STATE OF ARIZONA FILED

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JAN 1 8 2001 DEPT. OF THE HANCE

DEPARTMENT OF INSURANCE

ı	DEFARTM	ENT OF INSURANCE
	In the Matter of:)
	DONALD GEORGE HENDERSON,) No. 00A-219-INS
	Respondent.) CONSENT ORDER
	The State of Arizona Department of Ins	surance ("Department") has received evidence that Dona

The State of Arizona Department of Insurance ("Department") has received evidence that Donald George Henderson ("Respondent Henderson") 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. Respondent Donald George Henderson ("Respondent Henderson") is, and was at all material times, licensed to transact life and disability insurance as an agent, Arizona license number 44316, which license expires September 30, 2001.
- 2. On or about September 1, 1999, Respondent completed applications for life insurance for Gail and Robert Bunton. Robert Bunton was killed in an automobile accident on September 4, 1999.
- 3. Prior to his death, Robert Bunton gave Respondent the names and telephone numbers of some of his friends and neighbors, including the name of Christine Swan ("Swan") to be used by Respondent as prospective insurance leads.
- 4. On or about September 11, 1999, Respondent Henderson made a telephone sales call to Swan for the purpose of trying to sell her a life insurance policy. Respondent also expressed his condolences for the loss of Swan's neighbor. During the course of this sales call to Swan, Respondent

disclosed personal information about the Bunton's to Swan including: the fact that they had applied for life insurance policies and had paid the initial premiums; the amount of life insurance Robert Bunton had applied for; Respondent's position that Robert Bunton's policy had not gone into effect before his death because he had failed to have the required physical; and steps Gail Bunton had taken to satisfy the physical examination requirements for her life insurance policy.

5. Respondent represented to the Department that he disclosed this information to Swan because he had become close to Robert Bunton and this was his way of dealing with Bunton's death. Respondent understands that the disclosure was inappropriate.

CONCLUSIONS OF LAW

- 1. The Director has jurisdiction over this matter.
- 2. Respondent's conduct constitutes the willful violation of, or willful noncompliance with, any provision of this title, or any lawful rule or order of the director, within the meaning of A.R.S. §20-316(A)(2).
- 3. Respondent Henderson's conduct constitutes disclosure of personal or privileged information, within the meaning of A.R.S. §20-2113.
- 4. Grounds exist for the Director to suspend, revoke or refuse to renew Respondent's license, and order restitution, pursuant to A.R.S. §20-316 (A) and (C), impose a civil penalty upon Respondent pursuant to A.R.S. §\$20-316(C) and 20-2117, and order Respondent to cease and desist pursuant to A.R.S. §20-2116.

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1 2 3 **ORDER** 4 IT IS HEREBY ORDERED THAT: Respondent shall pay a civil penalty in the amount of seven hundred fifty dollars (\$750) 5 to the Director payable upon the entry of this Order for remission to the State Treasurer for deposit in the 6 7 State General Fund. Respondent shall cease and desist from disclosing personal or privileged information in 2. 8 9 violation of A.R.S. §20-2113. DATED AND EFFECTIVE this 10 11 12 CHARLES R. COHEN 13 Director of Insurance 14 CONSENT TO ORDER Respondent has reviewed the foregoing Findings of Fact, Conclusions of Law and Order. 15 1. Respondent admits the jurisdiction of the Director of Insurance, State of Arizona, and 2. 16 admits the foregoing Findings of Fact and consents to the entry of the foregoing Conclusions of Law and 17 18 Order. 3. Respondent is aware of his right to notice and a hearing at which he may be represented 19 by counsel, present evidence and examine witnesses. Respondent irrevocably waives his right to such 20 notice and hearing and to any court appeals relating to this Consent Order. 21 22 23

1	4. Respondent states that no promise of any kind or nature whatsoever, except as expressly
2	contained in this Consent Order, was made to him to induce him to enter into this Consent Order and
3	that he has entered into this Consent Order voluntarily.
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5	5. Respondent acknowledges that the acceptance of this Consent Order by the Director is
6	solely to settle this matter against him and does not preclude any other agency, officer, or subdivision of
7	this state from instituting civil or criminal proceedings as may be appropriate now or in the future.
8	
9	Date Date Donald George Hondone
10	Donald George Henderson License Number 44316
11	COPVER CITY OF THE PROPERTY OF
12	COPIES of the foregoing mailed/delivered this 18th day ofJanuary, 2001, to:
13	Donald George Henderson
14	P. O. Box 13 Vernon, AZ 85940
15	Allstate Life Insurance Company
16	3199 Sanders Road Northbrook, IL 60062
17	Sara M. Begley, Deputy Director
18	Gerrie L. Marks, Executive Assistant for Regulatory Affairs Mary Butterfield, Assistant Director
19	Catherine M. O'Neil, Consumer Legal Affairs Officer Maureen J. Catalioto, Supervisor
20	David Ulrich, Investigator Department of Insurance
21	2910 North 44 th Street, Suite 210 Phoenix, Arizona 85018
22	But
23	Curvey Walters Burton