

BEFORE THE NEW MEXICO OFFICE OF SUPERINTENDENT OF
INSURANCE

IN THE MATTER OF:)

RYAN V. SCOTT, NPN 3219426,) Docket No: 2022-016

Respondent.)

)

ZOOM VIDEO HEARING

June 16, 2022

BEFORE THE HEARING OFFICER: R. ALFRED WALKER

1 APPEARANCES:

2 For the Office of Superintendent of Insurance:

3 Stephen P. Thies, Esquire
4 Office of Superintendent of Insurance
5 1120 Paseo de Peralta
6 Santa Fe, NM 87501-2747
7 (505) 470-7366
8 Stephen.Thies2@state.nm.us

9 For Ryan V. Scott:

10 Vincent J. Ward, Esquire
11 The Ward Law Firm
12 PO Box 7940
13 Albuquerque, NM 87194-7940
14 (505) 944-9454
15 Vincent@wardlawnm.com
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I N D E X

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1 MR. HEARING OFFICER: This is a matter before
2 the New Mexico Office of Superintendent of Insurance.
3 This is in the matter of Ryan V. Scott, docket number
4 2022-016.

5 May I have appearances for the Office of
6 Superintendent of Insurance?

7 MR. THIES: Good morning, Mr. Hearing Officer.
8 Stephen Thies appearing on behalf of the Office of
9 Superintendent of Insurance.

10 MR. HEARING OFFICER: Okay. And for the
11 respondent?

12 MR. WARD: Hi. Good morning, Mr. Hearing
13 Officer. Vince Ward on behalf of the respondent, Ryan
14 Scott. And Mr. Scott is on the Zoom.

15 MR. HEARING OFFICER: Thank you.

16 So this is the hearing that we scheduled on
17 the merits. As I understand it, we're going to begin the
18 hearing, take some evidence, and recess after a short
19 time because of other proceedings that may have an impact
20 or may be influenced by what we do here. So we're going
21 to try to wait until those proceedings have at least
22 proceeded long enough so that we know what's going on.

23 Does that sound like what we're doing this
24 morning, Mr. Ward?

25 MR. WARD: That's correct, Mr. Hearing

1 Officer. I believe -- so Mr. Thies and I had a meet and
2 confer to talk about this morning's procedure. I
3 understand a witness will be called. There will be some
4 evidence offered. Mr. Thies and I have agreed that I can
5 reserve my right to object or not. And that will be the
6 extent of the -- today's hearing.

7 MR. HEARING OFFICER: Okay. Excellent.

8 Oh, and thank you both very much for working
9 things out to make this run smoothly. I greatly
10 appreciate it.

11 So, Mr. Thies, I think I know the basic gist
12 of the matter, so I'm not going to ask for any opening
13 statements. You can go ahead and call your first
14 witness.

15 MR. THIES: Okay. Thank you. OSI would call
16 Mr. Mark Marquez.

17 MR. HEARING OFFICER: Okay.

18 MR. THIES: Mr. Hearing Officer, before I
19 start asking questions of Mr. Marquez, maybe kind of add
20 some additional background of my discussion with
21 Mr. Ward. I'm going to ask Mr. Marquez some very basic
22 questions, very -- who he is, what he does, and then he
23 will introduce some exhibits that he has compiled,
24 obtained during his investigation. And that will be the
25 end of his testimony for today's hearing. I'll be able

1 to recall him when and if we do reconvene this hearing to
2 follow up on his testimony, offer some additional
3 foundation for the exhibits, and testify as to some of
4 the factual facts that he discovered during his
5 investigation.

6 So it's my plan to maybe ask him 10 questions,
7 if that.

8 MR. HEARING OFFICER: Okay. Thank you.

9 So let me swear in Mr. Marquez. Would you
10 please raise your right hand. Do you swear or affirm
11 under penalty of perjury that the testimony you are about
12 to give is the truth, the whole truth, and nothing but
13 the truth?

14 THE WITNESS: I do.

15 MR. HEARING OFFICER: Thank you.

16 Mr. Thies?

17 MR. THIES: Thank you.

18 MARK MARQUEZ

19 was sworn and testified as follows:

20 EXAMINATION

21 BY MR. THIES:

22 Q Mr. Marquez, for the purposes of the record,
23 could you spell your name?

24 A Yes, my name is Mark, M-a-r-k, Marquez,
25 M-a-r-q-u-e-z.

1 Q Mr. Marquez, are you currently an employee of
2 the Office of Superintendent of Insurance?

3 A Yes, I am.

4 Q In what capacity are you employed by that
5 office?

6 A I am employed as the civil investigation's
7 bureau chief.

8 Q And how long have you been employed by the
9 Office?

10 A I believe it's seven years now.

11 Q And how long have you been doing
12 investigations on behalf of the Superintendent of
13 Insurance?

14 A Since I started working at OSI, so seven
15 years.

16 Q Have you recently conducted an investigation
17 of an insurance producer by the name of Ryan Scott?

18 A Yes, I have.

19 Q And in connection with that investigation,
20 were you provided certain documents or compiled
21 documents?

22 A Yes, I did.

23 Q And will you be offering into evidence a
24 number of those documents?

25 A Yes. Yes, sir.

1 Q And for the purposes of today's hearing, are
2 you offering into the record the exhibits that have been
3 marked OSI Exhibit 1 through OSI Exhibit 10?

