

**STATE OF ARIZONA
DEPARTMENT OF INSURANCE AND FINANCIAL INSTITUTIONS**

In the Matter of:

No. 21A- 021 -INS

WINSKI, AMY LYNNE
(National Producer No. 6714139)

CONSENT ORDER

Respondent

The Arizona Department of Insurance and Financial Institutions (“Department”) has received evidence that **Amy Lynne Winski (“Winski” or “Respondent”)** violated provisions of Title 20, Arizona Revised Statutes (“A.R.S”). Respondent wishes to resolve this matter without the commencement of formal proceedings, and admit the following Finding of Fact are true, and consent to the entry of the following Conclusions of Law and Order.

FINDINGS OF FACT

1. Winski is, and was at all material times, licensed as an Arizona resident insurance producer with two lines of authority: life and accident and health or sickness insurance. Her license, number 6714139, was last renewed on March 1, 2019, and is scheduled to expire on February 28, 2023.

2. Winski’s business and mailing address of record with the Department is 15150 North Hayden Road Suite 225, Scottsdale, Arizona 85260-2324. Winski’s business e-mail address of record with the Department is amy@1AMCAP.com.

Report of Administrative Action

3. On October 28, 2019, the Office of Administrative Hearings through an

1 Administrative Law Judge (“ALJ”) decision recommended revocation of AmeriCapital
2 Mortgage & Investments, LLC (“AmeriCapital”) Arizona mortgage broker license for
3 violations of Arizona Revised Statutes.

4 4. On November 5, 2019, the Interim Superintendent of the Arizona Department
5 of Financial Institutions¹ (“Superintendent”) adopted the ALJ recommended Findings of
6 Fact, Conclusions of Law, and Proposed Order and ordered revocation of AmeriCapital’s
7 mortgage broker license.

8 5. On June 9, 2020, the Superior Court of Arizona affirmed the Superintendent’s
9 decision to revoke AmeriCapital’s mortgage broker license.

10 6. Winski was the sole owner and legally designated responsible individual for
11 AmeriCapital.

12 7. Winski failed to notify the Director of the Department of this administrative
13 action within thirty (30) days after the final disposition of this matter.

14 **CONCLUSIONS OF LAW**

15 1. The Director of the Department (“Director”) has jurisdiction over this matter.

16 2. Respondent’s conduct, as described above, constitutes a violation of Title 20 or
17 any rule, subpoena or order of the Director, within the meaning of A.R.S. § 20-295(A)(2).

18 3. Respondent’s conduct, as described above, constitutes failure to notify the
19 Director within thirty days after the final disposition of the matter of any administrative
20 action taken against the producer in another jurisdiction, in violation of A.R.S. § 20-301(A)

21 _____
22 ¹ On July 1, 2020, through legislative action, the Arizona Department of Financial Institutions merged with the Arizona
Department of Insurance.

1 4. Grounds exist for the Director to suspend for not more than twelve months or
2 revoke Respondent's insurance producer license, pursuant to A.R.S. § 20-295(A).

3 5. Grounds exist, in addition to or instead of any suspension or revocation, for the
4 Director to impose a civil penalty of not more than \$250.00 for each unintentional failure or
5 violation up to an aggregate civil penalty of \$2,500.00, within the meaning of A.R.S. § 20-
6 295(F).

7 **ORDER**

8 IT IS HEREBY ORDERED THAT:

9 **Amy Lynne Winski** shall immediately pay a civil penalty of two hundred fifty dollars
10 (\$250.00).

11 Effective this 24th day of February, 2021.

12 

13 _____
14 Evan G. Daniels
15 Director
16 Arizona Department of Insurance and Financial Institutions

17 **CONSENT TO ORDER**

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

20 2. Respondent admits to the jurisdiction of the Director of the Arizona
21 Department of Insurance and Financial Institutions and admits the foregoing Findings of Fact
22 and consents to the entry of the foregoing Conclusions of Law and Order.

1 3. Respondent is aware of her right to notice and to a hearing, at which she may
2 be represented by counsel, present evidence and examine witnesses.

3 4. Respondent irrevocably waives her right to such notice and hearing and to any
4 court appeals relating to this Consent Order.

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

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

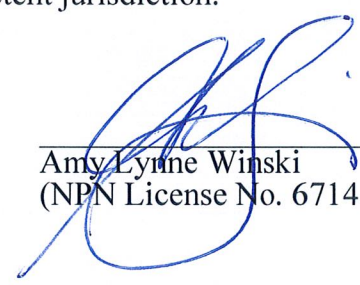
20 7. Respondent acknowledges that this Consent Order is an administrative action
21 that the Department will report to the National Association of Insurance Commissioners
22 (NAIC). Respondent further acknowledges that she must report this administrative action to

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FINANCIAL INSTITUTIONS

1 any and all states in which she holds an insurance license and must disclose this
2 administrative action on any license application.

3 8. Respondent 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 2/14/2021
Date



Amy Lynne Winski
(NPN License No. 6714139)

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1 **COPY** of the foregoing delivered by E-mail
this 24th day of February, 2021, to:

2 Amy Lynne Winski
3 15150 N Hayden Rd, STE 225
4 Scottsdale, AZ 85260-2324
5 amy@lamcap.com
6 amylyn0220@gmail.com
7 Respondent

8 **COPY** of the foregoing delivered/emailed same date, to:

9 Deian Ousounov, Regulatory Legal Affairs Officer
10 Ana Starcevic, Paralegal Project Specialist
11 Catherine M. O'Neil, Consumer Legal Affairs Office
12 Steven Fromholtz, Division Manager, Licensing Division
13 Aqueelah Currie, Licensing Supervisor
14 Jeff Eavenson, Investigator
15 Linda Lutz, Legal Assistant, Licensing Division
16 Arizona Department of Insurance
17 100 North 15th Avenue, Suite 261
18 Phoenix, Arizona 85007-2630

19 Francine Juarez
20 _____
21 Francine Juarez
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