

DEC 11 2013

DEPT. OF INSURANCE
BY 

STATE OF ARIZONA

DEPARTMENT OF INSURANCE

In the Matter of:

O'GARRO, EARL O.,
(Arizona License Number 995039)
(National Producer Number 13186968)

Respondent.

No. 13A-145-INS

**ORDER SUMMARILY SUSPENDING
LICENSE
NOTIFICATION OF RIGHTS**

The State of Arizona Department of Insurance ("Department") has received evidence that **Earl O. O'Garro** violated provisions of Title 20, Arizona Revised Statutes ("A.R.S."). In light of the serious nature of these allegations, the Director of Insurance for the State of Arizona ("Director") finds that the public health, safety and welfare imperatively require emergency action, within the meaning of A.R.S. § 41-1092.11(B).

FINDINGS OF FACT

1. Earl O. O'Garro ("O'Garro" or "Respondent") is, and was at all material times, licensed as an Arizona non-resident property and casualty insurance producer and surplus lines broker, Arizona license number 995039, which expires on December 31, 2014.

2. O'Garro's addresses of record with the Department are: Hybrid Insurance Group, 30 Lewis St., Hartford, CT 06103-2501 (business), 83 Johnson Rd., Marlborough, CT 06447-1222 (mailing and residence).

State of Connecticut Order of Revocation

3. On or about October 18, 2013, the State of Connecticut Insurance Department filed a Complaint In the matter of Earl O'Garro and Hybrid Insurance Agency, Docket No. FC 13-173 ("Complaint").

1 4. The Complaint alleged misappropriation by O'Garro and Hybrid Insurance
2 Agency of approximately \$786,492.00 in premium amounts, failure to timely remit \$306,250.00
3 in premium and attempting to induce a premium finance company to finance premiums on four
4 fake companies.

5 5. On or about November 14, 2013, the State of Connecticut Insurance Department
6 filed an Order for Default Judgment and Order of Revocation In the Matter of Earl O'Garro and
7 Hybrid Insurance Agency, Docket No. FC 13-173.

8 **State of Virginia Order of Revocation**

9 6. On or about July 15, 2013, the Commonwealth of Virginia State Corporation
10 Commission filed an Order Revoking License in Commonwealth of Virginia, *ex rel.* State
11 Corporation Commission v. Earl O. O. Garro, Docket No. INS-2013-00151 ("Virginia Order").
12 The Virginia Order found that Respondent failed to pay the Bureau of Insurance Maintenance
13 Assessment and other related fines and penalties for the calendar year 2012. The Virginia
14 Order revoked Respondent's licenses to transact the business of insurance as an insurance
15 agent and a surplus lines broker.

16 7. Respondent failed to report the Department of Virginia administrative action to
17 the Department within 30 days.

18 **CONCLUSIONS OF LAW**

19 1. The Director has jurisdiction over this matter.

20 2. Respondent's conduct, as described above, constitutes failure to report, within
21 thirty days after the final disposition of the matter, any administrative action taken against the
22 producer in another jurisdiction or by another government agency in this state, within the
23 meaning of A.R.S. § 20-301(A).

1 3. Respondent's conduct, as described above constitutes failure to be licensed as a
2 resident and in good standing in the person's home state, within the meaning of A.R.S. § 20-
3 287(A)(1).

4 4. Respondents' conduct, as described above, constitutes violating any provision of
5 Title 20 or any rule, subpoena or order of the director, within the meaning of A.R.S. § 20-
6 295(A)(2).

7 5. Respondent's conduct, as described above, constitutes improperly withholding
8 monies received in the course of doing insurance business within the meaning of A.R.S. § 20-
9 295(A)(4).

10 6. Respondent's conduct, as described above, constitutes intentionally
11 misrepresenting the terms of an actual or proposed insurance contract or application for
12 insurance, within the meaning of A.R.S. § 20-295(A)(5).

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

17 8. Grounds exist for the Director to suspend, revoke, or refuse to renew
18 Respondents' insurance licenses and/or order restitution pursuant to A.R.S. §§ 20-295(A) and
19 (F).

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1 **ORDER**

2 IT IS HEREBY ORDERED THAT:

3 1. Respondent's Arizona non-resident license, number 995039, is summarily
4 suspended, effective immediately upon entry of this Order.

5 DATED AND EFFECTIVE this 11th day of December, 2013.

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7 
8 GERMAINE L. MARKS
9 Director of Insurance

10 **NOTICE OF OPPORTUNITY FOR HEARING**

11 Pursuant to Title 20 of the Arizona Revised Statutes, Respondents are hereby notified
12 that Respondents may request a hearing pursuant to A.R.S. § 20-161 to contest the summary
13 suspension. Such request must be in writing and received at the following address within
14 thirty (30) days from the date hereof:

15 **Arizona Department of Insurance**
16 **2910 North 44th Street, Suite 210**
17 **Phoenix, Arizona 85018-7269**

18 Upon receipt of a timely written request for hearing, the Director will issue an order
19 setting the time and place of the hearing.

20 COPIES of the foregoing mailed/delivered
21 this 11th day of December, 2013, to:

22 Earl O. O'Garro
23 83 Johnson Rd.
Marlborough, CT 06447-1222
Respondent

1 Earl O. O'Garro
c/o Hybrid Insurance Group
2 30 Lewis Street
Hartford, CT 06103-2501
3 Respondent

4 Darren Ellingson, Deputy Director
Mary Kosinski, Executive Assistant for Regulatory Affairs
5 Catherine M. O'Neil, Consumer Legal Affairs Officer
Steve Fromholtz, Licensing Supervisor
6 Department of Insurance
2910 North 44th Street, Suite 210
7 Phoenix, Arizona 85018

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Curvey Walters Burton

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