4 A Yes, sir.

5 MR. THIES: Mr. Hearing Officer, I'd offer
6 those records in -- or those documents into the record
7 subject to follow additional foundational questions when
8 reconvening the hearing, and subject to the right of
9 Mr. Ward to challenge the admissibility of those records.

10 MR. HEARING OFFICER: Mr. Ward, I'm assuming
11 you've seen those documents; is that correct?

12 MR. WARD: I have, Your Honor. And consistent
13 with Mr. Thies's explanation, I will reserve my right to
14 object at the -- if a future proceeding is commenced.

15 MR. HEARING OFFICER: Okay. Very good. So we
16 will make those part of the record. They're not being
17 formally admitted yet, but they are part of the record,
18 which they would be even if they were not admitted. And
19 I have not seen those records.

20 So, Mr. Thies, if you would send me those at
21 the conclusion of this morning's proceeding, of course
22 with a copy to Mr. Ward then that would be good.

23 Is that all we're doing this morning?

24 (Exhibits 1 through 10 marked for
25 identification.)

1 MR. THIES: Yes, with that I would request
2 that we recess the hearing until a future date.

3 MR. HEARING OFFICER: Okay. And I think the
4 parties suggested about four weeks from now; is that
5 about what you're thinking or are you thinking longer
6 than that?

7 MR. THIES: Yeah --

8 MR. WARD: My --

9 MR. THIES: Go ahead, Mr. Ward.

10 MR. WARD: Oh, I'm sorry, Mr. Thies.

11 We thought that that would be a good period of
12 time, Your Honor, to put on the record, you know, a
13 future hearing date. And depending on how the
14 discussions are going in the other proceeding, we could
15 always potentially convert to a status conference too.

16 MR. HEARING OFFICER: Very good.

17 Okay. I believe that would be July 11th would
18 be four weeks from today. No, that's not correct. What
19 would that be? Let me check my calendar here.

20 MR. WARD: It looks like it would be July 7th,
21 but I would appreciate if we could look at just that
22 following week.

23 MR. HEARING OFFICER: Yeah, I think July 7th
24 is actually three weeks. So July 14th was what I was --

25 MR. WARD: Right.

1 MR. HEARING OFFICER: So let's -- so we'll
2 recommence this hearing July 14th at 9 AM. We'll plan on
3 it being a continuation of this morning's hearing, but if
4 the parties request, we'll turn it into a status
5 conference instead.

6 MR. THIES: Mr. Hearing Officer, before we
7 recess, I have an item I want to bring up. I was
8 contacted by some potential witnesses that would be
9 called at a future hearing. And they wanted to know if
10 they could have the ability to review today's hearing,
11 whether it's saved as an ADR or audio format. And of
12 course they would be subject, if Mr. Ward would invoke
13 the rule, that they would not be able to listen -- be
14 able to listen any substantive testimony. I don't
15 believe any substantive testimony has been presented, but
16 I want to make sure that in the event that the audio or
17 video recording would be available that it would be
18 permissible for them to review it, and Mr. Ward has no
19 objections.

20 MR. WARD: I have no objection.

21 MR. HEARING OFFICER: That would be fine.

22 Fran, are we -- I know we've recorded previous
23 status conferences. Have we posted those to the docket?

24 THE CLERK: We have not. We have not figured
25 out how to do that yet.

1 MR. HEARING OFFICER: Okay.

2 THE CLERK: I can certainly share via email
3 the link.

4 MR. HEARING OFFICER: Okay. All right. So
5 why don't you send that to both Mr. Thies and Mr. Ward.
6 And they can share it with whomever they wish.

7 THE CLERK: Sure.

8 MR. THIES: Thank you.

9 MR. HEARING OFFICER: Anything else,
10 Mr. Thies?

11 MR. THIES: No, nothing further.

12 MR. HEARING OFFICER: And anything from you,
13 Mr. Ward?

14 MR. WARD: No, sir.

15 MR. HEARING OFFICER: Okay. Well, thank you
16 all very much. I appreciate the smoothness with which we
17 did this this morning. And we'll be seeing you in four
18 weeks.

19 MR. WARD: Thank you, sir.

20 MR. THIES: Thank you.

21 MR. HEARING OFFICER: And so we will be in
22 recess.

23 MR. THIES: Okay, bye.

24 MR. WARD: Thank you.

25 (The recording concludes.)

1 In Re:
2 OSI Ryan Scott
3 _____
4

5 C E R T I F I C A T E
6
7

8 I, Lisa Reinicke, New Mexico Certified Steno
9 Transcriptionist, DO HEREBY CERTIFY that the above
10 captioned transcription was prepared by me; that the
11 RECORDING was reduced to typewritten transcript by me;
12 that I listened to the entire RECORDING; that the
13 foregoing transcript is a complete record of all material
14 included thereon, and that the foregoing pages are a true
15 and correct transcription of the recorded proceedings, to
16 the best of my knowledge and hearing ability. The
17 recording was of GOOD quality.

