



1 **Failure to Report**

2 1. On September 14, 2020, the Arizona Department of Economic Security placed  
3 Cowart on Arizona’s Adult Protective Services Registry<sup>1</sup> (“APS”), pursuant to A.R.S. § 46-  
4 459.

5 2. Through an administrative process, the Arizona Department of Economic  
6 Security (“AZDES”) found that Cowart improperly used a vulnerable adult’s resources for  
7 the profit or advantage of persons other than the vulnerable adult.

8 3. AZDES found that Cowart, while acting as the vulnerable adult’s agent under a  
9 power of attorney, made cash withdrawals and debit purchases without the vulnerable adult’s  
10 consent.

11 4. Cowart failed to notify the Director of this administrative action within thirty  
12 (30) days after final disposition of this matter.

13 5. On or about October 20, 2020, the Department conducted a virtual conference  
14 with Cowart. During this conference, Cowart confirmed that he failed to notify the  
15 Department of the administrative action that resulted in his placement on APS Registry.

16 **CONCLUSIONS OF LAW**

17 1. The Director has jurisdiction over this matter.

18 2. Respondent’s conduct, as described above, constitutes a violation of Title 20 or  
19 any rule, subpoena or order of the Director, within the meaning of A.R.S. § 20-295(A)(2).

20 3. Respondent’s conduct, as described above, constitutes failure to notify the  
21 Director within thirty days of any administrative actions taken against the producer in

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<sup>1</sup> <https://hsapps.azdhs.gov/ls/sod/SearchAPS.aspx?type=APS> (last visited October 29,2020)

1 another jurisdiction, a violation of A.R.S. § 20-301(A).

2 4. Grounds exist for the Director to suspend for not more than twelve months or  
3 revoke Respondent's insurance producer license, pursuant to A.R.S. § 20-295(A).

4 5. Grounds exist, in addition to or instead of any suspension or revocation, for the  
5 Director to impose a civil penalty of not more than \$250.00 for each unintentional failure or  
6 violation up to an aggregate civil penalty of \$2,500.00, or impose a civil penalty of not more  
7 than \$2,500.00 for each intentional failure or violation, up to an aggregate civil penalty of  
8 \$15,000.00, within the meaning of A.R.S. § 20-295(F).

9 **ORDER**

10 IT IS HEREBY ORDERED THAT:

11 **James Barrington Cowart Jr** shall immediately pay a civil penalty of two hundred  
12 fifty dollars (\$250.00) for deposit into the state general fund.

13 Effective this 23rd day of November, 2020.

14 

15 \_\_\_\_\_  
16 Evan G. Daniels, Director  
17 Arizona Department of Insurance and  
18 Financial Institutions

18 **CONSENT TO ORDER**

19 1. Respondent has reviewed the foregoing Findings of Fact, Conclusions of Law  
20 and Order.

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

4           3.     Respondent is aware of his right to notice and to a hearing, at which he may be  
5 represented by counsel, present evidence and examine witnesses.

6           4.     Respondent irrevocably waives his right to such notice and hearing and to any  
7 court appeals relating to this Consent Order.

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

11          6.     Respondent 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          7.     Respondent acknowledges that this Consent Order is an administrative action  
16 that the Department will report to the National Association of Insurance Commissioners  
17 (NAIC). Respondent further acknowledge that he must report this administrative action to  
18 any and all states in which he holds an insurance license and must disclose this  
19 administrative action on any license application.

20  
21     11-16-20  
Date

  
James Barrington Cowart Jr  
(NPN License No. 6737423)

1 **COPY** of the foregoing delivered by E-mail  
this 24th day of November, 2020, to:

2  
3 James Barrington Cowart Jr  
4 C/O Barrington Financial  
5 2562 East Villa Rita Drive  
6 Phoenix, AZ 85032  
7 jcowart16@gmail.com  
8 Respondent

9 **COPY** of the foregoing delivered/emailed same date, to:

10 Deian Ousounov, Regulatory Legal Affairs Officer  
11 Ana Starcevic, Paralegal Project Specialist  
12 Catherine M. O'Neil, Consumer Legal Affairs Office  
13 Steven Fromholtz, Division Manager, Licensing Division  
14 Aqueelah Currie, Licensing Supervisor  
15 Jeff Eavenson, Investigator  
16 Linda Lutz, Legal Assistant, Licensing Division

17 Arizona Department of Insurance  
18 100 North 15th Avenue, Suite 261  
19 Phoenix, Arizona 85007-2630

20 Francine Juarez  
21 Francine Juarez  
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