

STATE OF ARIZONA

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FILED

DEPARTMENT OF INSURANCE

DEC 24 2013

In the Matter of:

DEPT OF INSURANCE
BY MS

ZUCCHINI INSURANCE AGENCY, INC.
(Arizona License Number 135044)
and ZUCCHINI, MARCY LYNNE
(Arizona License Number 45488)
(National Producer Number 531846)

No. 13A-160-INS

CONSENT ORDER

Respondents.

The State of Arizona Department of Insurance ("Department") has received evidence that **Zucchini Insurance Agency, Inc. and Marcy Lynne Zucchini ("Respondents")** violated provisions of Title 20, Arizona Revised Statutes ("A.R.S."). Respondents wish to resolve this matter without the commencement of formal proceedings, and admit the following Findings of Fact are true and consent to entry of the following Conclusions of Law and Order.

FINDINGS OF FACT

1. Zucchini Insurance Agency, Inc. ("Zucchini Insurance") is, and was at all material times licensed as an Arizona resident accident/health, life, casualty, and property insurance producer, Arizona license number 135044, which expires July 31, 2014.
2. Zucchini Insurance's address of record is: 7595 N. Calle Ochenta Siete, Scottsdale, Arizona 85258 (business and mailing).
3. Marcy Lynne Zucchini ("Zucchini") is, and was at all material times, licensed as an Arizona resident accident/health, life, variable life/variable annuities, casualty, and property insurance producer, Arizona license number 45488, which expires October 31, 2014.

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1 the names of Jonas Korecky and Evalyn Korecky who are the minor children of Alyssa
2 Korecky ("Korecky"). In doing so, the Department alleges, Zucchini submitted two (2) fictitious
3 social security numbers and forged the signature of Korecky to the applications.

4 9. The Department alleges that as a result of the above-alleged fraudulent
5 applications and policies, Allstate Insurance Company ("Allstate") paid to Respondents
6 \$82,834.76 in commissions and bonuses.

7 **Failure to notify of address changes**

8 10. On or about October 17, 2013 during an examination under oath, Zucchini
9 provided her residential and business addresses which were different from her addresses of
10 record. Zucchini testified that she moved to her new address on or about December, 2012.

11 11. On or about October 17, 2013 during an examination under oath, Zucchini
12 provided the business address for Zucchini Insurance which was different from the address of
13 record. Zucchini testified Zucchini Insurance no longer occupied the business address after
14 she sold her book of business to Happy Trails on January 1, 2013.

15 **ZUCCHINI NO-CONTEST**

16 12. On or about October 17, 2013 during an examination under oath, Zucchini
17 indicated that she was retired from the insurance industry and that while she believed she has
18 defenses to raise in opposition to the above-referenced complaints and allegations, that she
19 would prefer instead not to contest them; instead, she would prefer to resolve this matter
20 consensually with the Department, via this Consent Order.

21 13. Respondents have offered, and the Department accepts, that Respondents may
22 surrender their existing licenses, in lieu of further pending or anticipated disciplinary action by
23 the Department.

1 insurer, reinsurer, purported insurer or reinsurer, insurance producer or agent of a reinsurer
2 that contains untrue statements of material fact or that fails to state any material fact with
3 respect to an application for the issuance or renewal of an insurance policy within the
4 meaning of A.R.S. § 20-463(A)(1)(a).

5 8. Grounds exist for the Director to deny, suspend for not more than twelve months,
6 revoke, or refuse to renew an insurance producer's license, impose a civil penalty and/or order
7 restitution pursuant to A.R.S. §§20-295(A), (B), and (F).

8 9. On the written request of a person who is licensed, the Director may accept the
9 voluntary surrender of the person's authority to transact one or more lines of insurance or of
10 the person's entire license. A person who surrenders an authority or a license under this
11 subsection shall not reapply for the same authority or license for at least one year after the
12 date of the surrender. A.R.S. §20-289(F).

13 ORDER

14 IT IS HEREBY ORDERED THAT:

15 1. The Department accepts Zucchini's voluntary surrender of her insurance
16 producer license, Arizona License number 45488, effective immediately upon entry of this
17 order.

18 2. The Department accepts Zucchini Insurance's voluntary surrender of its
19 insurance producer license, Arizona license number 135044, effective immediately upon entry
20 of this order.

21 3. Respondents shall immediately make restitution to Allstate in the amount of
22 \$82,834.76.
23 . . .

1 Allstate Insurance Company
C/O Tracy Rodriguez
2 222 South Mill Avenue, Suite 601
Tempe, Arizona 85281
3 Complainant

4 Mary E. Kosinski, Executive Assistant for Regulatory Affairs
Darren T. Ellingson, Deputy Director
5 Mary Butterfield, Assistant Director, Consumer Affairs Division
Catherine M. O'Neil, Consumer Legal Affairs Officer
6 Steven Fromholtz, Licensing Supervisor
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9 *Maidene Scherier*
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