18 I FURTHER CERTIFY that I am neither employed
19 by nor related to nor contracted with (unless excepted by
20 the rules) any of the parties or attorneys in this
21 matter, and that I have no interest whatsoever in the
22 final disposition of this matter.
23
24
25

/s/ Lisa Reinicke

Lisa Reinicke,
Certified Steno Transcriptionist

Case Summary



Case # 19-00027-COMP-PL

Case Name

IN THE MATTER OF RYAN V. SCOTT, PRODUCER LICENSE NUMBER 3219246

Case Type COMPLIANCE Case Sub-Type PRODUCER LICENSING

Submission Date/Time 07/10/2019 09:10 Filing Date 7/10/2019

Case Status Pending

Company Name NM Office of Superintendent of Insurance

Address 1120 Paseo de Peralta, Santa Fe, NM 87501

Email

Phone Fax

Author Type Internal Author Name JOHN G. FRANCHINI

Case Notes

Document summary

Document # 100001329 Document Timestamp 07/11/2019 10:53

Document Title Discipline Order

Document Type SOI Order (General/Substantive) Folder Orders

Author Type Internal Author Name John G. Franchini

Is Confidential ? No Is Approved ? Yes

Document Notes

BEFORE THE NEW MEXICO OFFICE OF SUPERINTENDENT OF INSURANCE

**IN THE MATTER OF RYAN V.)
SCOTT, PRODUCER LICENSE)
NUMBER 3219246)**

Docket No. 19-00027-COMP-PL

DISCIPLINE ORDER

FILED

**NEW MEXICO
OFFICE OF
SUPERINTENDENT
OF INSURANCE
19 JUL 11 AM 10:53**

THIS ORDER is based on the stipulation attached as Exhibit A. Based on that stipulation, the Superintendent of Insurance ("SOI") finds, concludes and orders:

1. Ryan V. Scott currently holds New Mexico insurance producer license number 3219246.

2. Exhibit A to this Order constitutes a stipulation to discipline agreed to by Mr. Scott.

3. Mr. Scott stipulated that there is probable cause for the SOI to find that, while performing licensed services, Mr. Scott fabricated an e-mail in an attempt to obtain coverage for a client's claim. This conduct constitutes a violation of NMSA 1978, § 59A-16-8 (Falsification of Records).

4. Among other sanctions, the SOI is authorized to impose a monetary sanction of up to \$10,000 for a violation of NMSA 1978, § 59A-16-8.

5. Based on Mr. Scott's acceptance of responsibility and expression of remorse, Civil Investigations Bureau ("CIB") Staff of the New Mexico Office of Superintendent of Insurance ("OSI") stipulate and recommend that the SOI penalize Mr. Scott as follows:


A. Two years of probation to commence upon entry of this Order; and

B. Imposition of a \$5,000 administrative fine. \$500 of that amount must be paid within 30 days of entry of this Order. \$4,500 of the fine will be suspended during the probationary period, and waived upon successful completion of probation and timely payment of the \$500 portion of the fine.

IT IS THEREFORE ORDERED:

- A. The Superintendent approves the stipulation.
- B. Mr. Scott is shall (1) pay a \$5,000.00 fine, \$500 of which is due within 30 days of entry of this Order, and (2) comply with all applicable provisions of the Insurance Code and with all OSI regulations and orders during a two-year probationary period to commence upon entry of this Order. The \$4,500.00 remainder of the fine shall be waived if Mr. Scott satisfies paragraphs B(1) and (2).
- C. This Order is effective immediately.
- D. Copies of this Order shall be served upon all persons listed on the attached Certificate of Service, via electronic mail if feasible and otherwise via regular mail.
- E. This docket shall remain open during the probationary period described in paragraph B of this Order.
- F. This docket shall close automatically on July 30, 2021 unless otherwise ordered by the Superintendent on or before that date.

ISSUED at Santa Fe New Mexico this 11th day of July, 2019.


John G. Franchini
SUPERINTENDENT OF INSURANCE

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I caused delivery of a true and correct copy of the *Discipline Order* to the following parties and individuals, as indicated below, this 11th day of July, 2019.

Ryan V. Scott
2612 Eastridge Dr. NE
Albuquerque, New Mexico 87112
Rvs_7@yahoo.com

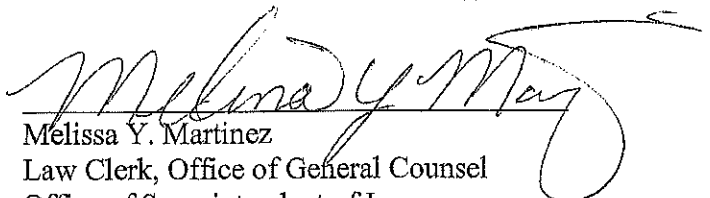
John G. Franchini, Superintendent
Office of Superintendent of Insurance
P.O. Box 1689, Santa Fe, NM 87504-1689
John.franchini@state.nm.us

Margaret Caffey-Moquin, Chief Staff Counsel
Office of Superintendent of Insurance
P.O. Box 1689, Santa Fe, NM 87504-1689
Margaret.moquin@state.nm.us

