

STATE OF ARIZONA  
**FILED**  
**JUL 13 1987**  
DEPARTMENT OF INSURANCE  
By *amb*

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

0610C/FFD86-216

STATE OF ARIZONA, DEPARTMENT OF INSURANCE

In the matter of	)	
	)	
MICHAEL JOHN BERNAY,	)	NO. 6180
	)	
Respondent.	)	CONSENT ORDER
<hr style="width: 60%; margin-left: 0;"/>		

The State of Arizona Department of Insurance ("Department") has conducted an investigation into the activities of the Respondent, MICHAEL JOHN BERNAY ("Bernay"), as a licensed insurance agent. The investigation was prompted by complaints received by the Department concerning the Respondent. The investigation was with respect to complaints received on or about May 21, 1986 from Olliver/Pilcher Insurance, Inc.

The Respondent has been informed of his right to receive written notice of the charges against him, to a hearing to contest those charges, to present evidence, and to be represented by an attorney. Respondent has admitted the jurisdiction of the Department and neither admits nor denies the following Findings of Fact. Respondent has consented to the entry of the following Conclusions of Law and Order. Therefore, the Director makes the following Findings of Fact and Conclusions of Law and enters the following Order:

FINDINGS OF FACT

1. Respondent is a resident of the State of Arizona and is licensed by the Arizona Department of Insurance as a resident insurance agent.



1 or both, pursuant to A.R.S. § 20-316(A) and (C).

2 ORDER

3 IT IS HEREBY ORDERED, Respondent's insurance license is  
4 suspended effective July 13, 1987, for a period of one  
5 month. IT IS FURTHER ORDERED that the Respondent pay, as a civil  
6 penalty, one thousand dollars (\$1,000.00) prior  
7 to August 13, 1987.

8 DATED this 13th day of July, 1987.

9   
10  
11 S. DAVID CHILDERS, DIRECTOR  
12 State Department of Insurance  
13 801 East Jefferson  
14 Phoenix, Arizona 85034

14 CONSENT TO ORDER

15 1. Respondent Michael John Bernay has reviewed the  
16 foregoing Findings of Fact, Conclusions of Law and Order.

17 2. Respondent Michael John Bernay is aware of his  
18 right to a hearing at which hearing Respondent may be  
19 represented by counsel, present evidence and cross-examine  
20 witnesses. Respondent has irrevocably waived his right to such  
21 public hearing and any court appeals relating thereto.

22 3. Respondent Michael John Bernay admits the  
23 jurisdiction of the State of Arizona, Department of Insurance,  
24 consents to the entry of this Order, and neither admits nor  
25 denies the foregoing Findings of Fact and Conclusions of Law.

26

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26


4. Respondent Michael John Bernay states that no promise of any kind or nature whatsoever was made to him to induce him to enter into this Consent Order and that he has entered into this Consent Order voluntarily.

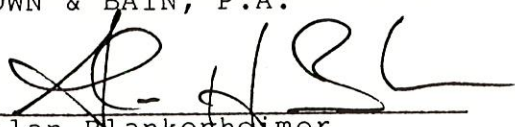
5. Respondent Michael John Bernay acknowledges that the State of Arizona, Department of Insurance's acceptance of this Order is solely for the purpose of settling this litigation as against him and does not preclude any other agency or officer of this State or subdivision thereof from instituting other civil or criminal proceedings as may be appropriate now or in the future.

6/26/87  
DATE

  
MICHAEL JOHN BERNAY, Respondent

FOREGOING APPROVED AS TO FORM:  
ROBERT K. CORBIN, Attorney General  
PATRICK M. MURPHY, Chief Counsel  
Financial Fraud Division

By   
SARA MORRISSEY BEGLEY  
Assistant Attorney General  
Attorneys for Arizona Department  
of Insurance

BROWN & BAIN, P.A.  
By   
Alan Blankenhimer  
Attorneys for Respondent

0610C

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

COPY of the foregoing  
mailed this 13<sup>th</sup> day of  
July, 1987, to:

SARA MORRISSEY BEGLEY  
Assistant Attorney General  
1275 W. Washington  
Phoenix, AZ 85007

Robert Zielinski, Assistant Director  
Maureen Catalioto, Supervisor, Licensing  
Susan King, Investigator  
Arizona State Department of Insurance  
801 E. Jefferson  
Phoenix, AZ 85034

