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# STATE OF ARIZONA Department of Insurance and Financial Institutions FILED June 21, 2021 by AS

### **DEPARTMENT OF INSURANCE AND FINANCIAL INSTITUTIONS**

**STATE OF ARIZONA** 

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In the Matter of:

No. 21A- 046 -INS

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WINESTEIN, JAY

(NATIONAL PRODUCER NO. 684550)

**CONSENT ORDER** 

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Respondent.

The Arizona Department of Insurance and Financial Institutions ("Department") has received evidence that **Jay Winestein** ("Winestein" or "Respondent") 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 the entry of the following Conclusions of Law and Order.

#### FINDINGS OF FACT

- 1. The Department issued a resident license, National Producer Number 684550, to Respondent on December 28, 2020; the license is scheduled to expire on May 31, 2024.
- 2. Respondent is, and was at all material times, licensed as an Arizona resident insurance producer with four (4) lines of authority: property, casualty, life, and accident and health or sickness.
  - 3. Respondent's business email address of record is <u>jaywein57@gmail.com</u>.
- 4. On December 28, 2020, in his license application with the Department, Respondent listed his mailing, business and residential addresses of record as follows: 809 Riordan Road, #100-1027, Flagstaff, AZ 86001-0801. Upon investigation, the

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Department found that the listed address is the business address for the "FedEx Authorized ShipCenter."

- 5. On March 8, 2021, Respondent updated his business address to 24 West Camelback Road, Phoenix, AZ 85013. Subsequently, on March 16, 2021, Respondent updated the address to reflect a suite number A125. The Department found that the listed address is the business address for a UPS Store.
- 6. Department's investigator contacted Respondent to inquire into the discrepancies with the listed addresses. Respondent explained that the FedEx and UPS addresses were temporary while he decided where he wanted to establish a more permanent residential and business address.
- 7. On May 10, 2021, Respondent provided a copy of his "Lease Agreement" to confirm his residential address (domicile) in Arizona.
- 8. On May 10, 2021 Respondent updated his business address of record to 69 East Columbus Avenue #1, Phoenix, AZ 85012-2359.

#### **CONCLUSIONS OF LAW**

- 9. The Director has jurisdiction over this matter.
- 10. Respondent's conduct, as described above, constitutes providing incorrect information in his license application, within the meaning of A.R.S. § 20-295(A)(1).
- 11. Respondent's conduct, as described above, constitutes providing, under penalty of denial, suspension or revocation, incorrect information on his resident insurance producer license application, within the meaning of to A.R.S. § 20-285(A).

1	12. Respondent's conduct, as described above, constitutes violating any provision		
2	of this title (Title 20) or any rule, subpoena or order of the Director, within the meaning of		
3	A.R.S. § 20-295(A)(2).		
4	13. Respondent's conduct, as described above, constitutes failing to inform the		
5	director of a change of address within thirty days, within the meaning of A.R.S. § 20-286(C).		
6	14. Grounds exist, in addition to or instead of any suspension or revocation, for the		
7	Director to impose a civil penalty of not more than \$250.00 for each unintentional failure or		
8	violation up to an aggregate civil penalty of \$2,500.00, or impose a civil penalty of not more		
9	than \$2,500.00 for each intentional failure or violation, up to an aggregate civil penalty of		
10	\$15,000.00, within the meaning of A.R.S. § 20-295(F).		
11	ORDER		
12	IT IS HEREBY ORDERED THAT:		
13	1. Jay Weinstein shall immediately pay a civil penalty of two hundred fifty		
14	dollars (\$250.00).		
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16	Effective this day of, 2021.		
17	Evan of Damis		
18	Evan G. Daniels, Director		
19	Arizona Department of Insurance and Financial Institutions		
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#### CONSENT TO ORDER

- 1. Respondent has reviewed the foregoing Findings of Fact, Conclusions of Law and Order.
- 2. Respondent admits to the jurisdiction of the Director of the Arizona Department of Insurance and Financial Institutions and admits the foregoing Findings of Fact and consents to the entry of the foregoing Conclusions of Law and Order.
- 3. Respondent is aware of his right to notice and to a hearing, at which he may be represented by counsel, present evidence and examine witnesses.
- 4. Respondent irrevocably waives his right to such notice and hearing and to any court appeals relating to this Consent Order.
- 5. Respondent states that no promise of any kind or nature whatsoever, except as expressly contained in this Consent Order, was made to induce him to enter into this Consent Order and that he has entered into this Consent Order voluntarily.
- 6. Respondent acknowledges that the acceptance of this Consent Order by the Director is solely to settle this matter against him and does not preclude any other agency, officer, or subdivision of this state including the Department from instituting civil or criminal proceedings as may be appropriate now or in the future not related to this matter.

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1	7. 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
5	administrative action on any license application.
6	6/7/21 Des Wine I
8	Date Jay Winestein, NPN 684550
9	COPY of the foregoing delivered by E-mail, to: this <u>22nd</u> day of <u>June</u> , 2021, to:
10	Jay Winestein
11	69 E. Columbus Ave., #1 Phoenix, AZ 85012-2359
12	jaywein57@gmail.com Respondent
13	COPY of the foregoing delivered/emailed same date, to:
14	Deian Ousounov, Regulatory Legal Affairs Officer
15	Ana Starcevic, Paralegal Project Specialist Catherine M. O'Neil, Consumer Legal Affairs Officer
16	Steven Fromholtz, Licensing Division Manager Linda Lutz, Licensing Division Legal Assistant
17	Aqueelah Currie, Licensing Supervisor Wendy Greenwood, Investigator
18	Arizona Department of Insurance and Financial Institutions 100 North 15th Avenue, Suite 261
19	Phoenix, Arizona 85007-2630
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21	Francine Juarez Francine Juarez
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## Arizona Department of Insurance and Financial Institutions RECEIPT OF PAYMENT

Our mission is to help Arizonans receive the benefits and protections to which they are legally entitled by enforcing insuance and financialinstution laws and by providing information and assistance; and, to combat vehicle theft.

Date:	06/14/2021
Receipt #:	0083651
ADDITIONAL INFORMATIO	N:

ADDITIONAL INFORMATION REC'D 6/9/2021 JAY WINESTEIN

Payor/Licensee Name:	MEMBERS ADVANTAGE GROUP INC		
Desc	ription of Fee	Amount	
PNLTY-CONSENT ORDER REVENUES	\$250.00		
	Transaction Total:	\$250.00	
	Payment Information		
Amount Paid by Check 7151:		\$250.00	
Credit Tendered:		\$0.00	
Cash Tendered:		\$0.00	
Change Returned:		\$0.00	
and the control of th	Payment Total:	\$250.00	

The Arizona Department of Insurance and Financial Institutions continually works to improve service to its customers.

Please e-mail or mail any ideas on how we can improve to:

Mary Jordan 100 N. 15th Ave. # 102 Phoenix, Arizona 85007-2624 e-mail: Mary.Jordan@difi.az.gov.