Bryan E. Brock, General Counsel
Office of Superintendent of Insurance
P.O. Box 1689, Santa Fe, NM 87504-1689
bryan.brock@state.nm.us

Todd Baran, Associate General Counsel
Office of Superintendent of Insurance
P.O. Box 1689, Santa Fe, NM 87504-1689
Todd.baran@state.nm.us

FILED
2019 JUL 11 AM 10:53
OFFICE OF
SUPERINTENDENT
OF INSURANCE


Melissa Y. Martinez
Law Clerk, Office of General Counsel
Office of Superintendent of Insurance
Melissa.Martinez2@state.nm.us

STATE OF NEW MEXICO
OFFICE OF SUPERINTENDENT OF INSURANCE

DEPUTY SUPERINTENDENT

Robert E. Doucette, Jr.



DEPUTY SUPERINTENDENT

Bryan E. Brock

SUPERINTENDENT OF INSURANCE

John G. Franchini

Civil Investigations Bureau

May 29, 2019

Ryan V. Scott
2612 Eastridge Dr. NE
Albuquerque, NM 87112
NPN#3219426

Via E-mail Only:
rvs_7@yahoo.com

RE: Notice of Violation of the NM Insurance Code.

The Civil Investigations Bureau (CIB) has conducted an impartial investigation into the Term for Cause submitted by Cincinnati Insurance Company to the Office of Superintendent of Insurance (OSI).

Based on the investigation to date, the CIB has probable cause to believe that Mr. Ryan Scott, (NPN#3219426) has violated provisions of the New Mexico Insurance Code:

- NMSA 1978 59A-16-8 Falsification, omission of records.

The Superintendent of Insurance has the authority under NMSA 1978 59A-11-14 to place on probation, suspend, revoke, or refuse to continue a producer license for violations of the Insurance Code. In addition, The Superintendent may impose monetary penalties in accordance with NMSA 1978 59A-1-18 up to \$10,000.00 for each violation.

In a recent meeting held at OSI with Mr. Scott acknowledged that there is sufficient evidence to support a finding by OSI that an email was fabricated in an attempt to obtain coverage for a client. He expressed remorse, embarrassment, and a willingness to resolve the violations. Therefore, OSI will offer the following Stipulated Agreement in lieu of Formal Proceedings:

- Probationary period of two (2) year to commence on the date of the final order.
- Administrative fine in the amount of \$5,000.00. \$500.00 to be paid within 30 days of the final order. \$4,500.00 of the fine will be suspended during probationary period, and waived upon fulfillment of Stipulated Agreement terms, and completion of probationary period with no other enforcement actions by OSI.

If you are in approval of the provisions of this Stipulated Agreement, please indicate so by signing and returning this form to my attention by **June 5, 2019**. Upon receipt of the signed agreement, OSI will issue an Order detailing the Stipulated Agreement.

If you are not in agreement, Formal Enforcement Actions will be recommended against Mr. Scott to impose penalties for violations of the Insurance Code. The Stipulated Agreement will not be offered in the Formal Proceedings. Additional monetary fines and penalties may be assessed as provide for in NMSA 1978 59A-1-18,

Main Office: 1120 Paseo de Peralta, Room 428, Santa Fe, NM 87501
Satellite Office: 6200 Uptown Blvd NE, Suite 100, Albuquerque, NM 87110
Main Phone: (505) 827-4601 | Satellite Phone: (505) 322-2186 | Toll Free: (855) 4 - ASK - OSI

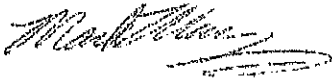
www.osi.state.nm.us

OSI Exhibit 1
Docket No. 2022-0016

and suspension or revocation of your producer license pursuant to NMSA 1978, 59A-1-14. If you would like to discuss this matter before formal proceeding commence, please contact me in writing on or before June 5, 2019, to schedule an in person meeting.

We look forward to resolving this matter with you.

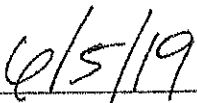
Thank you,



Mark Marquez
Civil Enforcement Bureau Chief
(505)827-4439
mark.marquez@state.nm.us

Cc: OSI Staff Counsel
Producer Licensing Bureau

A signature below will indicate approval of the Stipulated Agreement, and constitute a waiver of any right to a hearing or appeal.


Signature
Date

From: [Chris Williams](#)
To: [Marquez, Mark, OSI](#)
Cc: [Trisha Hughes](#)
Subject: [EXT] Files requested
Date: Monday, October 12, 2020 3:52:36 PM
Attachments: [Sample Email from RVS regarding Consulting Fee Structure.pdf](#)
[WESST Check Requests, Checks and RVS Invoices.pdf](#)
[WESST Transactions by Account 2019.09.30.pdf](#)
[Billing Register Detail for WESST.pdf](#)
[Customer Receivable Activity for WESST.pdf](#)
[Cash Receipt Customer Screen for WESST.pdf](#)
[Summary of Events & Information regarding WESST.pdf](#)

Hi Mark. Hope your week is off to a good start.

Attached are the files you requested. As you match these up against those provided to you earlier, please let me know if we missed anything you need, if additional information is needed, or if you have questions we can answer.

