

**BEFORE THE NEW MEXICO OFFICE OF SUPERINTENDENT OF INSURANCE**

<b>IN THE MATTER OF</b>	)	
<b>RYAN V. SCOTT,</b>	)	
<b>NPN 3219426,</b>	)	<b>Docket No.: 2022-0016</b>
	)	
<b>Respondent.</b>	)	
_____	)	

**STIPULATION FOR ENTRY OF AN ORDER**

Staff Attorney for the New Mexico Office of Superintendent of Insurance (“OSI”) and Ryan V. Scott (“Respondent”) stipulate to the following:

1. At all relevant times, Respondent was a licensed resident insurance producer. Respondent’s National Producer Number is NPN 3219426. Respondent has been licensed since September 19, 2006. Respondent is licensed in the following lines of authority: accident and health; life; casualty; and property. During the times relevant to this matter, Respondent was not licensed as an insurance consultant.

2. On or about March 8, 2022, the OSI served Respondent with a Notice to Show Cause (NTSC), alleging that Respondent violated numerous provisions of the New Mexico Insurance Code, Chapter 59A NMSA 1978.

3. Specifically, the NTSC contained allegations that Respondent violated NMSA 1978, §§ 59A-11A-8 (acting as an insurance consultant without a license); 59A-16-3 (engaging in a deceptive or fraudulent act); 59A-11-14(A)(2) (violated any insurance law); 59A-11-14(A)(4) (improperly withheld, misappropriated or converted money); 59A-11-14(A)(5) (intentional misrepresentation of the terms of an actual or proposed insurance contract or application for insurance); 59A-11-14(A)(7) (committed any insurance unfair trade practice or fraud); and/or 59A-11-14(A)(8) (using fraudulent, coercive or dishonest practices, or

demonstrating incompetence, untrustworthiness or financial irresponsibility in the conduct of business).

4. Respondent waives his right to an administrative hearing pursuant to Section 59A-4-15, NMSA 1978 and any judicial review of the Superintendent's Final Order.

5. Respondent admits the allegations contained in the Recommended Order Accepting Stipulation and Recommendation to Revoke License and desires to avoid the time and expense of formal proceedings and agrees to resolve this matter pursuant to this Stipulation for Entry of an Order.

6. Respondent agrees that his New Mexico resident insurance producer license will be revoked effective immediately upon the issuance of a Final Order in this matter.

7. Respondent has had an opportunity to review this Stipulation to Entry of an Order and the proposed Recommended Order Accepting Stipulation and Recommendation to Revoke License and proposed Final Order and have the same reviewed by legal counsel.

8. Respondent understands and agrees that this Stipulation for Entry of an Order and the proposed Recommended Order Accepting Stipulation and Recommendation to Revoke License will be presented to the Superintendent of Insurance for approval.

9. Respondent understands and agrees that the Superintendent of Insurance may, in his sole discretion, decide to accept or reject this Stipulation for Entry of an Order and proposed Recommended Order Accepting Stipulation and Recommendation to Revoke License. If the Superintendent of Insurance does not accept the Stipulation for Entry of an Order and Recommended Order Accepting Stipulation and Recommendation to Revoke License,

Respondent waives any objection to the Superintendent holding a formal administrative hearing and making a decision after such hearing.

**IT IS SO STIPULATED BY:**

*Ryan Scott*

\_\_\_\_\_  
Ryan V. Scott

Dated: 08 / 24 / 2022

Approved as to form by Vincent J. Ward:

*Vincent J. Ward*

\_\_\_\_\_  
Attorney for the Respondent

Dated: August 24, 2022

The undersigned staff attorney approves this Stipulation for Entry of Order and recommends that the Hearing Officer accept it and issue Order Accepting Stipulation and Recommendation to Revoke License.

*Stephen P. Thies*

\_\_\_\_\_  
Stephen P. Thies  
Staff Attorney

Dated: August 24, 2022

**BEFORE THE NEW MEXICO OFFICE OF SUPERINTENDENT OF INSURANCE**

**IN THE MATTER OF** )  
**RYAN V. SCOTT,** )  
**NPN 3219426,** ) **Docket No.: 2022-0016**  
 )  
**Respondent.** )  
\_\_\_\_\_ )

**RECOMMENDED ORDER ACCEPTING STIPULATION  
AND RECOMMENDATION TO REVOKE LICENSE**

Based upon the Stipulation to Entry of Order and the files and records of the New Mexico Office of Superintendent of Insurance ("OSI") in this matter, the Hearing Officer hereby finds, concludes and recommends that the Superintendent of Insurance ("Superintendent") accepts the stipulation of the parties, and recommends revocation of the resident producer license of Ryan Scott, NPN 3219426. This recommended order shall become effective without further notice when signed by the Superintendent and filed of record with the OSI.

**FINDINGS OF FACT**

1. The New Mexico Office of Superintendent of Insurance ("OSI") issued Respondent Ryan V. Scott ("Respondent") a New Mexico resident insurance producer license ("License") NPN 3219426, on September 19, 2006. Respondent is licensed in the following lines of authority: accident and health; life; casualty; and property. During the times relevant to this matter, Respondent was not licensed as an insurance consultant.
2. During the times relevant to this matter, Respondent was affiliated with Western Assurance Corporation, an insurance producer and surplus line broker located in Albuquerque, New Mexico ("Western").

3. In 2013, the Respondent represented to the Women's Economic Self-Sufficiency Team ("WESST"), a 501(c)(3) small business assistance organization, during an insurance renewal proposal that a fee was to be paid in addition to the annual insurance premiums paid by WESST.

