

STATE OF ARIZONA  
Department of Insurance and Financial Institutions  
FILED July 26, 2023 by GE

STATE OF ARIZONA

DEPARTMENT OF INSURANCE AND FINANCIAL INSTITUTIONS

In the Matter of:

**FORCONI, DENISE JANE**

(National Producer No. 16095885)

Respondent.

No. 23A- 043 -INS

**CONSENT ORDER**

The Arizona Department of Insurance and Financial Institutions (“Department”) has received evidence that **Denise Jane Forconi** (“Respondent”) violated provisions of Arizona Revised Statutes (“A.R.S.”) Title 20. Respondent wishes to resolve this matter without the commencement of formal proceedings, and admits the following Findings of Fact are true, and consents to the entry of the following Conclusions of Law and Order.

FINDINGS OF FACT

1. Respondent was at all material times licensed as an Arizona resident insurance producer, National Producer Number 16095885, with lines of authority in accident and health or sickness insurance and life. The Department first licensed Respondent on December 2, 2010. Respondent’s license is scheduled to expire on June 30, 2026.

2. Respondent’s business and mailing address of record with the Department is 5065 E Mazatzal Dr., Cave Creek, AZ 85331. Respondent’s email addresses of record with the Department are Deniseforconi@yahoo.com and Dforconi@voluntarypartners.com.

3. On or about March 1, 2023, the Department received a case referral from American Family Life Assurance Company of Columbus (“AFLAC”), alleging

1 Respondent's misconduct related to approximately fourteen (14) insurance applications.

2 4. The Department commenced an investigation into this matter. The  
3 Department's investigation revealed the following:

4 a) Respondent, as an AFLAC employee, proceeded with completing insurance  
5 applications for consumers who had not communicated with Respondent but  
6 rather initiated their applications with another AFLAC employee, J.R., who was  
7 subsequently terminated.

8 b) A review of the consumers' files revealed that in July and August of 2022,  
9 Respondent submitted to AFLAC and certified documents in which Respondent  
10 affirmed that she met with consumers in-person prior to submitting their  
11 application, without evidence of such in-person meetings. The documents  
12 containing false information are as follows:

- 13 • For consumer P.B., Respondent submitted a Supplemental Notification  
14 completed in instances when the consumer is replacing or terminating  
15 existing AFLAC coverage that contains cancer benefits. Respondent  
16 certified that she "personally saw the ... Insured when the application was  
17 written" and electronically signed and dated the document on July 29,  
18 2022.
- 19 • For consumer A.R., Respondent submitted an Authorization to Obtain and  
20 Disclose Information ("Authorization") electronically signed and dated  
21 July 29, 2022. Respondent certified that she "personally saw the ...  
22 Insured when the application was written." During AFLAC's internal

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investigation, A.R. confirmed that she personally met with AFLAC's former employee J.R. but she never worked with nor heard of Respondent, and that "[s]he never signed up electronically."

- For consumer M.N., Respondent submitted an Authorization electronically signed and dated July 29, 2022. Respondent certified that she "personally saw the ... Insured when the application was written."
- For consumer S.K., Respondent submitted two (2) Notices of Information Practices ("Notice") electronically signed and dated July 30, 2022. In both Notices, Respondent certified that she "personally saw the ... Insured when the application was written."
- For consumer A.J., Respondent submitted two (2) Supplemental Notices both signed and dated August 1, 2022. In both Notices, Respondent certified that she "personally saw the ... Insured when the application was written." During AFLAC's internal investigation, A.J. confirmed that J.R., AFLAC's former employee, "presented all the information to her. Then she was signed up with Forconi."
- For consumer M.N., Respondent submitted a Notice electronically signed and dated July 29, 2022. Respondent certified that she "personally saw the ... Insured when the application was written."

c) On or about April 18, 2023, the Department conducted a virtual investigational interview with Respondent. During the interview, Respondent confirmed that she was asked by J.R. to process the applications. She further confirmed that she in

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fact did not meet the consumers in-person as “the locations of the communities were far in distance, so she used AFLAC’s telephone enrollment options versus traveling to the communities.”

