

STATE OF ARIZONA

STATE OF ARIZONA
FILED

DEPARTMENT OF INSURANCE

OCT - 9 2015

DEPT OF INSURANCE

BY ms

In the Matter of:)
)
GIMBERG, HARRY N.,)
(Arizona License number # 1088044))
(National Producer #17370419))
)
Respondent)
_____)

No. 15A-074-INS

CONSENT ORDER

Hearing 10/28/15, 8:00 a.m.

ALJ Mike Douglas

The State of Arizona Department of Insurance ("Department") has received evidence that Harry N. Gimberg has violated provisions of Title 20, Arizona Revised Statutes ("A.R.S."). 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. Harry N. Gimberg ("Respondent") is, and was at all material times licensed as a resident accident/health insurance producer, Arizona license number 1088044, which expires December 31, 2017.

2. Respondent's addresses of record with the Department are: 3860 E. Salinas, Phoenix, Arizona 85044 (mailing and business).

3. On or about September 15, 2014, the Department issued to Respondent an insurance license as a resident accident/health insurance producer, Arizona license number 1088044.

4. On February 9, 2015, the Department notified Respondent by mail at his address of record that his fingerprint card had been processed and returned by the Arizona Department of Public Safety (DPS) as illegible. The Department requested a replacement set of fingerprints along with a completed "Illegible Fingerprint Replacement Form" on or before March 11, 2015. Respondent did not reply to the Department's request.

1 5. On June 9, 2015, the Department notified Respondent a second time by mail at
2 his address of record that his fingerprints had been returned by DPS as illegible and that the
3 Department was about to initiate an administrative action against his license for failure to
4 comply with the fingerprint requirement. The Department requested a response by July 9,
5 2015.

6 6. To date, Respondent has not submitted a full set of fingerprints to the
7 Department.

8 **CONCLUSIONS OF LAW**

9 1. The Director has jurisdiction over this matter.

10 2. Respondent's conduct as described above constitutes the violation of the
11 requirement that an applicant submit a full set of fingerprints to the Department within the
12 meaning of A.R.S. § 20-285(E)(2).

13 3. Respondent's conduct as described above constitutes providing incomplete
14 information in the license application within the meaning of A.R.S. § 20-295(A)(1).

15 4. Respondent's conduct as described above constitutes the violation of any
16 provision of A.R.S. Title 20 or any rule, subpoena or order of the director within the meaning of
17 A.R.S. § 20-295(A)(2).

18 5. Grounds exist for the Director to suspend, revoke, or refuse to renew
19 Respondent's insurance license, impose a civil penalty and/or order restitution pursuant to
20 A.R.S. §§ 20-295(A) and (F).

21 **ORDER**

22 IT IS HEREBY ORDERED THAT:

23 1. Respondent may surrender his insurance producer license, Arizona license
number **1088044**.

...

...

1 2. The hearing, Docket #15A-074-INS, scheduled for October 28, 2015, at 8:00
2 a.m. is vacated.

3 DATED AND EFFECTIVE this 9th day of October, 2015.

4 
5 Darren Ellingson
6 Acting Director of Insurance

7 **CONSENT TO ORDER**

8 1. Respondent has reviewed the foregoing Findings of Fact, Conclusions of Law
9 and Order.

10 2. Respondent admits to the jurisdiction of the Director of Insurance, State of
11 Arizona, and admits the foregoing Findings of Fact and consents to the entry of the foregoing
12 Conclusions of Law and Order.

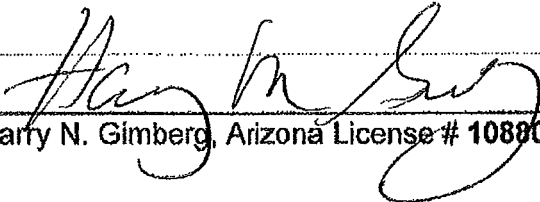
13 3. Respondent is aware of his right to notice and a hearing at which he may be
14 represented by counsel, present evidence and examine witnesses. Respondent irrevocably
15 waives his right to such notice and hearing and to any court appeals relating to this Consent
16 Order.

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

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

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

6
7 9/28/15
8 Date

9
10
11
12
13
14
15
16
17
18
19
20
21
22
23

Harry N. Gimberg, Arizona License # 1088044

COPIES of the foregoing mailed/delivered
this 9th day of October, 2015, to:

Harry N. Gimberg
3860 E. Salinas
Phoenix, Arizona 85044
Respondent

Mary Kosinski, Executive Assistant for Regulatory Affairs
Steve Fromholtz, Licensing Supervisor
Barbara Beltran, Business Office
Arizona Department of Insurance
2910 North 44th Street, Suite 210
Phoenix, Arizona 85018

E-FILE of the foregoing delivered
electronically, same date, to:

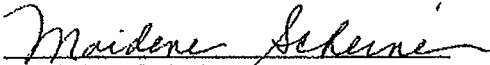
Mike Douglas, Administrative Law Judge
Office of Administrative Hearings

1 COPY sent same date via electronic mail to:

2 Liane Kido
Assistant Attorney General

3 Liane.Kido@azag.gov and Teresa.Carranza@azag.gov
Attorney for the Department of Insurance

4

5 
Madeine Scheiner
4685121

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23