

STATE OF ILLINOIS
IN THE CIRCUIT COURT OF THE SEVENTEENTH JUDICIAL
DISTRICT BOONE COUNTY, ILLINOIS

RMS INSURANCE SERVICES, INC.,
an Illinois corporation d/b/a FLANDERS
INSURANCE AGENCY, INC., and
OWEN G. COSTANZA, an individual,

Plaintiffs,

vs.

CASE NO. 2021-L-30

DONALD G. SATTTLER, an individual,
MARION THORNBERRY, an individual,
ELISABETH M. RODGERS, an individual, and
and CHERYL RUSSELL-SMITH, an individual,

Defendants.

DEFENDANT'S, DONALD G. SATTTLER, MARION
THORNBERRY, and ELISABETH M. RODGERS,
735 ILCS 5/2-615 MOTION TO DISMISS COUNTS
X, XI, XII, XIV, XV, XVI AND XVII OF THE COMPLAINT
DEFAMATION AND BUSINESS DEFAMATION
UNDER ILLINOIS COMMON LAW

NOW COME the Defendants, DONALD G. SATTTLER, MARION THORNBERRY, and
ELISABETH M. RODGERS, by their attorney, TRENT M. FERGUSON, and for their
735 ILCS 5/2-615 Motion to Dismiss Counts X, XI, XII, XIV, XV, XVI and XVII of the
Complaint, filed herein against the Plaintiffs, RMS INSURANCE SERVICES, INC., an Illinois
corporation d/b/a FLANDERS INSURANCE AGENCY, INC., and OWEN G. COSTANZA, an
individual, state as follows:

1 That falsity is an element of the plaintiff's defamation claim. *Voyles v. Sandia Mortg. Corp.*, 196 Ill. 2d 288, 299 (2001), citing *Krasinski v. United Parcel Service, Inc.*, 124 Ill. 2d 483, 490 (1988)

2. That to recover on a claim of defamation, plaintiff must prove that the statement or publication was false. *Id.*, citing *Troman v. Wood*, 62 Ill. 2d 184, 198 (1975); *Wynne v. Loyola University*, 318 Ill. App. 3d 443, 451 (1st Dist. 2000); *Vickers v. Abbott Laboratories*, 308 Ill. App. 3d 393, 400 (1st Dist. 1999)

3. That the Plaintiff, OWEN G. COSTANZA, cannot, however, establish that the Defendants', DONALD G. SATTLER, MARION THORNBERRY, and ELISABETH M. RODGERS, statements were false. The statements in the Flyer, including that statements that the Plaintiff is a "repeat criminal" and has a "criminal record" were accurate: the Plaintiff plead guilty to filing a false police report, the Plaintiff plead guilty to writing a bad check, the Plaintiff plead guilty to drunk driving.

4. That the allegations in the flyer are each set forth herein, as well as a description of the factual basis for each allegation:

A. Allegation #1: "1995 Pleads Guilty to Filing a False Police Report in Boone County." Court records indicated that in Boone County Case Number 1995-CM-170 the Plaintiff, OWEN G. COSTANZA, pled guilty to a "False Report of Offense" and was sentenced to a fine and public service. The Court later entered a "withhold judgment/court supervision" disposition for the case. Attached hereto as "Exhibit G" are three pages from the 17th Judicial Circuit Court of Boone County's website showing OWEN G. COSTANZA's guilty plea in Case Number 1995-CM-170.

B. Allegation #2: "1999 Terminated from Liberty Insurance for Fraud Misrepresentation." Public records obtained from the State of Wisconsin indicate OWEN G. COSTANZA was terminated under Codes 15 and 17, which identify as "fraud" and "misrepresentation" according to the State. The last page is a short statement on the actual reason(s) for termination as allegedly reported by the employer. Attached hereto as "Exhibit H" are three pages from the State of Wisconsin regarding OWEN G. COSTANZA's termination from Liberty Insurance.

C. Allegation #3: "1999 Pleads Guilty Writing Bad Checks in Boone County" Court records indicate that in Boone County Case Number 1999-CM-557, OWEN G. COSTANZA did, in fact, enter a guilty plea on January 27, 2000. The Court later entered a "conditional discharge order and additional conditions order" disposition for the case. Attached hereto as "Exhibit I" are three pages from the 17th Judicial Circuit Court of Boone County's website showing OWEN G. COSTANZA's guilty plea in Case Number 1999-CM-657.

D. Allegation # 4: "2000 Home Foreclosure in Boone County" Court records indicate that in Boone County Case Number 1999-CH-145, OWEN G. COSTANZA's home was, in fact, foreclosed on, with the Court confirming the sale and ordering possession on July 19, 2000. Attached hereto as "Exhibit J" are two pages from the 17th Judicial Circuit Court of Boone County's website confirming the foreclosure of OWEN G. COSTANZA's home.

