

STATE OF ARIZONA
Department of Insurance and Financial Institutions
FILED October 18, 2023 by AS

STATE OF ARIZONA

DEPARTMENT OF INSURANCE AND FINANCIAL INSTITUTIONS

In the Matter of an Appeal by:

No. 23A- 076- INS

**JARCIK INSURANCE BROKERS OF
NEVADA, INC.**

CONSENT ORDER

Petitioner.

The Arizona Department of Insurance and Financial Institutions (“Department”) has received evidence that Jarcik Insurance Brokers of Nevada, Inc. (“Petitioner”) violated provisions of Arizona Revised Statutes (“A.R.S.”) Title 20. Petitioner 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. On or about August 25, 2023, Petitioner submitted an application to the Department for an Arizona insurance producer license through the National Insurance Producer Registry (the “Application”).

2. While completing the Application, under Background Questions, Petitioner answered “No” to the following question, quoted in part, “[h]as the business entity or any owner, partner, officer or director of the business entity, or manager or member of a limited liability company, been named or involved as a party in an administrative proceeding, including a FINRA sanction or arbitration proceeding regarding any professional or

1 occupational license, or registration, which has not been previously reported to this
2 insurance department? "Involved" means having a license censured, suspended, revoked,
3 canceled, terminated; or, being assessed a fine, placed on probation, sanctioned or
4 surrendering a license to resolve an administrative action. "Involved" also means being
5 named as a party to an administrative or arbitration proceeding which is related to a
6 professional or occupational license. "Involved" also means having a license application
7 denied or the act of withdrawing an application to avoid a denial."

8 3. Petitioner answered "Yes" to the Attestation section of the Application.

9 4. Petitioner's professional background check revealed that Petitioner failed to
10 disclose the 2022 license application denial issued by the Kansas Department of Insurance.

11 5. On or about September 4, 2023, the Department sent a letter to Petitioner
12 informing it that its license application was denied due to "[p]roviding incorrect,
13 misleading, incomplete or materially untrue information in the license application" and/or
14 "[o]btaining or attempting to obtain a license through misrepresentation or fraud" and/or
15 "[h]aving an insurance producer license, or its equivalent, denied, suspended or revoked in
16 any state, province district or territory."

17 6. On or about September 11, 2023, Petitioner appealed the Department's denial
18 and subsequently requested an informal settlement conference ("ISC").

19 7. The ISC was held on October 4, 2023, during which the parties agreed to a
20 settlement.

21 **CONCLUSIONS OF LAW**

22 8. The Director has jurisdiction over this matter.

1 **CONSENT TO ORDER**

2 1. Petitioner acknowledges that it has been served with a copy of the foregoing
3 Consent Order in the above-referenced matter, has read it, is aware of its right to an
4 administrative hearing in this matter and has knowingly and voluntarily waived that right.

5 2. Petitioner accepts the personal and subject matter jurisdiction of the
6 Department over it in this matter.

7 3. Petitioner acknowledges that no promise of any kind or nature has been made
8 to induce it to sign the Consent to Order and it has done so knowingly and voluntarily.

9 4. Petitioner acknowledges and agrees that the acceptance of this Consent to
10 Order by the Director is solely to settle this matter and does not preclude the Department
11 from instituting other proceedings as may be appropriate now or in the future. Furthermore,
12 and notwithstanding any language in this Consent Order, this Consent Order does not
13 preclude in any way any other state agency or officer or political subdivision of this state
14 from instituting proceedings, investigating claims, or taking legal action as may be
15 appropriate now or in the future relating to this matter or other matters concerning
16 Petitioner, including but not limited to violations of Arizona's Consumer Fraud Act.
17 Petitioner acknowledges that, other than with respect to the Department, this Consent Order
18 makes no representations, implied or otherwise, about the views or intended actions of any
19 other state agency or officer or political subdivision of the state relating to this matter or
20 other matters concerning Petitioner.

21 5. Petitioner acknowledges and agrees that failure to correct the violations set
22 forth above in this Consent Order, or any repeat findings of the above violations in the

1 future, can result in disciplinary action which may include a greater civil money penalty and
2 suspension or revocation of its license.

3 6. Petitioner waives all rights to seek an administrative or judicial review or
4 otherwise to challenge or contest the validity of this Consent Order and its accompanying
5 parts before any court of competent jurisdiction.

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

11
12 10/17/2023
Date

13 Terry A. Jarcik, President
Jarcik Insurance Brokers of Nevada, Inc.
Terry A. Jarcik, President and CEO

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1 **COPY** of the foregoing delivered via email
this 18th day of October, 2023, to:

2 Jarcik Insurance brokers of nevada, inc.
3 Terry A. Jarcik, President and CEO
tahoepro@calnevadains.com
4 Petitioner

5 **COPY** of the foregoing delivered/mailed same date, to:

6 Deian Ousounov, Assistant Director
7 Gio Espinosa, Regulatory Legal Affairs Officer
8 Ana Starcevic, Paralegal Project Specialist
9 Cathy O'Neil, Consumer Regulatory Affairs Officer
10 Steven Fromholtz, Division Manager, Licensing
11 Linda Lutz, Legal Assistant, Licensing
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Ana Starcevic
