

APR 21 2014

DEPT OF INSURANCE
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STATE OF ARIZONA

DEPARTMENT OF INSURANCE

In the Matter of:

RUSSO AND ASSOCIATES SERVICES, INC.
(Arizona License Number 960361)
and **KEIME, BARRY LAWRENCE**
dba RUSSO AND ASSOCIATES
(Arizona License Number 203153)
(National Producer Number 8498954)

No. 14A-053-INS

CONSENT ORDER

Respondents.

The State of Arizona Department of Insurance ("Department") has received evidence that **Russo and Associates Services, Inc. and Barry Lawrence Keime dba Russo and Associates ("Respondents")** violated provisions of Title 20, Arizona Revised Statutes. Respondents wish to resolve this matter without the commencement of formal proceedings, and admit the following Findings of Fact are true and consent to entry of the following Conclusions of Law and Order.

FINDINGS OF FACT

1. Russo and Associates Services, Inc. ("Russo and Associates") is, and was at all material times licensed as an Arizona resident accident/health, life, casualty, and property insurance producer, Arizona license number 960361, which expires February 28, 2018.
2. Russo and Associate's address of record is: 5777 S. Rural Rd #6, Tempe, Arizona 85283 (business and mailing).
3. Barry Lawrence Keime dba Russo and Associates ("Keime") is, and was at all material times, licensed as an Arizona resident accident/health, life, casualty, and property insurance producer, Arizona license number 203153, which expires July 31, 2016.

1 4. Keime's addresses of record are: c/o Russo and Associates Services, Inc., 5777
2 S. Rural Rd. #6, Tempe, Arizona 85283 (business and mailing), and 1312 S. Loback Lane,
3 Gilbert, Arizona 85296 (residence).

4 5. Keime is the Owner/President and Designated Responsible Licensed Producer
5 for Russo and Associates.

6 6. On or about December 30, 2013, Trinity Group, Inc. ("Trinity") provided Russo
7 and Associates with a check in the amount of \$3,760.00 to secure workers compensation
8 insurance with The Hartford Insurance Company ("Hartford"). The payment by Trinity was for
9 full payment of the premium on an annual policy.

10 7. Although Russo and Associates attempted to place coverage with Hartford for
11 Trinity, it did not actually place the coverage.

12 8. On or about January 27, 2014, Trinity received from Russo and Associates a
13 fictitious Declarations page for Hartford policy #59 WEC DUO747.

14 9. After Trinity filed a complaint with the Department and the Department initiated
15 an investigation, Russo and Associates made arrangements to place coverage for Trinity with
16 another insurer applying all or part of the premium of \$3,760.00 to a new one year policy.

17 **CONCLUSIONS OF LAW**

18 1. The Director has jurisdiction over this matter.

19 2. Russo and Associates conduct as described above, constitutes using
20 fraudulent, coercive or dishonest practices, or demonstrating incompetence,
21 untrustworthiness or financial irresponsibility in the conduct of business in this state, within
22 the meaning of A.R.S. § 20-295 (A)(8).
23

1 3. Grounds exist for the Director to deny, suspend for not more than twelve months,
2 revoke, or refuse to renew an insurance producer's license, impose a civil penalty and/or order
3 restitution pursuant to A.R.S. §§20-295(A), (B), and (F).

4 **ORDER**

5 IT IS HEREBY ORDERED THAT:

6 1. Russo and Associates shall refund the \$2,305.85 of unused premium to Trinity
7 and provide proof to the Department of the refunded amount.

8 2. Respondents shall immediately pay a civil penalty of \$500.00 for deposit into the
9 State General Fund.

10 3. Respondents are jointly and severally responsible for payment of the civil
11 penalty.

12 DATED AND EFFECTIVE this 21st day of April, 2014.

13 

14 GERMAINE L. MARKS
15 Director of Insurance

16 **CONSENT TO ORDER**

17 1. Respondents have reviewed the foregoing Findings of Fact, Conclusions of Law
18 and Order.

19 2. Respondents admit the jurisdiction of the Director of Insurance, State of Arizona,
20 and admit the foregoing Findings of Fact and consent to the entry of the foregoing
21 Conclusions of Law and Order.

22 3. Respondents are aware of their right to notice and hearing at which they may be
23 represented by counsel, present evidence and examine witnesses. Respondents irrevocably

1 waive their right to such notice and hearing and to any court appeals relating to this Consent
2 Order.

3 4. Respondents state that no promise of any kind or nature whatsoever, except as
4 expressly contained in this Consent Order, was made to them to induce them to enter into this
5 Consent Order and that they have entered into this Consent Order voluntarily.

6 5. Respondents acknowledge that the acceptance of this Consent Order by the
7 Director is solely to settle this matter against them and does not preclude any other agency,
8 including the Department, officer, or subdivision of this state or this agency from instituting civil
9 or criminal proceedings as may be appropriate now or in the future.

10 6. Respondents acknowledge that this Consent Order is an administrative action
11 that the Department will report to the National Association of Insurance Commissioners
12 (NAIC). Respondents further acknowledge that they must report this administrative action to
13 any and all states in which they hold an insurance license and must disclose this
14 administrative action on any license application.

15 7. Barry Lawrence Keime represents that he is the Owner/President and
16 Designated Responsible Licensed Producer for Russo and Associates Services, Inc., and as
17 such is authorized to enter into this Consent Order on its behalf.

Russo and Associates Services, Inc., License # 960361

18 4/17/14
19 Date

Barry Lawrence Keime
Barry Lawrence Keime, Owner/President
Designated Responsible Licensed Producer

20 4/17/14
21 Date

Barry Lawrence Keime
Barry Lawrence Keime, Arizona License # 203153

22 ...


23 ...

1 COPIES of the foregoing mailed/delivered
this 21st day of April, 2014, to:

2 Russo and Associates Services, Inc.
3 5777 S. Rural Rd. #6
4 Tempe, Arizona 85283
Respondent

5 Barry Lawrence Keime
6 Russo and Associates Services, Inc.
7 5777 S. Rural Rd. #6
Tempe, Arizona 85283
Respondent

8 Darren T. Ellingson, Deputy Director
9 Mary E. Kosinski, Executive Assistant for Regulatory Affairs
10 Maria Ailor, Acting Assistant Director, Consumer Affairs Division
11 Catherine M. O'Neil, Consumer Legal Affairs Officer
12 Steven Fromholtz, Licensing Supervisor
13 Charles Gregory, Supervisor Investigations Division
14 Randy Markham, Investigator
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16 2910 North 44th Street, Suite 210
17 Phoenix, Arizona 85018

18 
19 Curvey Walters