E. Allegation # 5: "2000 Completes Chapter 7 Bankruptcy Filed in 1996 as Chapter 13. Court records indicate that in the Northern District of Illinois (Western Division), bankruptcy petition # 96-51903, OWEN G. COSTANZA did file for Chapter 13 bankruptcy in

1996, converted it to a Chapter 7, which was later finalized by the Court on January 3, 2000.

Attached hereto as "Exhibit K" are 7 pages from the U.S. Bankruptcy Court's website.

F. Allegation # 6: "2007 Pleads Guilty for Drunk Driving Winnebago County." Court records indicate OWEN G. COSTANZA did, in fact, enter a guilty plea of DUI on February 27, 2007, in 17th Judicial Circuit Court, Winnebago County, Case Number 2007-DT-70. The Court later entered a "court supervision" disposition of the case. Attached hereto as "Exhibit L" are 4 pages from 17th Judicial Circuit Court's online website.

G. Allegation # 7: "2008 Wisconsin DOI Denies Insurance License for False Application." According to the Wisconsin Commissioner of Insurance' Annual report (see page 41), OWEN G. COSTANZA did, in fact, have his license denied for 31 days, based on allegations of failing to disclose previous criminal convictions on an insurance license application and failing to disclose a company termination for allegations of misconduct. November 2008. Attached hereto as "Exhibit M" are pertinent pages of the 2008 Wisconsin Insurance Report.

H. Allegation # 8: "2010 Indiana DOI Fines Him \$1,500.00 False Application & Revokes Insurance License." According to the Indiana Department of Insurance Agreed Entry and Stipulation, dated September 21, 2010, OWEN G. COSTANZA was ordered to pay a \$1,500.00 fine for false statements on his application for licensure, and also agreed that action will be taken against his state license. That one of the misrepresentations that OWEN G. COSTANZA made on the application was that he indicated that he was never "convicted of a crime, had a judgment withheld or deferred, or are...currently charged with committing a crime." Attached hereto as "Exhibit N" is the Agreed Entry filed with the Indiana Commissioner of

Insurance in Cause Number 9384-AG10-8031-135 and signed by the Respondent, Owen Costanza, as well as the Final Order and Approval entering the Agreed Entry.

I. Allegation # 9: "2011 Terminated from RMS Service Group for Misappropriating Company Funds." According to an RMS Service Group letter obtained through a FOIA request of a state agency, dated January 27, 2011, OWEN G. COSTANZA was, in fact, terminated for the reason(s) listed in the letter, pertaining to financial transactions. Attached hereto as "Exhibit O" is a letter dated January 27, 2011, from RMS Service Group to the Plaintiff, OWEN G. COSTANZA, terminating OWEN G. COSTANZA's employment for the reasons stated therein.

J. Allegation # 10: "2012 Answers Fraudulently Again on Illinois DOI License Renewal Application." According to an Illinois Department of Insurance Stipulation and Consent Order, dated February 18, 2015, Plaintiff, OWEN G. COSTANZA did not truthfully report certain things on his application (see page 6, item "K"). Attached hereto as "Exhibit P" is an Order of Dismissal and a Stipulation and Consent Order from the State of Illinois, Department of Insurance setting forth in Paragraphs J and K the Plaintiff's, OWEN G. COSTANZA's, answering "no" on his 2010 and 2012 applications for license renewal when asked about his involvement in an administrative proceeding regarding a professional or occupational license or registration in another State.

K. Allegation # 11: "2014 DOI Investigates Numerous Complaints by Insurance Customers, Past Terminations, Criminal History, Unlawful Fund Withdrawals, and Fines & Discipline from Wisconsin and Indiana (IL-14-HR-0482 & IN-934-AG10-8031-135)". According to an Illinois Department of Insurance Stipulation and Consent Order, dated February

18, 2015, the Illinois DOI did, in fact, conduct this investigation. Attached hereto as “Exhibit Q” is an Order of Dismissal and a Stipulation and Consent Order from the State of Illinois, Department of Insurance.

L. Allegation # 12: “2014 Illinois DOI Revokes Insurance Business License for Major Agency Violations.” According to an Illinois Department of Insurance Stipulation and Consent Order, dated February 18, 2015, OWEN G. COSTANZA, as representative of RMS Service Group, Inc., agreed to the revocation of the license of RMS Service Group, Inc., d/b/a Alliance Insurance Agency. Attached hereto as “Exhibit Q” is an Order of Dismissal and a Stipulation and Consent Order from the State of Illinois, Department of Insurance setting forth said consent.

M. Allegation # 13: “2015 Illinois DOI Disciplines and Fines Him \$30,000.00 for Multiple Repeat Violations.” Attached hereto as “Exhibit Q” is an Order of Dismissal and a Stipulation and Consent Order from the State of Illinois, Department of Insurance setting forth a civil penalty of \$30,000.00 against RMS Service Group, Inc.

