissioners  
10 (NAIC). Respondents further acknowledge that they must report this administrative action  
11 to any and all states in which they hold an insurance license and must disclose this  
12 administrative action on any license application.  
13

14  
15       2-12-2013  
16       Date

  
Bryan Shane Whitlock, Arizona License # 199952

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19  
20       COPIES of the foregoing mailed/delivered  
this 15th day of February, 2013, to:

21       Bryan Shane Whitlock  
22       4135 S. Power Rd. Ste 133  
23       Mesa, AZ 85212  
24       Respondent

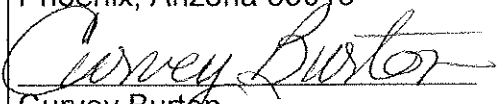
25       Bryan Shane Whitlock  
26       303 E. Gurley Rd. #202  
Prescott, AZ 86301  
Respondent

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Bryan Shane Whitlock  
Oracle Insurance Group Inc.  
P O Box 3320  
Gilbert, AZ 85299  
Respondents

Paul McCartney  
Senior Investigator  
C/O The Hartford  
One Hartford Plaza  
Mail Stop T-15-57  
Hartford, Connecticut 06115

Mary E. Kosinski, Executive Assistant for Regulatory Affairs  
Mary Butterfield, Assistant Director, Consumer Affairs Division  
Catherine M. O'Neil, Consumer Legal Affairs Officer  
Steven Fromholtz, Licensing Supervisor  
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Curvey Burton