

APR 17 2014

STATE OF ARIZONA

DEPARTMENT OF INSURANCE

DEPT OF INSURANCE  
BY 

In the Matter of:

**DAVIES, GAYLE ELLEN**  
(Arizona License Number 1061824)  
(National Producer Number 17101156)

No. 14A-051-INS

**CONSENT ORDER**

**Respondent.**

The State of Arizona Department of Insurance ("Department") has received evidence that **Gayle Ellen Davies** has violated provisions of Title 20, Arizona Revised Statutes ("A.R.S."). 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. Gayle Ellen Davies ("Respondent") is, and was at all material times licensed as a resident accident/health and life insurance producer, Arizona license number 1061824, which expires on September 30, 2017.

2. Respondent's mailing, business and residence addresses of record with the Department are: 3067 W. Ina Rd., Suite 105, Tucson, Arizona 85741 (business and mailing); and 7637 E. Via Los Arbustos, Tucson, Arizona 85750 (residence).

3. On or about October 2, 2013, Respondent submitted a Resident License Application to the Department ("Application"). The Background Questions of the Application asks: 1. Have you ever been convicted of a crime, had a judgment withheld or deferred, or are you currently charged with committing a crime? Respondent answered "No" to this question.

4. The Attestation section of the Application states: 1. I hereby certify that, under penalty of perjury, all of the information submitted in this application and attachments is true and complete. I am aware that submitted false information or omitting pertinent or material information in connection with this application is grounds for license revocation or denial of the

1 license and may subject me to civil or criminal penalties. Respondent answered "Yes" to this  
2 section.

3 **Criminal Convictions**

4 5. Respondent's record shows the following criminal convictions:

- 5 a. January 15, 2010 – CR2009-3288001; Pima County Superior Court;  
6 Endangerment (Felony); DUI – Liquor/Drugs/Vapors/Combo  
(Misdemeanor).

7 **CONCLUSIONS OF LAW**

8 1. The Director has jurisdiction over this matter.

9 2. Respondent's conduct, as described above, constitutes obtaining a license  
through misrepresentation or fraud, within the meaning of A.R.S. § 20-295(A)(3).

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

12 4. Grounds exist for the Director to, in addition to or instead of any suspension,  
13 revocation or refusal to renew, impose a civil penalty of not more than two hundred fifty dollars  
14 (\$250.00) for each unintentional failure or violation, up to an aggregate civil penalty of two  
15 thousand five hundred dollars (\$2,500.00) or impose a civil penalty of not more than two  
16 thousand five hundred dollars (\$2,500.00) for each intentional failure or violation, up to an  
aggregate civil penalty of fifteen thousand dollars (\$15,000.00), pursuant to A.R.S. § 20-  
295(F).

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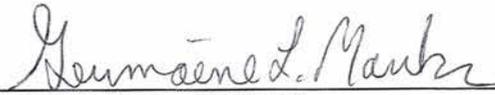
23 ...

1 **ORDER**

2 IT IS HEREBY ORDERED THAT:

3 1. Respondent shall immediately pay a civil penalty in the amount of \$250.00 for  
4 deposit into the State General Fund.

5 DATED AND EFFECTIVE this 16<sup>th</sup> day of April, 2014.

6   
7 GERMAINE L. MARKS  
8 Director of Insurance

9 **CONSENT TO ORDER**

10 1. Respondent has reviewed the foregoing Findings of Fact, Conclusions of Law  
11 and Order.

12 2. Respondent admits to the jurisdiction of the Director of Insurance, State of  
13 Arizona, and admits the foregoing Findings of Fact and consents to the entry of the foregoing  
14 Conclusions of Law and Order.

15 3. Respondent is aware of her right to notice and a hearing at which she may be  
16 represented by counsel, present evidence and examine witnesses. Respondent irrevocably  
17 waives her right to such notice and hearing and to any court appeals relating to this Consent  
18 Order.

19 4. Respondent states that no promise of any kind or nature whatsoever, except as  
20 expressly contained in this Consent Order, was made to her to induce her to enter into this  
21 Consent Order and that she has entered into this Consent Order voluntarily.

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

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

6     4.3.14

7     Date

  
8

9     Gayle Ellen Davies, Arizona License # 1061824

10    COPIES of the foregoing mailed/delivered  
11    this 17th day of April, 2014, to:

12    Gayle Ellen Davies  
13    3067 W. Ina Rd., Suite 105  
14    Tucson, Arizona 85741  
15    Respondent

16    Gayle Ellen Davies  
17    7637 E. Via Los Arbustos  
18    Tucson, Arizona 85750  
19    Respondent

20    Mary E. Kosinski, Exec. Assistant for Regulatory Affairs  
21    Darren Ellingson, Deputy Director  
22    Catherine M. O'Neil, Consumer Legal Affairs Officer  
23    Steven Fromholtz, Licensing Supervisor  
24    Department of Insurance  
25    2910 North 44<sup>th</sup> Street, Suite 210  
26    Phoenix, Arizona 85018

27      
28    Curvey Walters