5. That Black Law’s Dictionary defines “criminal” (noun) as “One who has committed a criminal offense; one who has been legally convicted of a crime; one adjudicated guilty of a crime.” Black’s Law Dictionary, Sixth Edition, West 1990, page 372.

6. That Black Law’s Dictionary defines “criminal” (adjective) as “That which pertains to or is connected with the law of crimes, or the administration of penal justice, or which relates to or has the character of a crime. Of the nature of or involving a crime.” Black’s Law Dictionary, Sixth Edition, West 1990, page 372.

7. That Black Law's Dictionary defines "criminal behavior" as "Conduct which causes any social harm and is defined and made punishable by law." Black's Law Dictionary, Sixth Edition, West 1990, page 373.

8. That Black Law's Dictionary defines "record" as "A written account of some act, court proceeding, transaction, or instrument, drawn up, under authority of law, by a proper officer, and designed to remain as a memorial or permanent evidence of the matters to which it relates. Black's Law Dictionary, Sixth Edition, West 1990, page 1273.

9. That all of the allegations being true, Plaintiffs' Complaint must be dismissed
WHEREFORE, the Defendants, DONALD G. SATTTLER, MARION THORNBERRY,
and ELISABETH M. RODGERS, pray that Counts X, XI, XII, XIV, XV and XVII of the
Complaint at Law of the Plaintiffs, RMS INSURANCE SERVICES, INC., and OWEN G.
COSTANZA, be dismissed, with prejudice.

DONALD G. SATTTLER, MARION THORNBERRY,
and ELISABETH M. RODGERS, Defendants,

By: 
TRENT M. FERGUSON, One of Their Attorneys

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing Defendants', Donald G. Sattler, Marion Thornberry, and Elisabeth M. Rodgers, 735 ILCS 5/2-615 Motion to Dismiss Counts X, XI, XII, XIV, XV and XVII of the Complaint Defamation and Business Defamation Under Illinois Common Law was served upon the following:

Attorney Timothy P. Donohue
228 West Main Street
Barrington, IL 60010
tpd@aol.com

Attorney Joseph M. Madonia
5757 North Sheridan, Suite 10A
Chicago, IL 60660
josephmadonia@gmail.com

via email on the 12th day of January, 2022.

Kim Himes

ATTORNEY TRENT M. FERGUSON - #6303282
RAY A. FERGUSON & ASSOC., LTD
216 North Court Street
Rockford, IL 61103
(815) 489-9500
rayferglaw@yahoo.com

Exhibit 1 – 1995 – Pleads Guilty to Filing False Police Report

Boone County, IL | Case Information Page 1 of 2

Boone County, IL

1995CM170 COSTANZA, OWEN G Last Search | Information | Dispositions | History | Payments | Fines & Fees

Case Information					
Case	1995CM170	Last Update	06/13/2000	Last Upload	
Case Category	Criminal	Case Type - Subtype	CM -	Criminal Misdemeanor	
Other Litigants	None				
Litigant Information					
Full Name	COSTANZA, OWEN G				
Date of Birth	03/31/1972	Role	Defendant/Respondent	Physical File Location	
Impounded	No	Initial Open Date	04/21/1995	Initial Close Date	
Suppress Minutes	No	Reopen Date		Reclose Date	
Arresting Officer	GARDNER, OFFICER PATRICK				
Identification					
Gender	Male	Height	Weight	Eye Color	Hair Color
Address					
Street 1	106 WENATCHEE WAY				
City	POPLAR GROVE	State	IL	Postal Code	
Country					
Phone Numbers					
None					
Hearings					
Type		Date	Time	Judge	
35 - Status hearing		08/30/1996	09:30	HOLMGREN	

http://www.judici.com/courts/cases/case_information.jsp?court=IL0040151&oc1=IL00401...

EXHIBIT

G

Boone County, IL**1995CM170 - COSTANZA, OWEN G**[Last Search](#) | [Information](#) | [Dispositions](#) | [History](#) | [Payments](#) | [Fines & Fees](#)

Name	No.	Qualifier	Desc	Type	Date	Plea	Status
Count	1						
Charge	1	None	FALSE REPORT OF OFFENSE	Original		Guilty	Class B Misdemeanor
Disposition 1			403 - Withhold Judgment/Supervision		07/13/1995		
Sentence 1			208 - Supervision	12 months	07/13/1995		In Force
Sentence 2			301 - Fine		07/13/1995		In Force
Sentence 3			209 - Public Service	20 hours	07/13/1995		In Force

