

APR 29 2014

STATE OF ARIZONA

DEPARTMENT OF INSURANCE

DEPT OF INSURANCE
BY EW

In the Matter of:

BOCCIERI, CHRISTOPHER
(Arizona License Number 115050)
(National Producer Number 6721688)

No. 14A-055-INS

CONSENT ORDER

Respondent.

The State of Arizona Department of Insurance ("Department") has received evidence that **Christopher Boccier**i 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. Christopher Boccier*i* ("Boccier*i*" or "Respondent") is, and was at all material times, licensed as an Arizona resident accident/health and life insurance producer, Arizona license number 115050, which expires December 31, 2016.

2. Boccier*i*'s address of record is: 1243 E. Kerry Lane, Phoenix, AZ 85024 (business, mailing and residence).

3. Between June 18, 2010 and May 16, 2013, Boccier*i* met with Rosalie and James Hammerly (the "Hammerly's") and convinced them to surrender a total of six (6) annuity contracts. Per Boccier*i*'s request the Hammerly's surrendered the annuities, received the checks from the former insurance companies directly and wrote new checks for the new

1 annuities that Boccieri sold them. As a result, the Hammerly's suffered a total loss of
2 \$33,476.77 in surrender penalties.

3 4. Boccieri failed to disclose to the new insurance companies that the monies were
4 rollovers from previous annuities.

5 **CONCLUSIONS OF LAW**

6 1. The Director has jurisdiction over this matter.

7 2. Respondent's conduct, as described above, constitutes failing to submit to an
8 insurer a statement signed by both the applicant and the insurance producer as to whether the
9 applicant has an existing policy or contract, within the meaning of A.R.S. § 20-1241.03(A).

10 3. Respondent's conduct, as described above, constitutes a violation of Title 20,
11 within the meaning of A.R.S. § 20-295(A)(2).

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

15 5. Respondent's conduct, as described above, constitutes using fraudulent,
16 coercive or dishonest practices, or demonstrating incompetence, untrustworthiness or
17 financial irresponsibility in the conduct of business in this state, within the meaning of A.R.S.
18 § 20-295(A)(8).

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

22 ...

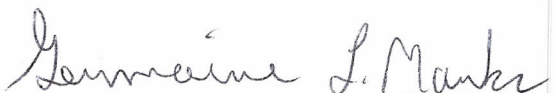
23 ...

1 **ORDER**

2 IT IS HEREBY ORDERED THAT:

- 3 1. Respondents' resident license (Arizona license # 115050) is suspended for a
4 period of thirty (30) days effective April 25, 2014 through May 24, 2014.
- 5 2. Respondent shall immediately pay a civil penalty of \$3,000.00 for deposit into
6 the State General Fund.
- 7 3. Respondent shall immediately make restitution to the Hammerly's in the amount
8 of \$15,00.00 and provide proof to the Department of the restitution made.

9 DATED AND EFFECTIVE this 28th day of April, 2014.

10 
11 GERMAINE L. MARKS
12 Director of Insurance

13 **CONSENT TO ORDER**

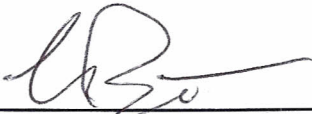
- 14 1. Respondent has reviewed the foregoing Findings of Fact, Conclusions of Law
15 and Order.
- 16 2. Respondent admits the jurisdiction of the Director of Insurance, State of Arizona,
17 and admits the foregoing Findings of Fact and consent to the entry of the foregoing
18 Conclusions of Law and Order.
- 19 3. Respondent is aware of his right to notice and hearing at which he may be
20 represented by counsel, present evidence and examine witnesses. Respondent irrevocably
21 waives his right to such notice and hearing and to any court appeals relating to this Consent
22 Order.

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

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

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

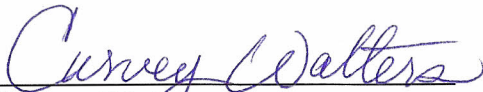
13 4/25/14
14 Date

15 
16 _____
17 Christopher Bocchieri, Arizona License # 115050
18

19 COPIES of the foregoing mailed/delivered
20 this 29th day of April, 2014, to:

21 Christopher Bocchieri
22 1243 E. Kerry Lane
23 Phoenix, AZ 85024
Respondent

1 Mary Kosinski, Executive Assistant for Regulatory Affairs
Darren T. Ellingson, Deputy Director
2 Maria Ailor, Acting Consumer Affairs Assistant Director
Catherine M. O'Neil, Consumer Legal Affairs Officer
3 Steve Fromholtz, Licensing Supervisor
Charles Gregory, Investigations Supervisor
4 Nicolas Lopez, Investigator
Department of Insurance
5 2910 North 44th Street, Suite 210
Phoenix, Arizona 85018

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7 Curvey Walters
Curvey Walters

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