Thanks!

Chris Williams
Western Assurance
3701 Paseo Del Norte
Albuquerque, NM 87113
505-265-8481 (Main)
505-944-8429 (Direct)
505-266-3500 (Fax)

Disclaimer: This communication, along with any documents, files or attachments, is intended only for the use of the addressee and may contain legally privileged and confidential information. If you are not the intended recipient, you are hereby notified that any dissemination, distribution or copying of any information contained in or attached to this communication is strictly prohibited. If you have received this message in error, please notify the sender immediately and destroy the original communication and its attachments without reading, printing or saving in any manner.

Trisha Hughes

From: Ryan Scott
Sent: Monday, September 30, 2019 10:25 PM
To: Trisha Hughes
Subject: Fwd: Insurance Renewal

Email communication
between Ryan and
Sharon (Finance Director
@ WEST) confirming
arrangement to pay
Ryan (through WA)

----- Forwarded message -----

From: Sharon Wiedenhaupt <SWiedenhaupt@wesst.org>
Date: Tue, Sep 10, 2013 at 3:36 PM
Subject: Insurance Renewal
To: Ryan Scott <rscott@westernassurance.com>
Cc: Agnes Noonan <anoonan@wesst.org>, Russell Combs <rcombs@wesst.org>, Mary Ann Padilla <mpadilla@westernassurance.com>

Ryan

We met with Agnes this morning and went over the insurance renewal proposal you submitted to us. We need to make the following deletions from the proposal:

1. Delete the Flood coverage of \$2,304
2. Delete the Excess Flood coverage of \$12,586.97

We will keep the two year premium on the Directors & Officers/Employment Practices Liability of \$5,699.

We understand that these policies will automatically renew on September 30, 2013 unless we notify you otherwise. Total estimated premium for one year is \$22,903.50. In addition per our conversation, there will be a \$5,000 fee paid to Western Insurance for your assistance.

If you have any questions, please let us know. Thank you!

not paid @ WA -
pd @ R. Scott individually per my
conversation w/ Agnes
Maldonado on 10/1/19

Sharon J. Wiedenhaupt
Director of Finance

Hh
10/1/19

OSI Exhibit 3
Docket No. 2022-0016
Page 1 of 1

WESST
500 Broadway Blvd. NE
Albuquerque, NM 87102-2324
505-246-6900

BANK OF AMERICA, NA
95-32/1070

16716

10/6/2014

PAY TO THE ORDER OF Western Assurance

\$ **5,000.00

Five Thousand and 00/100

DOLLARS

VOID AFTER 60 DAYS

Western Assurance Corp.
3701 Paseo Del Norte, NE
Albuquerque, NM 87199-4600

TWO SIGNATURES REQUIRED OVER \$1,000

MEMO

Insurance Brokerage Commission 10/01/2014 - 09/3

16716 1070003271 589

16716

Western Assurance					10/6/2014	
Date	Type	Reference	Original Amt.	Balance Due	Discount	Payment
10/1/2014	Bill	Brokerage Commission	5,000.00	5,000.00		5,000.00
					Check Amount	5,000.00

10/1/2014 - 9/30/2015

WESST Operating #0 Insurance Brokerage Commission 10/01/2014 -

5,000.00

16716

Western Assurance					10/6/2014	
Date	Type	Reference	Original Amt.	Balance Due	Discount	Payment
10/1/2014	Bill	Brokerage Commission	5,000.00	5,000.00		5,000.00
					Check Amount	5,000.00

PAYMENT
RECORD

WESST Operating #0 Insurance Brokerage Commission 10/01/2014 -

OSI Exhibit 4 5,000.00
Docket No. 2022-0016

Page 1 of 2



THE PLACE TO START & GROW YOUR BUSINESS

Check Request

Sharon Wiedenhaupt

EMPLOYEE NAME

10/01/14

DATE

Make check payable to: (Name, Address, etc.)

Western Assurance

In the amount of:

\$5,000.00

Date check is needed:

10/01/14

Reason for request:

Commission on Insurance Renewal

Oct 1 - Sept 30, 2015

SIGNATURE OF REQUESTOR

APPROVAL SIGNATURE

DATE

DATE

PROJECT (OFFICE USE ONLY)

WESST ENTERPRISE CENTER

809 Broadway Blvd. NE
Albuquerque, NM 87102-2834
www.wesst.org

BANK OF THE WEST
85-4814070

11640

10/17/2015

PAY TO THE
ORDER OF

Western Assurance

\$ **5,000.00

Five Thousand and 00/100

DOLLARS

Western Assurance Corp.

