

OCT 30 2009

DEPT OF INSURANCE
BY 

STATE OF ARIZONA
DEPARTMENT OF INSURANCE

In the Matter of:)
FIDelo, JOHN ANTHONY)
(Arizona License # 48330))
(National Producer # 776433),)
Respondent.)

No. 09A-130-INS

CONSENT ORDER

The State of Arizona Department of Insurance ("Department") has received evidence that **John Anthony Fidelo** 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. John Anthony Fidelo ("Fidelo" or "Respondent") is, and was at all material times, licensed by the Arizona Department of Insurance ("Department") as an Arizona accident/health, life, and variable life and variable annuities producer, Arizona license number 48330, which expires on September 30, 2013.

2. Fidelo's residence address of record with the Department is 42018 N. 7th Street, Phoenix, AZ 85027 and his business address is 515 E. Carefree Highway #268, Phoenix, AZ 85085.

3. On July 15, 2009, the Department received a complaint stating the Fidelo had deposited business records containing personal information in a Waste Management trash can located at 7th Street south of Honda Bow. Accompanying the complaint was a box of papers including insurance applications for six individuals that listed bank account

1 information, date of birth, social security number and driver's license number. Fidelo
2 signed the applications as the producer.

3 **CONCLUSIONS OF LAW**

4 1. The Director has jurisdiction over this matter.

5 2. Respondent's conduct, as alleged above, constitutes unlawfully disclosing
6 personal and privileged information about individuals collected or received in connection
7 with an insurance transaction, within the meaning of A.R.S. § 20-2113.

8 3. Grounds exist for the Director to order Respondent to cease and desist his
9 violation, pursuant to A.R.S. § 20-2116.

10 4. Grounds exist for the Director to order payment of a civil penalty of not more
11 than ten thousand dollars for each violation, pursuant to A.R.S. § 20-2117.

12 **ORDER**

13 IT IS HEREBY ORDERED THAT

14 1. Respondent shall immediately cease and desist from unlawfully disclosing
15 personal and privileged information about individuals collected or received in connection
16 with an insurance transaction.

17 2. Respondent shall cease and desist from depositing business records
18 containing personal information in a trash can and shall instead shred records not required
19 to be kept under A.R.S. § 20-290.

20 3. Respondent shall immediately pay a civil penalty of \$1,500.00 for deposit into
21 the State General Fund.

22 DATED AND EFFECTIVE this 30th day of October, 2009.

23
24 
25 CHRISTINA URIAS, Director
26 Arizona Department of Insurance

1 **CONSENT TO ORDER**

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

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

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

11 4. Respondent states that no promise of any kind or nature whatsoever, except
12 as expressly contained in this Consent Order, was made to him to induce him to enter into
13 this 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 is solely to settle this matter against him and does not preclude any other agency,
16 officer, or subdivision of this state including the Department from instituting civil or criminal
17 proceedings as may be appropriate now or in the future not related to this matter.

18 6. Respondent acknowledges that this Consent Order is an administrative action
19 that the Department will report to the National Association of Insurance Commissioners
20 (NAIC). Respondent further acknowledges that he must report this administrative action to
21 any and all states in which he holds an insurance license and must disclose this
22 administrative action on any license application.
23

24 10/29/2009
25 Date

John Anthony Fidelo
26 John Anthony Fidelo, AZ License # 48330, Natl. Prod. # 776433

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COPY of the foregoing mailed this
30th day of October, 2009 to:

Mary Kosinski, Executive Assistant for Regulatory Affairs
Arnold Sniegowski, Investigator
Steven Fromholtz, Licensing Director
Arizona Department of Insurance
2910 North 44th Street, Suite 210
Phoenix, Arizona 85018

John Anthony Fidelo
515 E. Carefree Hwy. #268
Phoenix, AZ 85085
Respondent


Curvey Walters Burton