

STATE OF ARIZONA
Department of Insurance and Financial Institutions
FILED July 12, 2023 by GE

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STATE OF ARIZONA

DEPARTMENT OF INSURANCE AND FINANCIAL INSTITUTIONS

In the Matter of:

TANTONE, MICHAEL VINCENT

Petitioner.

No. 23A-028-INS

CONSENT ORDER

The Arizona Department of Insurance and Financial Institutions (“Department”) has received evidence that Michael Vincent Tantone (“Tantone” or “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 April 25, 2023, Petitioner submitted an application to the Department for an Arizona resident insurance producer license through the National Insurance Producer Registry (the “Application”).

2. In the Application, under Background Questions, Petitioner answered “No” to Question Number 2 (“Question 2”) which asks, “[h]ave you ever been named or involved as a party in an administrative proceeding, including FINRA sanction or arbitration proceeding regarding any professional or occupational license or registration? ‘Involved’ means having a license censured, suspended, revoked, canceled, terminated; or, being assessed a fine, a

1 cease and desist order, a prohibition order, a compliance order, placed on probation,
2 sanctioned or surrendering a license to resolve an administrative action. ‘Involved’ also
3 means being named as a party to an administrative or arbitration proceeding, which is
4 related to a professional or occupational license, or registration. ‘Involved’ also means
5 having a license, or registration application denied or the act of withdrawing an application
6 to avoid a denial....If you answer yes, you must attach to this application: a) a written
7 statement identifying the type of license and explaining the circumstances of each incident,
8 b) a copy of the Notice of Hearing or other document that states the charges and allegations,
9 and c) a copy of the official document, which demonstrates the resolution of the charges or
10 any final judgment.”

11 3. Petitioner answered “Yes” to the Attestation section of the Application,
12 certifying that all the information submitted in the Application and attachments is true and
13 complete.

14 4. On May 17, 2023, Department emailed a letter to Petitioner advising that the
15 Department had evidence from another state agency indicating his answer to Question 2 in
16 the Background Section of the Application was not correct. The letter advised Petitioner
17 that to complete the processing of his Application, he would need to either (1) withdraw his
18 incorrect Application and resubmit a new Application and fee with the correct response to
19 Question 2, or (2) request that the Department continue with the current Application, which
20 would be denied, and then request a hearing regarding the denial.

21 5. That same day Petitioner sent an email to Ms. Currie asking for clarification
22 and stating that he may have misunderstood Question 2 of the Application.

1 6. On May 18, 2023, Ms. Currie responded, stating in part, “the AZ Department
2 of Real Estate took action against you. You failed to disclose this on your application.
3 Because of this you were sent a non-disclosure letter. You must follow the instructions on
4 the non-disclosure letter that was sent to you.”

5 7. Petitioner sent Ms. Currie an email that same day stating, “I am not aware of
6 any action taken against me by the department of real estate. Although I started my real
7 estate career under a provisional license for the first 2 years, due to the felonies on my
8 record, I have been in good standing with the department of real estate for the entire 6 years
9 I have had my license. Could you please share with me the actions that the department took
10 against me so I can better respond[?] I am also not aware of receiving a non-disclosure
11 letter. I am more than willing to complete this process in any way necessary.”

12 8. On May 19, 2023, Ms. Currie responded, “[t]he AZ Dept. of Real Estate
13 issued a Consent Order (provisional license for 2 years) on 6/22/2017. You should have
14 disclosed this on your application.”

15 9. Petitioner wrote back that same morning, stating in part, “Thank you for
16 clarifying that for me. I did not realize that would be considered an action against me but
17 more an action in favor of me or else I would have include[d] it.”

18 10. On May 19, 2023, Petitioner wrote to Ms. Currie, “Thank you for speaking
19 with me today. I would like to proceed with the current application. I have uploaded the
20 requested Dept. of Real Estate Consent Order”

21 11. On June 7, 2023, the Department sent a letter to Petitioner denying his
22 Application for an insurance license.

1 12. On June 8, 2023, Petitioner submitted a request for an appeal hearing
2 regarding the denial of his Application.

3 13. On or about June 29, 2023, the Department filed a Notice of Hearing in this
4 matter.

5 14. On the same dated, June 29, 2023, the Department's representatives and
6 Petitioner held an informal settlement conference in an effort to resolve the matter outside
7 of the courtroom.

8 **CONCLUSIONS OF LAW**

9 15. The Director has jurisdiction over this matter.

10 16. Petitioner's conduct, as described above, constitutes a violation of Title 20 or
11 any rule, subpoena or order of the Director. A.R.S. § 20-295(A)(2).

12 17. Petitioner's conduct, as described above, constitutes providing incorrect,
13 misleading, incomplete or materially untrue information in the license application. A.R.S.
14 § 20-295(A)(1).

15 18. Grounds exist for the Director to deny Petitioner's insurance producer license
16 application. A.R.S. § 20-295(A).

17 19. Grounds exist, in addition to or instead of any suspension or revocation, for
18 the Director to impose a civil penalty of not more than \$250.00 for each unintentional
19 failure or violation up to an aggregate civil penalty of \$2,500.00, or impose a civil penalty
20 of not more than \$2,500.00 for each intentional failure or violation, up to an aggregate civil
21 penalty of \$15,000.00. A.R.S. § 20-295(F).

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ORDER

IT IS HEREBY ORDERED THAT:

Michael Vincent Tantone shall immediately pay to the Department a civil money penalty in the amount of **one hundred fifty dollars (\$150.00)**.

Effective this 12th day of July, 2023.

Barbara D. Richardson

Barbara D. Richardson, Director
Arizona Department of Insurance and Financial Institutions

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CONSENT TO ORDER

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

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

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

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

5. Petitioner acknowledges and agrees that failure to correct the violations set 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.

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7/5/23
DATE


MICHAEL VINCENT TANTONE

1 **COPY** of the foregoing delivered via email
this 12 day of July, 2023, to:

2 Michael Tantone
3 4856 S. Tuna
Mesa, AZ 85212
4 michaeltantone@gmail.com
Petitioner

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

6 Deian Ousounov, Assistant Director
7 Gio Espinosa, Regulatory Legal Affairs Officer
Ana Starcevic, Paralegal Project Specialist
8 Cathy O'Neil, Consumer Regulatory Affairs Officer
Steven Fromholtz, Division Manager, Licensing
9 Linda Lutz, Legal Assistant, Licensing
Aqueelah Currie, Licensing Supervisor
10 Arizona Department of Insurance and Financial Institutions
100 North 15th Avenue, Suite 261
11 Phoenix, Arizona 85007-2630

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13 *Gio Espinosa*

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