FRED S. JAMES OF ARIZONA  
1414 W. Broadway  
Tempe, AZ 85282

OLLIVER/PILCHER INSURANCE, INC.  
6150 North 16th Street  
Phoenix, AZ 85016

TRANSAMERICA INSURANCE COMPANY  
1150 South Olive Street  
Los Angeles, CA 90015

FREMONT INDEMNITY COMPANY  
1709 W. 8th Street  
Los Angeles, CA 90017

HOME APPLIANCE T.V. CENTER  
4299 North 43rd Avenue  
Phoenix, AZ 85031

MICHAEL JOHN BERNAY  
4123 East Patricia Jane  
Phoenix, AZ 85018

  
0610C

**LOW & CHILDERS, P.C.**  
ATTORNEYS AT LAW

1221 East Osborn Road, Suite 104 • Phoenix, Arizona 85014

J. Michael Low  
S. David Childers  
Steven R. Henry

RECEIVED  
FEB 24 1992  
ARIZONA DEPT. OF INS.  
LICENSING SECTION

TELEPHONE  
(602) 266-1166  
TELEFAX  
(602) 266-1863

February 24, 1992

#000085

**VIA COURIER**

Ms. Maureen Catalioto, Supervisor  
Licensing Section  
Arizona Department of Insurance  
3030 N. Third Street, Suite 1100  
Phoenix, AZ 85012

Re: Michael John Bernay

Dear Ms. Catalioto:

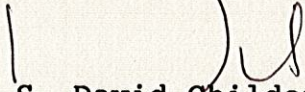
We represent Michael John Bernay, formerly licensed as a property and casualty agent in the State of Arizona, and who was furnished a Letter of Clearance dated September 23, 1987 which confirmed the cancellation of his license due to relocation from Arizona to the State of California. At the present time, Mr. Bernay seeks validation of the fact that his agent's license was in full force and effect at the time he received the Letter of Clearance and left the State of Arizona.

We have had conversations with representatives of the Department's Licensing Division about this situation and have been informed that Mr. Bernay could not have received a Letter of Clearance unless his license was in effect, and that the Letter of Clearance serves as evidence of this fact. We believe, however, that this fact is not necessarily evident from a reasonable reading of this document, especially by prospective employers who are not acquainted with state regulatory policies and procedures. Consequently, we request that you execute a letter in the sample form (attached) which Mr. Bernay intends to attach to the Letter of Clearance. We believe this will serve to answer any outstanding questions his prospective California employers will have pursuant to the status of his license at the time he left Arizona.

February 24, 1992  
Page 2

Please do not hesitate to contact me if you have any questions regarding this correspondence or if I may provide you with any further information.

Very truly yours,



S. David Childers  
For the Firm

SDC:jwb  
Enclosure  
cc: Michael J. Bernay  
bernay\dept2.20  
10303-008



STATE OF ARIZONA  
DEPARTMENT OF INSURANCE

FIFE SYMINGTON  
Governor

ABACUS TOWERS  
3030 NORTH 3RD STREET, SUITE 1100  
PHOENIX, ARIZONA 85012

SUSAN GALLINGER  
Director of Insurance

LETTER OF CLEARANCE

Clearance Date: **SEPTEMBER 23, 1987**  
Name: **MICHAEL JOHN BERNAY**

The above-named licensee was issued the following resident license(s) in the State of Arizona for the respective time periods:

<u>Type of License</u>	<u>Original Issue</u>	<u>Last Renewal</u>	<u>Date of Clearance</u>
PROPERTY & CASUALTY AGENT	05/31/86	05/31/86-05/31/88	09/23/87

Complaints/Administrative Action on File: YES (Consent Order Attached)

(If "yes" appears above, a copy of the complaint/order is either attached or available upon request.)

The licensee qualified for the license(s) by passing the required written examination in Arizona. Since no longer a resident of this state, this licensee no longer qualifies for a resident license as of the "Date of Clearance".

Maureen Catalioto  
Supervisor  
Licensing Section



[on Arizona Department of Insurance letterhead]

[date]

To Whom It May Concern:

I am the Supervisor of the Licensing Section of the Arizona Department of Insurance, and held this position at all times relevant to the following matter. I confirm that Michael John Bernay, formerly licensed as a property and casualty insurance agent with the State of Arizona from May 31, 1986 through September 23, 1987, held a valid license as an Arizona property and casualty insurance agent which was in full force and effect at the time Mr. Bernay received the Letter of Clearance cancelling said license due to his relocation from the State of Arizona to the State of California.

Please do not hesitate to contact me if you have any questions regarding this correspondence.

[closing]