

FEB 14 2012

DEPT OF INSURANCE  
BY 

STATE OF ARIZONA  
DEPARTMENT OF INSURANCE

1	In the Matter of:	)	
2		)	
3		)	<b>No. 12A- 026 - INS</b>
4	<b>PENA, ELVIS</b>	)	
5	<b>(Arizona License Number 157728)</b>	)	
6	<b>(National Producer Number 7823910)</b>	)	
7		)	<b>CONSENT ORDER</b>
8	Respondent.	)	
9		)	
10		)	

The State of Arizona Department of Insurance ("Department") has received evidence that **Elvis Pena ("Respondent")** 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. Respondent is, and was at all material times licensed as an Arizona resident accident/health, life, credit, property and casualty insurance producer, Arizona license number 157728, which expires on July 31, 2013.

2. Respondent was at all material times contracted with Farmers Insurance Group ("Farmers") to transact insurance on its behalf in Arizona.

3. On January 26, 2012, the Department received a referral from Farmers Insurance Group alleging that between September 2010 and October 2011, Respondent collected \$14,222.77 in premium from 25 clients, failed to remit the premium to Farmers and instead converted it to his own use.



1 **CONSENT TO ORDER**

2 1. Respondent has reviewed the foregoing Findings of Fact, Conclusions of Law  
3 and Order.

4 2. Respondent admits the jurisdiction of the Director of Insurance, State of Arizona,  
5 and admits the foregoing Findings of Fact and consents to the entry of the foregoing  
6 Conclusions of Law and Order.

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

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

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

18 6. Respondent acknowledges that this Consent Order is an administrative action  
19 that the Department will report to the National Association of Insurance Commissioners (NAIC)  
20 and that he may have to report this administrative action on any future licensing applications  
21 with the Department or any other states' Departments of Insurance.

22 2/17/2012  
Date

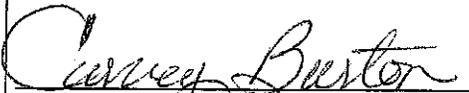
  
Elvis Pena, License No. 157728

1 COPIES of the foregoing mailed/delivered  
2 this 14th day of February, 2012, to:

3 Elvis Pena  
4 6804 W. Bronco Trail  
5 Peoria, AZ 85383  
6 (Respondent)

7 Farmers Insurance Group  
8 Joshua Advincula, Auditor  
9 16001 N. 28<sup>th</sup> Avenue  
10 Phoenix, AZ 85053

11 Mary Kosinski, Executive Assistant for Regulatory Affairs  
12 Mary Butterfield, Consumer Affairs Division  
13 Catherine M. O'Neil, Consumer Legal Affairs Officer  
14 Steve Fromholtz, Licensing Supervisor  
15 Arnold Sniegowski, Investigator  
16 Department of Insurance  
17 2910 North 44<sup>th</sup> Street, Suite 210  
18 Phoenix, Arizona 85018

19   
20 Curvey Walters Burton  
21  
22  
23