Boone County, IL

1996CM170 COSTANZA, OWEN G

Last Search | Information | Dispositions | History | Payments |
Fines & Fees

Date	Entry	Judge
	Entered Under: COSTANZA, OWEN G	
08/30/1996	Def not ps. St. by Haughan. Court is adv that the def has complied with conditions of CS. Case is removed from call.	JRH
07/25/1996	Def. ps. Case called on for Stay On Warrant. Court hears and grants same. On oral motion of def., Court orders cas cont. to 8/30/96 at 9:30 a.m. for Status On Public Service Work. All parties notified of date in open court.	JRH
07/12/1996	Def not ps. St. by Haughan. Court is adv that an Attorney from Chicago req a cont. Court orders BW with bond set at \$3,000.00 and at the req of State to be stayed until 7-25-96 at 9:00 a.m. Status hearing set for 07/25/1996 at 09:00 in courtroom C.	JRH
06/27/1996	Notice Motion To Revoke Court Spervision Order Notice to appear set for 07/12/1996 at 09:00 in courtroom C.	UNASSIGNED
07/13/1995	Def ps for arraign. Atty. Charles Sewell enters his appearance. St. by Hursh. Def enters a plea of Guilty. Pursuant to agree the def is placed on CS for one year and assessed fine and costs of \$150.00 to be pd by 9-14-95. The def shall perform 20 hours PSW at the direc tion of Probation. Guilty Plea CS ORDER Pay or appear set for 09/14/95 at 09:00 in courtroom C.	JRH
06/30/1995	Bail Bond For Appearance of Defendant \$100.00.	UNASSIGNED
06/09/1995	Def ps for arraign. Atty. Sewell enters his appearance. St. seeking jail time. Def enters a plea of NG. Case set for PTC on 7-13-95 at 1:30 p.m. Pre-trial set for 07/13/95 at 01:30 in courtroom C.	RJF
06/02/1995	Warrant returned served. Arraignment set for 06/09/95 at 09:00 in courtroom C.	UNASSIGNED
04/21/1995	Warrant issued.	UNASSIGNED

State of Wisconsin
Office of the Commissioner of Insurance
Agent Licensing Section
P.O. Box 7872
Madison, WI 53707-7872
(608) 256-8599
ocicag@mail.state.wi.us

Company Name	OCI Company Number
Liberty Insurance Corporation	03-0316876

[illegible]

Date Mailed 03/08/2000

DCI 11-011 (R 10/98)



INSTRUCTIONS FOR COMPLETION OF NOTICE OF TERMINATION FORM

List all codes describing complaints received or problems experienced by your company involving the agent(s) and all codes indicating reason(s) for termination.

If any of the codes 10 through 19 are identified, complete explanations and documentation must be attached to this form. This documentation need not prove violations, but should include situation where possible violations exist.

The Office of the Commissioner of Insurance will investigate these situations and take appropriate action based upon the investigation. Section 601.42 (6), Wis. Stat., provides immunity for the insurer from an action for damages or defamation in the absence of actual malice, as a result of filing this report.

If your company discovers any problem regarding an agent following submission of this form, supplemental information, including documentation must be promptly forwarded to the Agent Licensing Section.

If Code 21 is identified, a complete explanation must be attached to this form.

If Code 05 is identified, additional documentation must be attached to substantiate the death such as an obituary, newspaper article, death certificate, or a letter from the company identifying the date of death.

CODES FOR PROBLEMS EXPERIENCED AND TERMINATION INFORMATION

- | | |
|----|---|
| 01 | Voluntary Termination |
| 02 | Inadequate Production |
| 03 | Cancelled by General Agent |
| 05 | Death |
| 08 | Company Defunct or Liquidation |
| 10 | Company Indebtedness |
| 13 | Forgery |
| 14 | Altering Policies |
| 15 | Fraud |
| 16 | Misappropriation |
| 17 | Misrepresentation |
| 18 | Failure to Promptly Submit Applications or Premiums |
| 19 | Poor Policyholder Service |
| 21 | Other |

The Company believes the agent in question filed a fraudulent claim on a vehicle he owned that was insured by the Liberty Mutual Companies, in the state of Illinois.

Exhibit 1 – 1999 – Pleads Guilty to Writing Bad Check

Boone County, IL | Case Information Page 1 of 2

Boone County, IL

1999CM657 COSTANZA, OWEN G Last Search | Information | Dispositions | History | Payments | Fines & Fees

Case Information

Case	1999CM657	Last Update	04/28/2000	Last Upload
Case Category	Criminal	Case Type - Subtype	CM -	Criminal Misdemeanor
Other Litigants	None			

Litigant Information

Full Name	COSTANZA, OWEN G			
Date of Birth	03/31/1972	Role	Defendant/Respondent	Physical File Location
Impounded	No	Initial Open Date	08/04/1999	Initial Close Date
Suppress Minutes	No	Reopen Date		Reclose Date
Arresting Officer	UNKNOWN			

Identification

Gender	Male	Height	Weight	Eye Color	Hair Color
Address					
Street 1	106 WENATCHEE WAY				
City	POPLAR GROVE	State	IL	Postal Code	
Country					

Phone Numbers

None

Hearings

Type	Date	Time	Judge
91 - Pay or appear	07/27/2000	09:00	ASSOCIATE

http://www.judici.com/courts/cases/case_information.jsp?court=IL004015J&col=IL00401...



