

STATE OF ARIZONA

DEPARTMENT OF INSURANCE

JUL 6 2017

In the Matter of:

DEPT OF INSURANCE
BY MS

ARIZMENDI, EMANUEL
(National Producer Number 16966292)
(Legacy License Number 1106055)

No. 17A-668-INS
CONSENT ORDER

Respondent.

The State of Arizona Department of Insurance ("Department") has received evidence that Emanuel Arizmendi 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. Emanuel Arizmendi ("Arizmendi" or "Respondent") is, and was at all material times, licensed as an Arizona-licensed adjuster, Arizona license number 16966292. The Department issued Arizmendi a license effective March 13, 2015. The license expires on November 30, 2018.

2. Arizmendi's addresses of record with the Department are: 2217 West Bowker Street, Phoenix, AZ 85041 (business), and C/O Sentry Insurance, 9060 East Via Linda, #100, Scottsdale, AZ 85258 (mailing).

3. Arizmendi's known email address is: emanuel22arizmendi@gmail.com.

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1 Falsification of Insurance Claims

2 4. Arizmendi falsified an insurance claim related to an automobile accident involving
3 three (3) vehicles which occurred on or about March 9, 2016. Falsification of the claim occurred
4 when Arizmendi added the name of Daniel Flores ("Flores") as a "claimant driver" involved in
5 the accident. A police report taken at the time of the accident identified all drivers and
6 passengers of the subject vehicles. Flores was neither a driver nor passenger in any of the
7 vehicles.

8 5. Sentry Insurance, A Mutual Company ("Sentry"), employed Arizmendi at the time
9 of the March 9, 2016 accident.

10 6. On January 18, 2017, as a result of the falsified claim, Sentry issued a check to
11 Flores in the amount of \$25,000.00.

12 7. Arizmendi falsified an insurance claim related to an automobile accident involving
13 two (2) vehicles which occurred on or about May 12, 2016. Falsification of the claim occurred
14 when Arizmendi added the name of his sister, Janet Trejo, to the claim. Trejo was neither of
15 the identified claimants involved in the accident.

16 8. Sentry employed Arizmendi at the time of the May 12, 2016 accident.

17 9. As a result of the falsified claim, Trejo received \$4,489.00 in insurance proceeds
18 from Sentry for alleged property damage and bodily injury,

19 10. On March 8, 2017, Sentry interviewed Arizmendi who admitted to falsifying both
20 claims.

21 Failure to Notify – Address Changes

22 11. On or about March 8, 2017, Sentry terminated Arizmendi's employment. Until his
23 termination, Arizmendi used Sentry's physical address (Via Linda) as his mailing address of
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1 record which is no longer valid. Arizmendi failed to timely notify the Department of a change in
2 mailing address.

3 12. On or about April 20, 2017, Department staff attempted to personally contact
4 Arizmendi at his business address of record (Bowker Street). The person who responded to
5 Department staff identified himself as Arizmendi's father and he stated that Arizmendi had
6 moved out four (4) months earlier and he claimed not to know where his son currently lives.
7 Arizmendi's business address is no longer valid. Arizmendi failed to timely notify the
8 Department of a change of business address.

9 CONCLUSIONS OF LAW

10 1. The Interim Director ("Director") has jurisdiction over this matter.

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

13 3. Respondents' conduct, as described above, constitutes using fraudulent and
14 dishonest practices, and demonstrating incompetence, untrustworthiness and 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 4. Respondents' conduct, as described above, constitutes presenting, causing to be
18 presented or preparing with the knowledge or belief that it will be presented, an oral or written
19 statement, including computer-generated documents, to an insurer that contains untrue
20 statements of material fact or that fails to state any material fact with respect to a claim for
21 payment or benefit pursuant to an insurance policy or payments made pursuant to the terms of
22 an insurance policy, within the meaning of A.R.S. § 20-463(A)(1)(c) and (e).

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1 5. Respondent's conduct, as described above, constitutes failing to inform the
2 Director in writing, within thirty days, of any change in the licensee's addresses, within the
3 meaning of A.R.S. § 20-286(C)(1)

4 6. Grounds exist for the Director to deny, suspend for not more than twelve months,
5 revoke, or refuse to renew an insurance producer's license pursuant to A.R.S. §§ 20-295(A)
6 and (B).

7 **ORDER**

8 **IT IS HEREBY ORDERED THAT:**

9 1. Emanuel Arizmendi's Arizona-resident license, number 16966292, is revoked
10 effective immediately upon entry of this Order.

11 DATED AND EFFECTIVE this 5th day of July, 2017.

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14 **LESLIE R. HESS**
Interim Director of Insurance

15 **CONSENT TO ORDER**

16 1. Respondent has reviewed the foregoing Findings of Fact, Conclusions of Law and
17 Order.

18 2. Respondent admits the jurisdiction of the Director of Insurance, State of Arizona,
19 and admits the foregoing Findings of Fact and consents to the entry of the foregoing
20 Conclusions of Law and Order.

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

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

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

10 6. Respondent acknowledges that this Consent Order is an administrative action the
11 Department will report to the National Association of Insurance Commissioners ("NAIC") and
12 that he may have to report this administrative action on any future licensing applications either
13 to the Department or other states' Departments of Insurance.

14
15 6/26/2017
Date


Emanuel Arizmendi, National Producer Number 16966292

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17 COPIES of the foregoing mailed/delivered
18 this 6th day of July, 2017, to:

19 Emanuel Arizmendi
20 2217 W. Bowker St.
Phoenix, AZ 85041

21 Emanuel Arizmendi
22 C/O Sentry Insurance
23 9060 E. Via Linda, #100
24 Scottsdale AZ 85258

1 Mary Kosinski, Regulatory Legal Affairs Officer
Catherine M. O'Neil, Consumer Legal Affairs Officer
2 Steven Fromholtz, Assistant Director, Consumer Protection Division
Wendy Greenwood, Investigator
3 Arizona Department of Insurance
2910 N. 44th Street, Suite 210
4 Phoenix, Arizona 85018-7269

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Maidene Scheiner

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