

JUN 19 2009

DEPT OF INSURANCE  
BY CB

STATE OF ARIZONA

DEPARTMENT OF INSURANCE

In the Matter of: )  
 )  
 **ROBERT ANTHONY CARACCILO** )  
 )  
 Respondent )  
 )  
 \_\_\_\_\_ )

**No. 09A- 067 - INS**  
**CONSENT ORDER**

The State of Arizona Department of Insurance ("Department") has received evidence that Robert Anthony Caracciolo ("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. Robert Anthony Caracciolo, a California resident, is, and was at all material times, licensed as an Arizona non-resident property and casualty insurance producer, Arizona license number 202471, which expired March 31, 2009.

2. Between January 2008 and December 2008, while employed by Strachota Insurance Agency, Inc., Respondent misrepresented insurance premium prices to Arizona clients by adding in a broker fee to the premium quote and failing to disclose the fees as a separate charge. Respondent collected \$46,184.00 in undisclosed broker fees during 2008.

4. On at least one occasion, Respondent forged clients' signatures on insurance premium contracts without their knowledge or consent.

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...

1 **CONCLUSIONS OF LAW**

2 1. The Director has jurisdiction over this matter.

3 2. Respondents' conduct as described above constitutes intentionally  
4 misrepresenting the terms of an actual or proposed insurance contract or application for  
5 insurance, within the meaning of A.R.S. § 20-295(A)(5).

6 3. Respondents' conduct as described above constitutes using fraudulent, coercive  
7 or dishonest practices, or demonstrating incompetence, untrustworthiness or financial  
8 irresponsibility in the conduct of business within the meaning of A.R.S. § 20-295(A)(8).

9 4. Respondents' conduct as described above constitutes forging another's name to  
10 any document related to an insurance transaction, within the meaning of A.R.S. § 20-  
11 295(A)(10).

12 5. Grounds exist for the Director to suspend, revoke, or refuse to renew Respondents'  
13 insurance licenses, impose a civil penalty and/or order restitution pursuant to A.R.S. §§20-  
14 295(A), (B) and (F).

15 **ORDER**

16 IT IS HEREBY ORDERED THAT

17 1. Respondent's Arizona non-resident insurance license is revoked effective  
18 immediately upon entry of this Order.

19  
20 DATED AND EFFECTIVE THIS 19<sup>th</sup> day of June, 2009.

21  
22   
23 \_\_\_\_\_  
CHRISTINA URIAS  
Director of Insurance

1 **CONSENT TO ORDER**

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

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

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

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

14 5. Respondent acknowledges that the acceptance of this Consent Order by the  
15 Director settles this matter against him but does not preclude any other agency, officer, or  
16 subdivision of this state, including the Department, from instituting civil or criminal proceedings  
17 as may be appropriate in the future.

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

23 6/16/09  
Date

  
Robert Anthony Caracciolo, License No. 202471

1 COPY of the foregoing mailed/delivered  
this 19th day of June, 2009, to:

2  
3 Robert Anthony Caracciolo  
31556 Royal Oaks Drive  
4 Temecula, CA 92591

5 Mary Kosinski, Executive Assistant for Regulatory Affairs  
Catherine M. O'Neil, Consumer Legal Affairs Officer  
6 Mary Butterfield, CAD Assistant Director  
7 Chuck Gregory, Investigations Supervisor  
Steven Fromholtz, Licensing Supervisor  
8 Arnold Sniegowski, Investigator  
Arizona Department of Insurance  
2910 North 44<sup>th</sup> Street, Suite 210  
Phoenix, AZ 85018

9   
10 Curvey Walters Burton