3701 Paseo Del Norte, NE

Albuquerque, NM 87199-4600

VOID AFTER 60 DAYS

TWO SIGNATURES REQUIRED OVER \$5,000

MEMO

Insurance Brokerage Commission 10/01/2015 - 09/13

POSTAL CODE 87102-2834

WESST Corp

11640

Western Assurance

10/1/2015

Date	Type	Reference	Original Amt.	Balance Due	Discount	Payment
10/1/2015	Bill	Brokerage Commission	5,000.00	5,000.00		5,000.00
					Check Amount	5,000.00

WEC #8247 (BW) Insurance Brokerage Commission 10/01/2015 -

5,000.00

WESST Corp

11640

Western Assurance

10/1/2015

Date	Type	Reference	Original Amt.	Balance Due	Discount	Payment
10/1/2015	Bill	Brokerage Commission	5,000.00	5,000.00		5,000.00
					Check Amount	5,000.00

WEC #8247 (BW) Insurance Brokerage Commission 10/01/2015 -

OSI Exhibit 5 5,000.00

Docket No. 2022-0016

Page 1 of 2



THE PLACE TO START & GROW YOUR BUSINESS

POSTED

Check Request

Sharon Wiedenhaupt

EMPLOYEE NAME

10/01/15

DATE

Make check payable to: (Name, Address, etc.)

Western Assurance

In the amount of:

~~\$500.00~~ \$5,000.00

Date check is needed:

10/01/15

Reason for request:

Commission on Insurance Renewal
Out of WEC Account

October 1, 2015 - September 30, 2016

SIGNATURE OF REQUESTOR

DATE

APPROVAL SIGNATURE

DATE

PROJECT (OFFICE USE ONLY)

Rev. 12.1.09

WESST ENTERPRISE CENTER
509 Broadway Blvd. NE
Albuquerque, NM 87102-2334
www.wesst.org

BANK OF THE WEST
9/30/2016

11891

9/30/2016

PAY TO THE
ORDER OF

Western Assurance

\$ 5,000.00

Five Thousand and 00/100

DOLLARS

VOID AFTER 60 DAYS

Western Assurance Corp.
3701 Paseo Del Norte, NE
Albuquerque, NM 87109-4600

TWO SIGNATURES REQUIRED OVER 10,000

MEMO Insurance Brokerage Commission 10/01/2016 0973

10/1/2016 10/1/2016 10/1/2016

WESST Corp

11891

Western Assurance

Date	Type	Reference	Original Amt.	Balance Due	Discount	Payment
10/1/2016	Bill	Brokerage Commission	5,000.00	5,000.00		5,000.00
					Check Amount	5,000.00

WEC #8247 (BW) Insurance Brokerage Commission 10/01/2016 -

5,000.00

WESST Corp

11891

Western Assurance

Date	Type	Reference	Original Amt.	Balance Due	Discount	Payment
10/1/2016	Bill	Brokerage Commission	5,000.00	5,000.00		5,000.00
					Check Amount	5,000.00

PAYMENT
RECORD

WEC #8247 (BW) Insurance Brokerage Commission 10/01/2016 -

5,000.00



THE PLACE TO START & GROW YOUR BUSINESS

Check Request

Sharon Wiedenhaupt
EMPLOYEE NAME

10/05/16
DATE

Make check payable to: (Name, Address, etc.)

Western Assurance

In the amount of:
\$5,000.00

Date check is needed:
10/07/16

Reason for request:

Brokerage fee for security insurance for WESST

10/1/2016 - 9/30/2017

SIGNATURE OF REQUESTOR

APPROVAL SIGNATURE

DATE

DATE

PROJECT (OFFICE USE ONLY)

Rev. 12.1.09

Ryan Scott

9-25-11

2612 Eastridge Drive NE

Albuquerque, NM 87112

WESST

609 Broadway Blvd NE

Albuquerque, NM 87102

BALANCE DUE

Upon Receipt

\$4,000

Item / Item Description	Qty / Hr Rate	Unit Cost	Total
Annual Consulting Fee			
		Subtotal	\$4,000
		Tax - 0%	\$0.00
		TOTAL	\$4,000

WESST
609 Broadway Blvd NE
Albuquerque, NM 87102-2334
505-246-6900

BANK OF AMERICA

18226

9/25/2017

PAY TO THE ORDER OF Ryan Scott

\$ **4,000.00

Four Thousand and 00/100

DOLLARS

Ryan Scott

PROTECTED AGAINST FRAUD

VOID AFTER 60 DAYS

TWO SIGNATURES REQUIRED OVER \$5,000

MEMO Insurance Fee Annual 2017-2018

⑆018226⑆ ⑆107000327⑆ 0589⑆

WESST

Ryan Scott

9/25/2017

18226

Date	Type	Reference
9/25/2017	Bill	

Original Amt.	4,000.00
---------------	----------

Balance Due	4,000.00
-------------	----------

Discount

Payment	4,000.00
---------	----------

Check Amount

4,000.00

WESST Operating #0 Insurance Fee Annual 2017-2018

4,000.00

WESST

Ryan Scott

9/25/2017

18226

Date	Type	Reference
9/25/2017	Bill	

Original Amt.	4,000.00
---------------	----------

Balance Due	4,000.00
-------------	----------

Discount

Payment	4,000.00
---------	----------

Check Amount

4,000.00

PAYMENT
RECORD

WESST Operating #0 Insurance Fee Annual 2017-2018

4,000.00

OSI Exhibit 7

Docket No. 2022-0016

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Ryan Scott
Western Assurance

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BALANCE DUE

Upon Receipt

\$4,000

Notes

[illegible]