Boone County, IL**1999CM657 COSTANZA, OWEN G**[Last Search](#) | [Information](#) | [Dispositions](#) | [History](#) | [Payments](#) | [Fines & Fees](#)

Date	Entry	Judge
Entered Under: COSTANZA, OWEN G		
04/27/2000	Def ps for Status on COP and shows compliance. Court finds def in compliance and reminds def of payment date.	JRT
01/27/2000	Def. ps. Case called on for PTC. Def. enters into plng. with the State and same presented for Court's approval. Def. will enter a written PG. Court will enter JOC and will place def. on 12 mo. Conditional Discharge. Def. will pay F&C totaling \$300.00 on or before 07/27/00 at 9:00 a.m. Cash bond posted to be applied. Def. further will be ordered to attend and successfully complete ASM the Check Offender Program and pay all fees of same. Def. to return to Court on 04/27/00 at 9:30 a.m. for Status On Check Offender Program. Court hears and accepts plng. Guilty Plea CONDITIONAL DISCHARGE ORDER ADDITIONAL CONDITIONS ORDER	ASM
12/17/1999	Def ps for arraign. & advised of chgs, rts & pps. St by Melton. On M/Def, Court orders case cont. for PTC on 1-27-00 at 1:30 PM. All parties notified of date in open Court. Pre-trial/sch conf set for 01/27/2000 at 01:30 in courtroom C.	ASM
12/13/1999	Warrant returned served. Bail Bond For Appearance of Defendant \$100.00. Arraignment set for 12/17/1999 at 08:30 in courtroom C.	UNASSIGNED
08/04/1999	**Information filed on 08/04/00 Warrant issued.	UNASSIGNED

Exhibit 1 – 2000 – Home Foreclosure in Boone County

1999CH145 COSTANZA, OWEN G [Last Search](#) | [Information](#) | [Dispositions](#) | [History](#) | [Payments](#) | [Fines & Fees](#)

Case Information					
Case	1999CH145	Last Update	03/19/2003	Last Upload	10/06/2019 @ 05:23
Case Category	Civil	Case Type - Subtype	CH - 102	Chancery - Mortgage Foreclosure	
Other Litigants					
Role	Name				
Defendant/Respondent	COSTANZA, PAULA K				
Defendant/Respondent	CANDLEWICK LAKE ASSOCIATION, INC				
Defendant/Respondent	MERCHANTS NATL BANK OF AURORA				
Plaintiff/Petitioner	CHASE MORTGAGE COMPANY				
Litigant Information					
Full Name	COSTANZA, OWEN G				
Date of Birth		Role	Defendant/Respondent	Physical File Location	
Impounded	No	Initial Open Date	10/29/1999	Initial Close Date	03/15/2000
Suppress Minutes	No	Reopen Date		Reclose Date	
None					
Identification					
None					
Address					
Street 1	106 WENATCHEE WAY SW				
City	POPLAR GROVE	State	IL	Postal Code	610650000
Country					
Phone Numbers					
None					
Hearings					
Type	Date	Time	Judge	Location	
10 - Motion hearing	07/19/2000	1:30 P.M.	KENNEDY	A	

1999CH145 COSTANZA, OWEN G [Last Search](#) | [Information](#) | [Dispositions](#) | [History](#) | [Payments](#) | [Fines & Fees](#)

Name	No.	Description	Type	Date	Satisfied?
Complaint/Count	1/1		Original		
Disposition	1	851 - Judgment	Original	03/15/2000	
Finding		CHASE MORTGAGE COMPANY	FOR		
Finding		COSTANZA, OWEN G	AGAINST		
Disposition	2	851 - Judgment	Original	03/15/2000	
Finding		CHASE MORTGAGE COMPANY	FOR		
Finding		COSTANZA, PAULA K	AGAINST		
Disposition	3	851 - Judgment	Original	03/15/2000	
Finding		CHASE MORTGAGE COMPANY	FOR		
Finding		CANDLEWICK LAKE ASSOCIATION, INC	AGAINST		
Disposition	4	851 - Judgment	Original	03/15/2000	
Finding		CHASE MORTGAGE COMPANY	FOR		
Finding		MERCHANTS NATL BANK OF AURORA	AGAINST		



1999CH145 COSTANZA, OWEN G

[Last Search](#) | [Information](#) | [Dispositions](#) | [History](#) | [Payments](#) | [Fines & Fees](#)