4. Western received its commissions for the WESST policies directly from the insurance carrier.

5. In the years 2017 and 2018 Respondent submitted invoices to WESST in his name. WESST made the payments in these years directly to the Respondent. Payments were in the amount of \$4,000 due to Respondent's representation that he was making an in-kind donation of his consulting fee to WESST.

6. Payments made by WESST in the years 2017 and 2018 totaled \$8,000. Western terminated the Respondent in late 2018 after discovering that Respondent had falsified an email in attempt to obtain insurance proceeds for a client. Respondent failed to notify the insurer when the claim originally arose in 2018. Approximately one year later, when the insured questioned the failure of the insurer to address the claim, Respondent fabricated an email in an attempt to prove that he has submitted the claim to the insurer. The insurer subsequently terminated Respondent's appointment. OSI placed the Respondent on probation for his actions (Case # 19-00027-COMP-PL).

7. On or about March 8, 2022, the OSI served Respondent with a Notice to Show Cause (NTSC), alleging that Respondent violated numerous provisions of the New Mexico Insurance Code, Chapter 59A NMSA 1978.

8. In resolving this matter by a Stipulation for Entry of an Order, Respondent stipulated that evidence exists to support the Hearing Officer's Findings of Fact and Conclusions of Law.

9. Respondent acknowledges the Superintendent has sufficient evidence to revoke his resident producer license under NMSA 1978, §§ 59A-11A-8; 59A-16-3; 59A-11-14(A)(2); 59A-11-14(A)(4); 59A-11-14(A)(5); 59A-11-14(A)(7); and/or 59A-11-14(A)(8).

10. Respondent is represented by counsel and acknowledges that his right to a hearing on the facts has been explained to him and he understands his rights.

11. Respondent waives his right to a hearing and any available administrative or judicial review of the Superintendent's Order.

12. In lieu of a hearing, the Respondent agrees to accept the sanctions recommend by the Hearing Officer to resolve the OSI's allegations contained in the Order to Show Cause.

13. Respondent acknowledges his right to be relicensed is subject to Section 59A-11-18, NMSA 1978.

#### **APPLICABLE LAW**

1. NMSA 1978, § 59A-11A-8 prohibits any person from acting as an insurance consultant without a license.

2. NMSA 1978, § 59A-16-3 prohibits any person from engaging in any practice or act which is determined to be an unfair or deceptive act or practice, or fraudulent.

3. NMSA 1978, § 59A-11-14(A)(2) provides that the Superintendent may revoke a license issued under Chapter 59A, Article 11 NMSA 1978 upon finding an insurance producer violated any insurance law or regulation.

4. NMSA 1978, § 59A-11-14(A)(4) provides that the Superintendent may revoke a license issued under Chapter 59A, Article 11 NMSA 1978 upon a finding an insurance producer misappropriated or converted money.

5. NMSA 1978, § 59A-11-14(A)(5) provides that the Superintendent may revoke a license issued under Chapter 59A, Article 11 NMSA 1978 upon a finding that an insurance producer engaged the intentional misrepresentation of the terms of an actual or proposed insurance contract or application for insurance.

6. NMSA 1978, § 59A-11-14(A)(7) provides that the Superintendent may revoke a license issued under Chapter 59A, Article 11 NMSA 1978 upon a finding that an insurance producer engaged in fraud.

7. NMSA 1978, § 59A-11-14(A)(8) provides that the Superintendent may revoke a license issued under Chapter 59A, Article 11 NMSA 1978 upon a finding that an insurance producer used fraudulent or dishonest practices, or engaged in a practice that demonstrates untrustworthiness in the conduct of business.

### **CONCLUSIONS OF LAW**

1. The Superintendent has jurisdiction over the Respondent Ryan V. Scott as well as the subject matter pursuant to the New Mexico Insurance Code, NMSA 1978, Chapter 59A.

2. The Hearing Officer finds that Respondent was not licensed as an insurance consultant during the period in question.

3. The Hearing Officer finds that Respondent should have been licensed as an insurance consultant during the period in question.

4. The Hearing Officer finds that Respondent engaged in a deceptive or fraudulent act when he represented to an insured party that the insured would need to pay a fee for his assistance.

5. The Hearing Officer finds that Respondent engaged in a deceptive or fraudulent act when he submitted a deceptive or fraudulent invoice to the insured party.

**RECOMMENDATION**

**THE HEARING OFFICER THEREFORE RECOMMENDS** that the Superintendent enter a Final Order:

A. Adopting this Recommended Decision as his own; and

B. Revoking Respondent's resident insurance producer license (NPN 3219426).

**Done and recommended** at Santa Fe, New Mexico, this \_\_\_\_\_ day of August, 2022.

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R. Alfred Walker  
Hearing Officer

**BEFORE THE NEW MEXICO OFFICE OF SUPERINTENDENT OF INSURANCE**

**IN THE MATTER OF  
RYAN V. SCOTT,  
NPN 3219426,  
  
Respondent.**

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**Docket No.: 2022-0016**

**CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY** that on this 24th day of August 2022, I filed the foregoing *Stipulation for Entry of an Order with the Recommended Order Accepting Stipulation and Recommendation to Revoke License* attached through OSI's eDocket filing system, which caused the individuals entitled to service to be served by electronic means, as more fully reflected on the eService Recipient list for this case.



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Freya Tschantz, Law Clerk  
Office of Superintendent of Insurance  
Freya.Tschantz2@state.nm.us