

OCT 25 2016

STATE OF ARIZONA

DEPARTMENT OF INSURANCE

DEPT OF INSURANCE  
BY MS

In the Matter of:

**SILVA, JENNA JOLENE**  
(Arizona License Number 1069483)  
(National Producer Number 17191164)

No. 16A-134-INS

**CONSENT ORDER**

**Respondent.**

The State of Arizona Department of Insurance ("Department") has received evidence that **Jenna Jolene Silva** 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. Jenna Jolene Silva ("Silva" or "Respondent") was, at all material times, licensed as an Arizona resident personal lines (property and casualty) producer, Arizona license number 1069483, which expires on March 31, 2017.

2. Respondent's address of record is: 13127 North 91<sup>st</sup> Lane, Peoria, Arizona 85381-8223 (business and mailing).

**Lovitt & Touché, Inc. Complaint**

3. From December 10, 2012 to March 18, 2016, insurance agency Lovitt & Touché, Inc. ("L&T") employed Silva. For approximately one (1) year, Silva held the position of Certificate Administrator. L&T subsequently promoted Silva in November 2013 to an Account

1 Manager in the Personal Lines Department where she interacted with clients, carriers, and  
2 client/carrier finances.

3 4. On or about March 15, 2016, L&T clients Stacy and Susan Litvak (the "Litvaks")  
4 contacted L&T to report that they had received a bill from their carrier, MetLife, for \$283.49; the  
5 amount represented a discounted monthly premium payment of \$233.49 and a \$50.00 penalty  
6 for non-sufficient funds in the clients' account. The Litvaks advised L&T that they "expressly  
7 rejected" monthly electronic fund transfer ("EFT") payments when offered in lieu of paying an  
8 annual premium.

9 5. L&T conducted an internal investigation and found that Silva fraudulently  
10 completed and submitted MetLife's "Electronic Payment Authorization – ExpressIT" form on  
11 January 27, 2016 for the Litvaks; the instruction immediately under the form's title reads, "Use  
12 this form to allow recurring monthly electronic withdrawals from your bank account."

13 6. Silva forged the Litvaks' signatures on the form and falsified their bank account  
14 number as well as falsified the bank's routing number. In addition, Silva checked three (3)  
15 boxes/options on the form, specifically: to start a new monthly electronic payment plan; to  
16 process the payment on the first day of each month; and to include the clients' home policy in  
17 the authorization.

18 7. L&T provided a document to the Department that was written and signed by Silva  
19 in which she wrote in part, "I Jenna did fill out the EFT for [sic] w/banking information that was  
20 not the clients & submitted to MetLife w/out clients' signature or knowledge."

21 8. L&T terminated Silva's employment and paid MetLife the total billed amount of  
22 \$283.49 to insure that the Litvaks did not incur a loss; however, Silva has not compensated L&T  
23 for their loss.

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1 9. L&T has not requested restitution.

2 10. L&T conducted a review of all of Silva's client files on which she worked as an  
3 Account Manager to ascertain if Silva committed other incidences of fraud and/or forgery. L&T  
4 confirmed that Silva's conduct was a "one time incident."

5 **Examination under Oath**

6 11. Pursuant to subpoena, Silva appeared for, and fully cooperated in, an  
7 Examination under Oath ("EUO") on October 3, 2016.

8 12. Silva's testimony was consistent with the information obtained by L&T staff six (6)  
9 months earlier when they interviewed Silva on March 18, 2016.

10 **CONCLUSIONS OF LAW**

11 1. The Interim Director has jurisdiction over this matter.

12 2. Respondent's conduct, as described above, constitutes using fraudulent or  
13 dishonest practices or demonstrating untrustworthiness or financial irresponsibility in the  
14 conduct of business in this state or elsewhere, within the meaning of A.R.S. § 20-295(A)(8).

15 3. Respondent's conduct, as described above, constitutes forging another's name  
16 to any document related to an insurance transaction, within the meaning of  
17 A.R.S. § 20- 295(A)(10).

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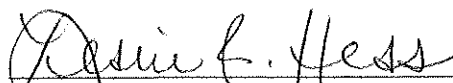
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**ORDER**

IT IS HEREBY ORDERED THAT:

1. Respondent's resident license (Arizona license no. 1069483) is suspended for ninety (90) days immediately upon entry of this Order.

DATED AND EFFECTIVE this 21<sup>ST</sup> day of October, 2016.



LESLIE R. HESS  
Interim Director of Insurance

**CONSENT TO ORDER**

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

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

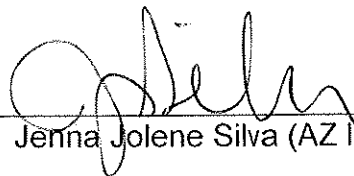
3. Respondent is aware of her right to notice and to a hearing, at which she may be represented by counsel, present evidence and examine witnesses. Respondent irrevocably waives her right to such notice and hearing and to any court appeals relating to this Consent Order.

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

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

5           6.       Respondent acknowledges that this Consent Order is an administrative action  
6 that the Department will report to the National Association of Insurance Commissioners (NAIC)  
7 and that she may have to report this administrative action on any future licensing applications  
8 either to the Department or other states' Departments of Insurance.

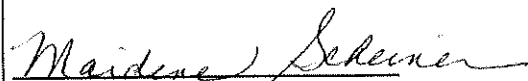
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10 10/11/16  
Date

  
\_\_\_\_\_  
Jenna Jolene Silva (AZ license 1069483)

11  
12 COPIES of the foregoing mailed/delivered  
13 this 25<sup>th</sup> day of October, 2016, to:

14 Jenna Jolene Silva  
15 13127 North 91<sup>st</sup> Lane  
16 Peoria, Arizona 85381-8223  
Respondent

17 Mary Kosinski, Regulatory Legal Affairs Officer  
18 Steven Fromholtz, Assistant Director, Consumer Protection Division  
19 Catherine M. O'Neil, Consumer Legal Affairs Officer  
20 Wendy Greenwood, Investigator  
21 Arizona Department of Insurance  
22 2910 North 44<sup>th</sup> Street, Suite 210  
23 Phoenix, AZ 85018-7269

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\_\_\_\_\_  
Maidene Scheiner