STATE OF ARIZONA
FILED

MAY 9 1996

DEPT. OF INSURANCE
BY CWB

**STATE OF ARIZONA**

**DEPARTMENT OF INSURANCE**

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| In the Matter of:<br><br>**BILL BURDETTE BRETTING, dba AZ-A-HELP INSURANCE AGENCY,**<br><br>Respondent. | Docket No. 96A-059<br><br>**CONSENT ORDER** |

A Notice of Hearing was issued by the Director ("Director") of the Arizona Department of Insurance (the "Department") on April 16, 1996, wherein the Department made certain allegations of violations of A.R.S. Title 20 committed by Respondent. Respondent received a copy of this Notice. Respondent has been advised of his right to a hearing in this matter, which he waives.

Respondent admits the following Findings of Fact are true and consents to the entry of the following Conclusions of Law and Order.

FINDINGS OF FACT

1. Bill Burdette Bretting, Respondent, is currently licensed as a property and casualty agent and broker and life and disability agent (License No. 537906). Those licenses are due to expire June 30, 1996 and June 30, 1997 respectively.

2. AZ-A-Help Insurance agency is an assumed business name duly filed with the Department and used by Mr. Bretting.

3. On or about June 29, 1995, Mr. Bretting submitted an individual renewal application to the Department to renew his property and casualty agent and broker license.

4. On or about June 28, 1995, a Default Judgment was signed by Maricopa County Superior Court Commissioner Joel Glynn in ***CHRIS HERSTAM, Director of Insurance of the State of Arizona as Arizona***

***Ancillary Receiver of NORTH AMERICAN INDEMNITY COMPANY, a Louisiana insurer v. BILL B. BRETTING, dba AZ-A-HELP INSURANCE,*** Cause No. CV94-19927.

5. The Complaint in No. CV94-19927, filed December 14, 1994, alleged that Mr. Bretting, pursuant to a contractual arrangement with North American Indemnity and by operation of Arizona law, was required to return commissions and premium he collected on behalf of North American Indemnity in the amount of $7,242.00 and had converted or misappropriated $4,867.00 of the funds of North American Indemnity. Mr. Bretting was properly served with the Complaint.

6. The renewal application asks two separate questions relating to whether any judgments have been entered or are pending against the applicant. Question F of the application asks, "ARE ANY criminal, civil, administrative or other judicial or quasi-judicial proceedings of any kind currently pending against you IN ANY jurisdiction?". Question C asks, "SINCE YOUR LAST APPLICATION OR RENEWAL THEREOF, has there been any judgment, order or other determination against you in any criminal, civil, administrative or other judicial or quasi-judicial proceeding of any kind in any jurisdiction based on any of the following: 1) misappropriation, conversion, or the withholding of monies. Mr. Bretting answered "No" to both questions on the application.

7. Mr. Bretting was required to reveal the existence of CV94-19927 as either a civil proceeding pending against him or as a judgment against him based upon misappropriation or conversion.

8. Mr. Bretting failed to reveal the existence of CV94-19927 on the renewal application.

## CONCLUSIONS OF LAW

1. The Department has jurisdiction in this matter.

2. Respondent's conduct alleged above constitutes the existence of any cause for which original issuance or any renewal of the license could have been refused within the meaning of A.R.S. § 20-316(A)(1).

3. Respondent's conduct alleged above constitutes a record of dishonesty in business or financial matters in violation of A.R.S. § 20-316(A)(1) together with A.R.S. § 20-290(B)(2).

4. Respondent's conduct alleged above constitutes the wilful violation of, or wilful noncompliance with, any provision of this title, or any lawful rule, regulation or order of the director in violation of A.R.S. § 20-316(A)(2).

5. Respondent's conduct alleged above constitutes the existence of misrepresentation or fraud in obtaining or attempting to obtain any insurance license in violation of A.R.S. § 20-316(A)(3).

6. Grounds exist for the Director to suspend, revoke or refuse to renew Respondent's insurance licenses, impose a civil penalty upon Respondent, and/or order restitution, pursuant to A.R.S. § 20-316(A) and §20-316(C).

## ORDER

NOW, THEREFORE, IT IS ORDERED:

1. Bretting's insurance licenses are suspended for a period of 30 days, June 1, 1996 through June 30, 1996, inclusive.

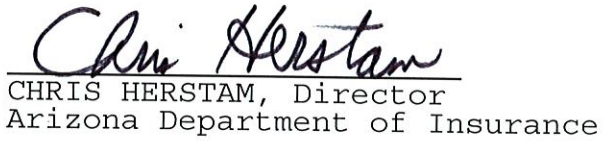
2. Bretting shall pay a civil penalty in the amount of $500.00 to the Director, $250.00 due June 1, 1996, and $250.00 due July 1, 1996, for remission to the State Treasurer for deposit in

the State General Fund.

3. Bretting shall make restitution to North American Indemnity Company in the amount of $4,942.64 in accordance with the agreement between Bretting and North American Indemnity Company evidenced by the April 25, 1996 letter from the Special Deputy Ancillary Receiver, a copy of which is attached hereto and incorporated herein.

4. The hearing set for June 18, 1996, at 9:00 a.m. is vacated by entry of this Order.

DATED at Phoenix, Arizona, this 8th day of May, 1996.



