

FEB 14 2012

DEPT OF INSURANCE
BY 

STATE OF ARIZONA
DEPARTMENT OF INSURANCE

In the Matter of:)
)
PENA, ELVIS)
(Arizona License Number 157728))
(National Producer Number 7823910))
)
Respondent.)
)
)
)

No. 12A- 026 - INS

CONSENT ORDER

The State of Arizona Department of Insurance ("Department") has received evidence that **Elvis Pena ("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 an Arizona resident accident/health, life, credit, property and casualty insurance producer, Arizona license number 157728, which expires on July 31, 2013.

2. Respondent was at all material times contracted with Farmers Insurance Group ("Farmers") to transact insurance on its behalf in Arizona.

3. On January 26, 2012, the Department received a referral from Farmers Insurance Group alleging that between September 2010 and October 2011, Respondent collected \$14,222.77 in premium from 25 clients, failed to remit the premium to Farmers and instead converted it to his own use.

1 4. On February 1, 2012, the Department personally served Respondent with a
2 subpoena requiring him to appear before the Department at 9:00 A.M. on February 13, 2012
3 to provide testimony in the matter of Farmers Insurance Company.

4 5. On February 13, 2012, Respondent appeared at the time and place specified in
5 the subpoena but refused to give the required testimony.

6 **ONCLUSIONS OF LAW**


- 7 1. The Director has jurisdiction over this matter.
- 8 2. Respondent's conduct, as described above, constitutes violating any provision of
9 A.R.S. Title 20 or any rule, subpoena or order of the director within the meaning of A.R.S. §20-
10 295(A)(2).
- 11 3. Grounds exist for the Director to suspend, revoke, or refuse to renew
12 Respondent's insurance license, impose a civil penalty and/or order restitution pursuant to
13 A.R.S. §§20-295(A) and (F).

14 **ORDER**

15 IT IS HEREBY ORDERED THAT:

- 16 1. Respondent's license is revoked effective immediately upon entry of this Order.
- 17 2. Respondent shall make restitution to Farmers in the amount of \$14,222.77.

18 DATED AND EFFECTIVE this 13th day of February, 2012.

19 
20 _____
21 CHRISTINA URIAS
22 Director of Insurance
23

1 **CONSENT TO ORDER**

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

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 (NAIC)
20 and that he may have to report this administrative action on any future licensing applications
21 with the Department or any other states' Departments of Insurance.

22 2/17/2012
Date

23 
Elvis Pena, License No. 157728

1 COPIES of the foregoing mailed/delivered
this 14th day of February, 2012, to:

2 Elvis Pena
3 6804 W. Bronco Trail
4 Peoria, AZ 85383
(Respondent)

5 Farmers Insurance Group
6 Joshua Advincula, Auditor
7 16001 N. 28th Avenue
8 Phoenix, AZ 85053

9 Mary Kosinski, Executive Assistant for Regulatory Affairs
10 Mary Butterfield, Consumer Affairs Division
11 Catherine M. O'Neil, Consumer Legal Affairs Officer
12 Steve Fromholtz, Licensing Supervisor
13 Arnold Sniegowski, Investigator
14 Department of Insurance
15 2910 North 44th Street, Suite 210
16 Phoenix, Arizona 85018

17 
18 Curvey Walters Burton