**CONCLUSIONS OF LAW**

- 5. The Director has jurisdiction over this matter.
- 6. Respondent’s conduct, as described above, constitutes a violation of Title 20 or any rule, subpoena or order of the Director. A.R.S. § 20-295(A)(2).
- 7. Respondent’s conduct, as described above, constitutes using fraudulent, coercive or dishonest practices, or demonstrating incompetence, untrustworthiness or financial irresponsibility in the conduct of business in this state or elsewhere. A.R.S. § 20-295(A)(8).
- 8. Grounds exist, in addition to or instead of any suspension or revocation for the Director to impose a civil penalty of not more than \$250.00 for each unintentional failure or violation up to an aggregate civil penalty of \$2,500.00, or impose a civil penalty of not more than \$2,500.00 for each intentional failure or violation, up to an aggregate civil penalty of \$15,000.00. A.R.S. § 20-295(F).

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**ORDER**

**IT IS HEREBY ORDERED THAT:**

1. Denise Jane Forconi shall immediately pay to the Department a civil money penalty in the amount of one thousand dollars (\$1,000.00).

Effective this 17<sup>th</sup> day of July, 2023.

Barbara D. Richardson 7/26/2023  
Barbara D. Richardson, Director  
Arizona Department of Insurance and Financial Institutions

**CONSENT TO ORDER**

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1. Respondent acknowledges that it has been served with a copy of the foregoing Consent Order in the above-referenced matter, has read it, is aware of its right to an administrative hearing in this matter and has knowingly and voluntarily waived that right.

2. Respondent accepts the personal and subject matter jurisdiction of the Department over it in this matter.

3. Respondent acknowledges that no promise of any kind or nature has been made to induce it to sign the Consent to Order and it has done so knowingly and voluntarily.

4. Respondent acknowledges and agrees that the acceptance of this Consent to Order by the Director is solely to settle this matter and does not preclude the Department from instituting other proceedings as may be appropriate now or in the future. Furthermore, and notwithstanding any language in this Consent Order, this Consent Order does not preclude in any way any other state agency or officer or political subdivision of this state from instituting proceedings, investigating claims, or taking legal action as may be appropriate now or in the future relating to this matter or other matters concerning Respondent, including but not limited to violations of Arizona's Consumer Fraud Act. Respondent acknowledges that, other than with respect to the Department, this Consent Order makes no representations, implied or otherwise, about the views or intended actions of any other state agency or officer or political subdivision of the state relating to this matter or other matters concerning Respondent.

5. Respondent acknowledges and agrees that failure to correct the violations set forth above in this Consent Order, or any repeat findings of the above violations in the

1 future, can result in disciplinary action which may include a greater civil money penalty and  
2 suspension or revocation of its license.

3 6. Respondent waives all rights to seek an administrative or judicial review or  
4 otherwise to challenge or contest the validity of this Consent Order and its accompanying  
5 parts before any court of competent jurisdiction.

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

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7-12-23  
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DENISE JANE FORCONI  
(NATIONAL PRODUCER NO. 16095885)

1 **COPY** of the foregoing delivered via email  
this 10<sup>26th</sup> day of July, 2023, to:

2 Denise Jane Forconi  
3 5065 E Mazatzal Dr.  
4 Cave Creek, AZ 85331  
5 Deniseforconi@yahoo.com  
Dforconi@voluntarypartners.com  
6 Respondent

6 **COPY** of the foregoing delivered/emailed same date, to:

7 Deian Ousounov, Assistant Director  
8 Gio Espinosa, Regulatory Legal Affairs Officer  
9 Ana Starcevic, Paralegal Project Specialist  
10 Cathy O'Neil, Consumer Regulatory Affairs Officer  
11 Steven Fromholtz, Division Manager, Licensing  
12 Linda Lutz, Legal Assistant, Licensing  
13 Aquacclah Curric, Licensing Supervisor  
14 Kyle Tapia, Investigator  
15 Arizona Department of Insurance and Financial Institutions  
16 100 North 15th Avenue, Suite 261  
17 Phoenix, Arizona 85007-2630  
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