

AUG 15 2011

DEPT OF INSURANCE  
BY                     

STATE OF ARIZONA  
DEPARTMENT OF INSURANCE

In the Matter of:

**FARNES, WESTON**

Petitioner.

**No. 11A-038-INS**

**CONSENT ORDER**

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

**FINDINGS OF FACT**

1. Farnes is not licensed with the Department as an adjuster, nor is he exempt from the licensing requirement for adjusters.
2. Farnes' address is c/o True-Built Construction, LLC, 6317 South Banning Street, Gilbert, Arizona 85298.
3. On February 22, 2010, Farnes faxed an "Authorization" to Liberty Mutual Insurance Company ("Liberty") regarding Claim # 016918023-01, which was signed by the insured and authorized Farnes to "contact my insurer for the sole purpose of negotiating with Liberty on my behalf to obtain full reimbursement under the terms of my policy for a property damage claim arising from a storm . . . that caused irreparable damage to the roof and air conditioning unit of the Insured's residence."
4. On or about April 28, 2011, the Department issued an Order To Cease And Desist ("Order") ordering Farnes to immediately cease and desist from unlawfully acting as or claiming to be an adjuster.
5. On or about May 20, 2011, Farnes timely appealed the Order.

1 **CONCLUSIONS OF LAW**

2 6. An adjuster is defined as any person who for compensation, fee or commission  
3 either adjusts, investigates or negotiates settlement of claims arising under insurance  
4 contracts on behalf of the insured or holds oneself out to perform those services, within the  
5 meaning of A.R.S. § 20-321(A).

6 7. Petitioner is not exempt from the licensing requirement, within the meaning of A.R.S.  
7 § 20-321(B).

8 8. Petitioner's conduct, although unintentional, constitutes acting as or claiming to be  
9 an adjuster without being licensed as an adjuster, in violation of A.R.S. § 20-321.01(A).

10 9. Grounds exist to issue a cease and desist order to Petitioner for acting as or  
11 claiming to be an adjuster without being licensed, within the meaning of A.R.S. § 20-292 as  
12 applied to adjusters under A.R.S. § 20-321.02.

13 **ORDER**

14 IT IS HEREBY ORDERED THAT

15 1. Petitioner shall immediately cease and desist from unlawfully acting as or claiming to  
16 be an adjuster.

17 2. The hearing in this matter scheduled for August 16, 2011, is vacated.

18 DATED AND EFFECTIVE this 12<sup>th</sup> day of August, 2011.

19 

20 CHRISTINA URIAS, Director  
21 Arizona Department of Insurance  
22

23 **CONSENT TO ORDER**

24 1. Petitioner has reviewed the foregoing Findings of Fact, Conclusions of Law and  
25 Order.  
26

1           2.     Petitioner admits to the jurisdiction of the Director of Insurance, State of  
2 Arizona, and admits the foregoing Findings of Fact and consents to the entry of the foregoing  
3 Conclusions of Law and Order.


4           3.     Petitioner is aware of his right to notice and a hearing at which he may be  
5 represented by counsel, present evidence and examine witnesses. Petitioner irrevocably  
6 waives his right to such notice and hearing and to any court appeals relating to this Consent  
7 Order.

8           4.     Petitioner states that no promise of any kind or nature whatsoever, except as  
9 expressly contained in this Consent Order, was made to it to induce him to enter into this  
10 Consent Order and that he has entered into this Consent Order voluntarily.

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

15          6.     Petitioner acknowledges that this Consent Order is an administrative action that  
16 the Department will report to the National Association of Insurance Commissioners (NAIC).  
17 Petitioner further acknowledges that he must report this administrative action to any and all  
18 states in which he holds an insurance license and must disclose this administrative action on  
19 any license application.

20           DATED this 11 day of AUG, 2011.

21  
22  
23           By   
              Weston Farnes

1 COPY of the foregoing mailed this  
2 15th day of August, 2011 to:

3 Lewis Kowal, Administrative Law Judge  
4 Office of Administrative Hearings  
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