Date	Entry	Judge
	Entered Under: COSTANZA, OWEN G	
07/19/2000	Pl pres by Atty Mozal. Motion for Order Approving Report of Sale and Distribution heard & granted. No deficiency of surplus judgment entered. Motion for Order of Possession heard & granted. See order. Notice of Motion Motion For Order Approving Report of Sale & Distribution Report of Sale & Distribution ORDER APPROVING REPORT OF SALE & DISTRIBUTION, CONFIRMING SALE & ORDER FOR POSSESSION	JTK
06/02/2000	Certificate of Publication	UNASSIGNED
05/24/2000	Proof of Mailing Notice of Sale Notice of Sale	UNASSIGNED
03/15/2000	Atty Jan Mozal pres for pl. Motion For Default Judgment heard and granted. Motion to Dismiss Unknown Owners & Non-record Claimants heard and granted. Motion For Judgment of Foreclosure & Sale heard and granted. Motion to Appoint Selling Officer heard and granted. Lost Document Affidavit filed. Redemption period expires 6-16-2000. Order of Default Judgment For Foreclosure and Sale Order Appointing Foreclosure Sale Officer Lost Document Affidavit Copy - FHA Mortgage Copy - Loan	JTK
03/09/2000	Substitute service of summons 11/02/99 (Costanza, O) \$67.00 Summons ret'd served 11/02/99 (Costanza, P) \$10.00 Summons ret'd served 11/01/99 (Candlewick Lake) \$12.00 Summons ret'd not served 11/02/99 (Unknown Tenants) \$10.00 Affidavit of Special Process Server 11/15/99 (Merchants Nat'l Bank) Certificate Atty Affidavit Affidavit of Prove-Up Order Modifying Stay - Bankruptcy Notice of Motion Motion for Judgment for Foreclosure and Sale Notion To Appoint Selling Officer	UNASSIGNED
10/29/1999	Complaint to Foreclose Mortgage \$88.00 Affidavit as to Unknown Owners and Nonrecord Claimants Lis Pendens and Notice of Foreclosure Summons Issued and Forwarded to Boone Co Sheriff for Service	

CLOSED

**U.S. Bankruptcy Court
Northern District of Illinois (Western Division)
Bankruptcy Petition #: 96-51903**

Assigned to: Honorable Judge Manuel Barbosa
Chapter 7
Previous chapter 13
Voluntary
No asset

Date filed: 07/26/1996

Date converted: 09/03/1999

Date terminated: 01/03/2000

341 meeting: 10/07/1999 3:00 PM

Deadline for objecting to discharge: 12/06/1999

Debtor 1
Owen Greg Costanza

Poplar Grove, IL 61065
BOONE-IL
SSN / ITIN: xxx-x

represented by **Gary C Flanders**
1 Court Place Suite 201
Rockford, IL 61101
(815) 962-7084
Fax : (815) 987-3759
Email: garycflanders@gmail.com

Debtor 2

Poplar Grove, IL 61065
BOONE-IL
SSN / ITIN: xx

pka Paula K Stevenson

represented by **Gary C Flanders**
(See above for address)

Trustee

Bernard J Natale
Bernard J. Natale, Ltd.
Edgebrook Office Center
1639 N Alpine Rd
Suite 401
Rockford, IL 61107
815-964-4700



Filing Date	#	Docket Text
07/26/1996	1	VOLUNTARY petition under chapter 13 [CB] (Entered: 07/26/1996)
07/26/1996	2	INTAKE Checklist [CB] (Entered: 07/26/1996)
07/26/1996	3	APPLICATION to Pay Filing Fees in Installments [CB] (Entered: 07/26/1996)
07/26/1996	4	CHAPTER 13 Plan [CB] (Entered: 07/26/1996)
07/26/1996	5	SCHEDULES [CB] (Entered: 07/26/1996)
07/26/1996	6	STATEMENT of Financial Affairs [CB] (Entered: 07/26/1996)
07/26/1996	7	ATTORNEY Statement of Compensation [CB] (Entered: 07/26/1996)
07/26/1996	8	AFFIDAVIT Prescribed by General Rule 39 [CB] (Entered: 07/26/1996)
08/02/1996	9	NOTICE of 341 Meeting Notice and Claims Deadline with Certificate of Mailing Filed [MW] (Entered: 08/02/1996)