On-Kind
Thank you
Jett

WESST
609 BROADWAY BLVD NE
ALBUQUERQUE, NM 87102
5052466936

BANK OF AMERICA, NA
95-32/1070

18754

9/27/2018

PAY TO THE ORDER OF Ryan Scott

\$ **4,000.00

Four Thousand and 00/100*****

DOLLARS

Ryan Scott

PROTECTED AGAINST FRAUD

MEMO

Insurance Fee Annual 2018-19

⑈018754⑈ ⑆107000327⑆ 0589⑈

WESST

Ryan Scott

Date	Type	Reference
9/27/2018	Bill	

Original Amt.
4,000.00

Balance Due
4,000.00

9/27/2018

Discount

Check Amount

Payment
4,000.00
4,000.00

18754

WESST Operating #0 Insurance Fee Annual 2018-19

4,000.00

WESST

Ryan Scott

Date	Type	Reference
9/27/2018	Bill	

Original Amt.
4,000.00

Balance Due
4,000.00

9/27/2018

Discount

Check Amount

Payment
4,000.00
4,000.00

18754

WESST Operating #0 Insurance Fee Annual 2018-19

4,000.00

OSI Exhibit 8

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100821



WESST

THE PLACE TO START &
GROW YOUR BUSINESS

609 Broadway Blvd. NE
Albuquerque, NM
87102

tel: 505.246.6900
fax: 505.243.3035
1.800.GOWESST
www.wesst.org

WESST Board of Directors:

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Rodey Law Firm

Chris Olson – Vice Chair
PNM

Laurel Shelton – Treasurer
REDW, LLC

Molly Bell – Secretary
Rio Grande Inc.

Linda Kier – Immediate Past Chair
U.S. Bank

Members:

Sally Adams
Sally On

Angela Anderson
A. Anderson Consulting

Michael Bickel
Bank of Albuquerque

Scott Czarniak
First National 1870

Terri Giron-Gordon
GenQuest, Inc.

Victor Jury, Jr.
Summit Electric Supply

Mark Napolin
Mark J. Napolin and Associates, Inc.

Agnes Noonan
WESST

Cara Potter
Gordon Electric Supply, Inc.

Bettye C. Pressley

Debbie Ramirez
Rodey Law Firm

Joseph Trimble
Wells Fargo Bank

Ann Utterback
J.F. Maddox Foundation

grat-i-tude
'grada,t(y)ood/

(noun) **gratitude**: the quality of being thankful; readiness to show appreciation for and to return kindness.



October 5, 2018

Ryan Scott
Western Assurance
2612 Eastridge Dr. NE
Albuquerque, NM 87112

Dear Ryan,

On behalf of all of us at WESST, we extend our gratitude to you for your generous in-kind donation of consulting services, valued at **\$1000**. Your support will have a direct impact on the creation and growth of new jobs in New Mexico. Founded nearly 30 years ago, WESST's vision today is to provide sustainable economic opportunities for any New Mexican who wants to pursue entrepreneurship. With the support of people like you, WESST clients created 1,112 jobs with 305 small business start-ups in the past five years alone. Entrepreneurs play such an important role in our communities – creating businesses that employ our neighbors, friends and families. These businesses also contribute to our state's economy, propelling us to further economic growth.

Your support of WESST boosts small business growth throughout New Mexico and allows us to operate and offer small business resources via our six offices in Albuquerque, Farmington, Las Cruces, Rio Rancho, Roswell and Santa Fe.

Thank you for believing in WESST and investing in our future successes.

Sincerely,

Agnes Noonan
President

Sincerely,

Dianne Campbell
Vice President, Development

WESST is a 501(c)3 nonprofit organization.

No goods or services have been provided to this donor for any portion of this gift.

Summary of events & information

WESST Corp. -

On Friday, September 27, 2019, the Agent in our office who assumed the insurance servicing of WESST Corp. from Ryan following his departure from Western Assurance (WA) in December, 2018 notified me that we had lost the insurance for WESST Corp by AOR to another agent. According to WESST's explanation, the move was "due to stuff that Mr. Scott did". Trisha Hughes in our office spoke with Agnes Maldonado with WESST on Tuesday, October 1 and began piecing together the possibility that Ryan had been collecting and personally depositing "consulting fees" directly from WESST without our knowledge or consent.

On Thursday, October 10, 2019, Trish and I met with Agnes Maldonado at her office in order to learn more about their experience with Ryan.

Agnes allowed us to view an invoice from Ryan as well as check copies of checks paid directly to Ryan for years 2017 and 2018. She explained that in those years, the net paid to Ryan was \$4,000 as he noted on his invoice a \$1,000 in-kind donation. In addition, her system showed \$5,000 fees paid to Western Assurance for years 2014 – 2016.

We asked Agnes if she could receive clearance from her legal counsel to provide us with:

- Copies of all invoices provided to her by Ryan (showing payment to either Ryan or Western Assurance).
- Copies of fronts and backs of each WESST check processed in each of these years.
- Copies of contribution letters WESST provided to Ryan Scott confirming all "in-kind" contributions made by him.

