

JUN 2 2015

DEPT OF INSURANCE
BY ms

STATE OF ARIZONA
DEPARTMENT OF INSURANCE

In the Matter of:

BIVONA INSURANCE GROUP LLC
(Arizona License Number 1092728)

No. 15A-052-INS

CONSENT ORDER

Respondent.

The State of Arizona Department of Insurance ("Department") has received evidence that **Bivona Insurance Group LLC** ("**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 consent to entry of the following Conclusions of Law and Order.

FINDINGS OF FACT

1. Bivona Insurance Group LLC ("Bivona Insurance") is licensed as an Arizona resident accident/health, life, casualty, and property insurance producer, Arizona license number 1092728, which expires October 31, 2018. The Department first licensed Bivona Insurance on October 16, 2014¹.

2. Bivona Insurance's address of record is: 20325 N. 51st Avenue, Ste. 110, Glendale, Arizona 85308 (business and mailing).

3. Bivona Insurance filed its Articles of Organization with the Arizona Corporation Commission on August 21, 2013. James Bivona is a Manager of Bivona Insurance.

¹ Bivona Insurance has not named a Designated Responsible Licensed Producer.

1 **CONCLUSIONS OF LAW**

2 1. The Director has jurisdiction over this matter.

3 2. Respondent's conduct, as described above, constitutes selling, soliciting or
4 negotiating insurance in this state for any classes of insurance without being licensed for
5 that line of authority, within the meaning of A.R.S. § 20-282.

6 3. Respondent's conduct, as described above, constitutes failure to designate
7 an individually licensed insurance producer who is responsible for the business entity's
8 compliance with the insurance laws of the state, within the meaning of A.R.S. § 20-
9 285(C)(3).

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

12 5. Grounds exist for the Director to deny, suspend for not more than twelve
13 months, revoke, or refuse to renew an insurance producer's license pursuant to A.R.S. §
14 20-295(A).

15 6. Grounds exist for the Director, in addition to or instead of any suspension,
16 revocation or refusal to renew, impose a civil penalty of not more than two hundred fifty
17 dollars for each unintentional failure or violation, up to an aggregate civil penalty of two
18 thousand five hundred dollars, or impose a civil penalty of not more than two thousand
19 five hundred dollars for each intentional failure or violation, up to an aggregate civil
20 penalty of fifteen thousand dollars, within the meaning of A.R.S. § 20-295(F).

21 ...

22 ...

23 ...

1 **ORDER**


2 IT IS HEREBY ORDERED THAT:

3 1. Respondent shall immediately pay a civil penalty of \$750.00 for deposit into
4 the State General Fund.

5 2. Bivona Insurance and Bivona are jointly and severally responsible for
6 payment of the civil penalty.

7 3. Bivona Insurance shall immediately designate an individually licensed
8 insurance producer who is responsible for the business entity's compliance with the
9 insurance laws of this state.

10 DATED this 2nd day of June, 2015.

11
12 
13 _____
14 GERMAINE L. MARKS, Director
15 Arizona Department of Insurance

16 **CONSENT TO ORDER**

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

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

22 3. Respondent is aware of its right to notice and hearing at which it may be
23 represented by counsel, present evidence and examine witnesses. Respondent
24 irrevocably waives its right to such notice and hearing and to any court appeals relating to
25 this Consent Order.
26

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

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

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

13 7. James Bivona represents that he is a member and owner of Bivona Insurance
14 Group LLC and, as such, is authorized to enter into this Consent Order on its behalf.
15

16
17 Bivona Insurance Group LLC (Arizona License
18 #1092728)

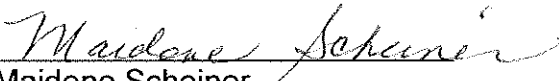
19
20 5-26-15
Date

21 
James Bivona, Member

22 COPIES of the foregoing mailed/delivered
23 this 20 day of May, 2015, to:

24 Bivona Insurance Group LLC
25 20325 N. 51st Avenue, Ste. 110
26 Glendale, AZ 85308
Respondent

1 Mary Kosinski, Executive Assistant for Regulatory Affairs
Darren T. Ellingson, Deputy Director
2 Yvonne Hunter, Assistant Director Consumer Affairs
Catherine M. O'Neil, Consumer Legal Affairs Officer
3 Steve Fromholtz, Licensing Supervisor
Charles Gregory, Investigations Supervisor
4 Gloria Barnes-Jackson, Investigator
Barbara Beltran, Business Office
5 Department of Insurance
6 2910 North 44th Street, Suite 210
Phoenix, Arizona 85018
7

8 
9 Maidene Scheiner

10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26