08/02/1996	10	NOTICE of Confirmation Hearing hearing on 09/20/1996 at 9:00 a.m. at U.S. Bankruptcy Court, Federal Courthouse 211 South Court, Rockford, Illinois [MW] Original NIBS Entry Number: 9A (Entered: 08/02/1996)
08/22/1996	11	OBJECTION to Confirmation of Plan RE: Chase Manhattan Mortgage Corp [MW] Original NIBS Entry Number: 10 (Entered: 08/22/1996)
08/22/1996	12	PROOF of Service [MW] Original NIBS Entry Number: 10A (Entered: 08/22/1996)
09/05/1996	13	PROOF of Service RE: Meeting of Creditors notice sent to Commercial Financial Services, Inc. by Trustee RE: Item# 9 [MW] Original NIBS Entry Number: 11 (Entered: 09/05/1996)
09/16/1996	14	OBJECTION to Confirmation of Plan by Trustee [MW] Original NIBS Entry Number: 12 (Entered: 09/16/1996)
09/16/1996	15	PROOF of Service [MW] Original NIBS Entry Number: 12A (Entered: 09/16/1996)
09/24/1996	16	NOTICE of trustee's proposal for allowance or modification of claims RE: Associated Financial Service, Phillips 66 [MW] Original NIBS Entry Number: 13 (Entered: 09/24/1996)
09/26/1996	17	PRETRIAL Conference hearing on 10/25/1996 at 9:30 a.m. at U.S. Bankruptcy Court, Federal Courthouse 211 South Court, Rockford, Illinois RE: Item# 11 [MW] Original NIBS Entry Number: 14 (Entered: 09/26/1996)
09/26/1996	18	PRETRIAL Conference hearing on 10/25/1996 at 9:30 a.m. at U.S. Bankruptcy Court, Federal Courthouse 211 South Court, Rockford, Illinois RE: Item# 14 [MW] Original NIBS Entry Number: 14A (Entered: 09/26/1996)
09/26/1996	19	CERTIFICATE of Mailing [MW] Original NIBS Entry Number: 14B (Entered: 09/26/1996)
09/27/1996	20	NOTICE of trustee's proposal for allowance or modification of claims [MW] Original NIBS Entry Number: 15 (Entered: 09/27/1996)
10/01/1996	21	NOTICE of trustee's proposal for allowance or modification of claims [MW] Original NIBS Entry Number: 16 (Entered: 10/01/1996)
10/03/1996	22	NOTICE of trustee's proposal for allowance or modification of claims [MW] Original NIBS Entry Number: 17 (Entered: 10/03/1996)
10/10/1996	23	NOTICE of trustee's proposal for allowance or modification of claims [MW] Original NIBS Entry Number: 18 (Entered: 10/10/1996)
10/29/1996	24	NOTICE of trustee's proposal for allowance or modification of claims [MW] Original NIBS Entry Number: 19 (Entered: 10/29/1996)
11/05/1996	25	CHAPTER 13 Plan [Modified] [MW] Original NIBS Entry Number: 20 (Entered: 11/05/1996)
11/05/1996	26	NOTICE of Hearing hearing on 12/13/1996 at 9:15 a.m. at U.S. Bankruptcy Court, Federal Courthouse 211 South Court, Rockford, Illinois RE: Item# 25 [MW] Original NIBS Entry Number: 20A (Entered: 11/05/1996)
11/05/1996	27	PROOF of Service [MW] Original NIBS Entry Number: 20B (Entered: 11/05/1996)

11/12/1996	28	OBJECTION to Confirmation of Plan [Modified] by Trustee [MW] Original NIBS Entry Number: 21 (Entered: 11/12/1996)
11/12/1996	29	PROOF of Service [MW] Original NIBS Entry Number: 21A (Entered: 11/12/1996)
12/12/1996	30	NOTICE of trustee's proposal for allowance or modification of claims [JS] Original NIBS Entry Number: 22 (Entered: 12/12/1996)
12/20/1996	31	NOTICE of trustee's proposal for allowance or modification of claims [MW] Original NIBS Entry Number: 23 (Entered: 12/20/1996)
12/20/1996	32	PRETRIAL Conference hearing on 01/10/1997 at 9:30 a.m. at U.S. Bankruptcy Court, Federal Courthouse 211 South Court, Rockford, Illinois RE: Item# 28 [MW] Original NIBS Entry Number: 24 (Entered: 12/20/1996)
12/20/1996	33	PROOF of Service [MW] Original NIBS Entry Number: 24A (Entered: 12/20/1996)
12/23/1996	34	NOTICE of report of additional claim with Certificate of Mailing [MW] Original NIBS Entry Number: 25 (Entered: 12/23/1996)
12/24/1996	35	NOTICE of intent to pay claims - notice sent [MW] Original NIBS Entry Number: 26 (Entered: 12/24/1996)
01/10/1997	36	ORDER Confirming Plan [Modified] [MW] Original NIBS Entry Number: 27 (Entered: 01/13/1997)
02/03/1997	37	CHAPTER 13 Plan [Modification] - Debtor [CB] Original NIBS Entry Number: 28 (Entered: 02/03/1997)
02/03/1997	38	NOTICE of Filing - Objections Due On or Before 2-28-97 [CB] Original NIBS Entry Number: 28A (Entered: 02/03/1997)
02/03/1997	39	PROOF of Service [CB] Original NIBS Entry Number: 28B (Entered: 02/03/1997)
02/05/1997	40	RECEIPT No. 72413/\$130.00 Installment Fee [MW] Original NIBS Entry Number: 29 (Entered: 02/06/1997)
02/18/1997	41	NOTICE [Amended] - Objections are to be filed by 3-7-97 RE: Item# 37 [MW] Original NIBS Entry Number: 30 (Entered: 02/18/1997)
02/18/1997	42	PROOF of Service [MW] Original NIBS Entry Number: 30A (Entered: 02/18/1997)
02/18/1997	43	PROOF of Service RE: Item# 41 [MW] Original NIBS Entry Number: 31 (Entered: 02/18/1997)
02/28/1997	44	CHAPTER 13 Plan [Modified] [MW] Original NIBS Entry Number: 32 (Entered: 02/28/1997)
02/28/1997	45	HEARING Continued hearing on 03/14/1997 at 9:00 a.m. at U.S. Bankruptcy Court, Federal Courthouse 211 South Court, Rockford, Illinois RE: Item# 38 [JB] Original NIBS Entry Number: 33 (Entered: 02/28/1997)
02/28/1997	46	MOTION to Dismiss - Trustee [Disposed] [JB] Original NIBS Entry Number: 34 (Entered: 02/28/1997)
02/28/1997	47	NOTICE of Hearing hearing on 03/28/1997 at 9:00 a.m. at U.S. Bankruptcy Court, Federal Courthouse 211 South Court, Rockford, Illinois RE: Item# 46 [JB] Original NIBS