CHRIS HERSTAM, Director
Arizona Department of Insurance

CONSENT TO ORDER

1. Bill Burdette Bretting, dba AZ-A-Help Insurance Agency, has reviewed the attached Order.

2. Bill Burdette Bretting, dba AZ-A-Help Insurance Agency, is aware of his right to a hearing at which hearing he may be represented by counsel, present evidence and cross-examine witnesses. Bill Burdette Bretting, dba AZ-A-Help Insurance Agency, irrevocably waives his right both to demand a public hearing and to seek judicial review of this Consent Order.

3. Bill Burdette Bretting, dba AZ-A-Help Insurance Agency, admits the jurisdiction of the Director of Insurance, State of Arizona, admits the forgoing Findings of Fact, consent

to the entry of the foregoing Conclusions of Law and consents to the entry of this Order.

4. Bill Burdette Bretting, dba AZ-A-Help Insurance Agency, states that no promise of any kind or nature has been made to induce him to enter into this Order and that he has entered into this order voluntarily.

5. Bill Burdette Bretting, dba AZ-A-Help Insurance Agency, acknowledges that the acceptance of this Order by the Director of Insurance, State of Arizona, is solely to settle this matter against him and does not preclude any other agency or officer of this state or subdivision from instituting other civil or criminal proceedings as may be appropriate now or in the future.

Date May 8th, 1996

Bill Burdette Bretting
BILL BURDETTE BRETTING, DBA
AZ-A-HELP INSURANCE AGENCY

COPY of the foregoing mailed
this 9th day of May,
1996, to:

Kathryn L. Leonard
Assistant Attorney General
1275 West Washington, Room 259
Phoenix, Arizona 85018

Charles R. Cohen, Deputy Director
Gregory Y. Harris, Executive Assistant Director
John Gagne, Assistant Director
Arnold Sniegowski, Investigator
Maureen Catalioto, Supervisor
Department of Insurance
2910 North 44th Street, Suite 210
Phoenix, Arizona 85018

Bill Burdette Bretting
1887 E. Regasus Drive
Tempe, AZ 85283

Bill Burdette Bretting
AZ-A-Help Insurance Agency
2836 N. 36th Street
Phoenix, AZ 85008

Curvey Walters Burton

CPA96-096:3005

# NORTH AMERICAN INDEMNITY COMPANY

IN RECEIVERSHIP
P.O. Box 1030 • Scottsdale, AZ 85252
(602) 970-0694 • FAX (602) 947-7751


April 25, 1996

Mr. Bill Bretting
AZ-A-Help
2836 N. 36th Street
Phoenix, AZ 85008

Re: Agent No. 100173
Balance Due: $4,942.64

Dear Mr. Bretting:

I am enclosing, as a result of our telephone conversation today, a payment schedule reflecting the amount due of $4,942.64. This is comprised of nineteen (19) payments at $250.00 each, commencing June 1, 1996, and a final payment on January 1, 1998, in the amount of $192.64. This payment agreement will in no way release you of your responsibility to both communicate and comply with any regulatory requirements. Therefore, I urge you to communicate with Ms. Kathryn Leonard of the Attorney General's Office and Mr. John Gagne of the Arizona Department of Insurance.

Unless I hear from you to the contrary, this agreement sets forth the terms and conditions agreed upon between you and me.

Sincerely,

Dallas Dudley

Dallas F. Dudley
Special Deputy Arizona Ancillary Receiver
North American Indemnity Company,
in Receivership

DFD/cak

Enclosure

cc: Ms. Kathryn Leonard,
Assistant Attorney General
Attorney General Office

Mr. John Gagne
Arizona Department of Insurance

NORTH AMERICAN INDEMNITY
AZ-A-HELP INSURANCE
BILL BRETTING
PAYMENT SCHEDULE

| PAYMENTS | AMOUNT DUE | DATE DUE | DATE RECEIVED |
|---|---|---|---|
| | 4,942.64 | | |
| 250.00 | 4,692.64 | 06/01/96 | |
| 250.00 | 4,442.64 | 07/01/96 | |
| 250.00 | 4,192.64 | 08/01/96 | |
| 250.00 | 3,942.64 | 09/01/96 | |
| 250.00 | 3,692.64 | 10/01/96 | |
| 250.00 | 3,442.64 | 11/01/96 | |
| 250.00 | 3,192.64 | 12/01/96 | |
| 250.00 | 2,942.64 | 01/01/97 | |
| 250.00 | 2,692.64 | 02/01/97 | |
| 250.00 | 2,442.64 | 03/01/97 | |
| 250.00 | 2,192.64 | 04/01/97 | |
| 250.00 | 1,942.64 | 05/01/97 | |
| 250.00 | 1,692.64 | 06/01/97 | |
| 250.00 | 1,442.64 | 07/01/97 | |
| 250.00 | 1,192.64 | 08/01/97 | |
| 250.00 | 942.64 | 09/01/97 | |
| 250.00 | 692.64 | 10/01/97 | |
| 250.00 | 442.64 | 11/01/97 | |
| 250.00 | 192.64 | 12/01/97 | |
| 192.64 | 0.00 | 01/01/98 | |