Having reviewed Western Assurance accounting records for each of these years, we have confirmed:

- Carrier Commission income was paid to WA in each of these years for all WESST accounts.
- No WA deposits were made in any of these years that matched any "fee" payments (or otherwise) made by WESST (Ryan collected & deposited all directly).

While it appears that Ryan was depositing the 2017, 2018 "Ryan Scott" titled invoice payment personally, it also appears that he was depositing the 2014-2016 "Western Assurance" titled invoice payments personally.

Western Assurance has maintained 7 years of archived emails for Ryan as well as preservation of his hard drive. Over the last weeks, we have performed hundreds of word searches on these in order to locate any correspondence that might provide evidence of his impropriety with WESST and/or any other clients. We have found:

- September 2013 correspondence from WESST to Ryan Scott regarding \$5,000 fee paid to Western Assurance.
- October 2016 correspondence with WA accounting wherein Ryan runs interference by pulling a \$5,000 check from WESST that was "mistakenly" sent to Western Assurance – he was going to "bring the check back to them when he delivered policies later this week".
- Evidence that Ryan altered a Western Assurance provided W-2 IRS form in 2014 presumably provided to a Lending Company when he was purchasing a new home in 2016.

- A letter Ryan forged to a Mortgage Underwriter using WA letterhead falsely appearing to have originated from our HR department.

It should be clearly stated:

- Ryan was never authorized nor would he have ever been authorized to collect fees for any agency/client “consulting” services.
- Ryan was never authorized nor would he have ever been authorized to directly invoice clients for any reason – any agency produced invoicing would have been generated by his CSR according to agency procedures and would have been generated through our Agency Management System.
- Ryan was never nor would he have ever been authorized to collect client monies to deposit directly into a personally held account.
- Ryan was never authorized nor would he have ever been authorized to operate a separately owned insurance business to conduct any WA or non-WA held business services.



Licensee Demographics

Name: Scott, Ryan V. NPN: 3219426
Domicile State: New Mexico Domicile Country: United States Resident?: Yes
Business Address:
ALBUQUERQUE, NM 87112-2011

License Quick View

License Class	License Status	Status Date	Effective Date	Expiration Date
Insurance Producer	Active	02/23/2022	04/01/2022	03/31/2024

Phone, Email, Website

Phone		Email		Website
Type	Number	Type	E-mail	No results found.
Business Primary Phone	(505) 265-8481	Business Email	ryan-scott@leavitt.com	
Mailing Primary Phone	(505) 265-8481			
Fax Phone	(505) 266-3500			

License Information

License Type: Insurance Producer License Number: 3219426 License Status: Active
First Active Date: 09/19/2006 Effective Date: 04/01/2022 Status Date: 02/23/2022
Expiration Date: 03/31/2024 Legacy License ID: 53172 Designated Home State:

Line Of Authority

Line Name	Qualification	School Code	Exam/Cert Date	Line Status	Status Date	Effective Date
Accident and Health or Sickness	Exam			Approved	02/23/2022	09/19/2006
Life	Exam			Approved	02/23/2022	09/19/2006
Casualty	Exam			Approved	02/23/2022	09/19/2006
Property	Exam			Approved	02/23/2022	09/19/2006

Designated Responsible Licensed Producer

No results found.

Relationships

No results found.

Business Entry Affiliations

No results found.

Continuing Education Information

CE Compliant: No Compliance Date:
CE Start Date: 04/01/2022 CE End Date: 03/31/2024
Design/Over 25 years: No CE Exemption Type: Not Exempt CE Exemption Reason:
General Target: 21 General Credits: 0
Ethics Target: 3 Ethics Credits: 0

Appointments

Show 10 entries

Showing 1 to 10 of 52 entries

Filter



Company Name	FEIN	NAIC CoCode	License Type	Line of Authority	Appointment Date	Effective Date	Expiration Date
ACUITY, A Mutual Insurance Company	39-0491540	14184	Insurance Producer	Casualty	06/04/2020	01/18/2022	03/01/2023
ACUITY, A Mutual Insurance Company	39-0491540	14184	Insurance Producer	Property	06/04/2020	01/18/2022	03/01/2023
Allied Insurance Company of America	27-0114983	10127	Insurance Producer	Casualty	02/19/2019	01/20/2022	03/01/2023
Allied Insurance Company of America	27-0114983	10127	Insurance Producer	Property	02/19/2019	01/20/2022	03/01/2023
Allied Property & Casualty Insurance Company	42-1201931	42579	Insurance Producer	Property	02/19/2019	01/20/2022	03/01/2023
Allied Property & Casualty Insurance Company	42-1201931	42579	Insurance Producer	Casualty	02/19/2019	01/20/2022	03/01/2023
AmTrust Insurance Company	75-1413993	15954	Insurance Producer	Casualty	10/20/2008	02/28/2022	03/01/2023
AmTrust Insurance Company	75-1413993	15954	Insurance Producer	Property	10/20/2008	02/28/2022	03/01/2023
American Casualty Company of Reading, Pennsylvania	23-0342560	20427	Insurance Producer	Casualty	02/28/2022	02/28/2022	03/01/2023
American Casualty Company of Reading, Pennsylvania	23-0342560	20427	Insurance Producer	Property	02/28/2022	02/28/2022	03/01/2023

