

MAY 3 2006

DEPT OF INSURANCE
BY [Signature]

STATE OF ARIZONA
DEPARTMENT OF INSURANCE

1	In the Matter of:)	
2)	
3)	No. 06A-070 - INS
4	MICHAEL RICHARD MAZZELLA, SR.;)	
5)	CONSENT ORDER
6	Respondent.)	
7	_____)	

The State of Arizona Department of Insurance ("Department") has received evidence that Michael Richard Mazzella, Sr.. ("Respondent") 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 is, and was at all material times, licensed as a resident accident/health & life and property & casualty producer, Arizona license number 553328, which license expires April 30, 2006.

2. Respondent sold to Henry V. Becker, Sr. (Becker) two Massachusetts Mutual Life Insurance Company policies, #15,592,456 with a face amount of \$7,500,000 and #15,592,458 with a face amount of \$7,500,000, which were both issued April 22, 2005, and Hartford Life Insurance Company policy #U01577478, with a face amount of \$10,000,000, which was issued April 29, 2005. As agreed upon, Respondent paid Becker \$32,000 in two cash payments of \$14,000 and \$18,000; representing one-half of the post-tax amount of his commission on the two Mass Mutual policies.

1 **CONCLUSIONS OF LAW**

2 1. The Director has jurisdiction over this matter.

3 2. Respondent's conduct as described above constitutes the sharing of
4 commission with a non-licensed person within the meaning of A.R.S. §20-298(A).

5 3. Grounds exist for the Director to suspend, revoke, or refuse to renew
6 Respondent's insurance licenses, impose a civil penalty, order restitution and/or order
7 Respondent to cease and desist pursuant to A.R.S. §§20-295(A), 20-295(F) and 20-295(G).

8 **ORDER**

9
10 IT IS HEREBY ORDERED THAT:

11 1. Respondent shall pay a civil penalty of One Thousand dollars (\$1,000) to the
12 Director payable upon the entry of this Order for remission to the State Treasurer for deposit
13 in the State General Fund.

14 DATED AND EFFECTIVE this 2nd day of May, 2006.

15 
16 _____
17 CHRISTINA URIAS
18 Director of Insurance

19 **CONSENT TO ORDER**

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


22 2. Respondent admits the jurisdiction of the Director of Insurance, State of
23 Arizona, and admits the foregoing Findings of Fact and consents to the entry of the foregoing
Conclusions of Law and Order.

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

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

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

12 Date 4/19/06



Michael Richard Mazzella, Sr.
License Number 553328

16 COPIES of the foregoing mailed/delivered
17 this 3rd day of May, 2006, to:

18 Michael Richard Mazzella, Sr.
19 10040 E. Happy Valley Road #4
20 Scottsdale, AZ 85255

21 David H. Carmichael
22 Bennett, Carmichael & Kennedy, LLP
23 8121 E. Indian Bend Road #128
24 Scottsdale, AZ 85250

25 Gerrie L. Marks, Deputy Director
26 Catherine M. O'Neil, Consumer Legal Affairs Officer

1 Arnold Sniegowski, Investigations Supervisor
Cheryl Hawley, Investigator
2 Department of Insurance
2910 North 44th Street, Suite 210
3 Phoenix, Arizona 85018

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5 Curvey Walters Burton

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