

MAR 26 2009

STATE OF ARIZONA
DEPARTMENT OF INSURANCE

DEPT OF INSURANCE
BY 

In the Matter of:)
DALE JOHN FRATIANNE,)
Respondent.)

No. 09A-041-INS

CONSENT ORDER

The State of Arizona Department of Insurance ("Department") has received evidence that Dale John Fratianne 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. Dale John Fratianne ("Fratianne" or "Respondent") is a resident licensed insurance producer in Ohio. Fratianne's National Producer Number is 764289.

2. On or before February 3, 2009, Fratianne filed an online application with the National Insurance Producer Registry (NIPR) for a license as an Arizona non-resident accident/health/sickness producer. Background Question 2 of the application asks: Have you or any business in which you are or were an owner, partner, officer or director, or member or manager of a limited liability company, ever been involved in an administrative proceeding regarding any professional or occupational license, or registration? Fratianne answered "No" to Question 2.

3. On February 3, 2009, the Regulatory Information Retrieval System (RIRS) reported two administrative actions taken against Fratianne: On May 10, 2006, the New Jersey Department of Banking and Insurance filed a Consent Order and Monetary Penalty of \$500 against Fratianne for "No-Fault Settlement - License Address Info"; On June 21, 2007,

1 the Delaware Department of Insurance filed a Consent Order and fined Fratianne \$200 for
2 "Failure to Report Other State Action".

3 4. On February 3, 2009, the Department denied Fratianne's application which he
4 timely appealed.

5 CONCLUSIONS OF LAW

6 1. The Director has jurisdiction over this matter.

7 2. Respondent's conduct, as described above, constitutes providing incorrect,
8 misleading, incomplete or materially untrue information in the license application, within the
9 meaning of A.R.S. § 20-295(A)(1).

10 3. Grounds exist for the Director to suspend, revoke, or refuse to renew
11 Respondent's insurance license pursuant to A.R.S. § 20-295(A).

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

17 ORDER

18 IT IS HEREBY ORDERED THAT

19 1. Respondent shall immediately pay a civil penalty in the amount of \$250.00 for
20 deposit into the state general fund.

21 DATED AND EFFECTIVE this 25th day of March, 2009.

22 
23 CHISTINA URIAS
Director of Insurance

24 CONSENT TO ORDER

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

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

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

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

11 5. 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 including the Department, officer, or subdivision of this state or this agency from instituting civil
14 or criminal proceedings as may be appropriate now or in the future.

15 6. Respondent acknowledges that this Consent Order is an administrative action
16 that will be reported to the NAIC and that he may have to report this administrative
17 action on any future licensing applications either to the Department or other states'
18 Departments of Insurance.

19 2/20/09

20 Date

21 Dale John Fratianne

22 Dale John Fratianne, National Producer # 764289

23 COPIES of the foregoing mailed/delivered
this 26th day of March, 2009, to:

Dale John Fratianne
3895 Breeders Cup Court
Mason, OH 45040
Respondent

Mary E. Kosinski, Exec. Assistant for Reg. Affairs
Steven Fromholtz, Licensing Supervisor
Department of Insurance
2910 North 44th Street, Suite 210
Phoenix, Arizona 85018

Curvey Burton
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