		Entry Number: 34A (Entered: 02/28/1997)
02/28/1997	48	CERTIFICATE of Mailing [JB] Original NIBS Entry Number: 34B (Entered: 02/28/1997)
03/25/1997	49	ORDER Confirming Plan [Modified] [MW] Original NIBS Entry Number: 35 (Entered: 03/25/1997)
03/26/1997	50	MOTION to Avoid Judicial Lien of Merchants National Bank [Disposed] [MW] Original NIBS Entry Number: 36 (Entered: 03/27/1997)
03/26/1997	51	OBJECTION to Claim RE: Merchants National Bank [Disposed] [MW] Original NIBS Entry Number: 37 (Entered: 03/27/1997)
03/26/1997	52	NOTICE of Hearing hearing on 05/02/1997 at 10:45 a.m. at U.S. Bankruptcy Court, Federal Courthouse 211 South Court, Rockford, Illinois RE: Item# 50 [MW] Original NIBS Entry Number: 38 (Entered: 03/27/1997)
03/26/1997	53	NOTICE of Hearing hearing on 05/02/1997 at 10:45 a.m. at U.S. Bankruptcy Court, Federal Courthouse 211 South Court, Rockford, Illinois RE: Item# 51 [MW] Original NIBS Entry Number: 38A (Entered: 03/27/1997)
03/26/1997	54	PROOF of Service [MW] Original NIBS Entry Number: 38B (Entered: 03/27/1997)
03/28/1997	55	HEARING Continued hearing on 05/16/1997 at 1:30 p.m. at U.S. Bankruptcy Court, Federal Courthouse 211 South Court, Rockford, Illinois RE: Item# 47[Rescheduled] [JB] Original NIBS Entry Number: 39 (Entered: 04/01/1997)
05/12/1997	56	ORDER GRANTED RE: Item# 50 [MW] Original NIBS Entry Number: 40 (Entered: 05/12/1997)
05/12/1997	57	ORDER Disallowing Claim as filed RE: Item# 51 [MW] Original NIBS Entry Number: 41 (Entered: 05/12/1997)
05/16/1997	58	ADJOURNED Hearing Continued ADJOURNED Hearing Continued postponed to 06/20/1997 at 9:00 a.m. at U.S. Bankruptcy Court, Federal Courthouse 211 South Court, Rockford, Illinois RE: Item# 55[Rescheduled] [JB] Original NIBS Entry Number: 42 (Entered: 05/19/1997)
06/20/1997	59	ADJOURNED Hearing Continued ADJOURNED Hearing Continued postponed to 07/18/1997 at 1:30 p.m. at U.S. Bankruptcy Court, Federal Courthouse 211 South Court, Rockford, Illinois RE: Item# 58[Rescheduled] [JB] Original NIBS Entry Number: 43 (Entered: 06/23/1997)
07/08/1997	60	NOTICE of trustee's proposal for allowance or modification of claims [MW] Original NIBS Entry Number: 44 (Entered: 07/08/1997)
07/18/1997	61	ADJOURNED Hearing Continued ADJOURNED Hearing Continued postponed to 10/10/1997 at 9:00 a.m. at U.S. Bankruptcy Court, Federal Courthouse 211 South Court, Rockford, Illinois RE: Item# 59[Rescheduled] [JB] Original NIBS Entry Number: 45 (Entered: 07/22/1997)
07/30/1997	62	NOTICE of report of additional claim with Certificate of Mailing [MW] Original NIBS Entry Number: 46 (Entered: 07/30/1997)
08/19/1997	63	NOTICE of report of additional claim with Certificate of Mailing [MW] Original NIBS Entry Number: 47 (Entered: 08/19/1997)
09/05/1997	64	NOTICE of trustee's proposal for allowance or modification of claims [MW] Original

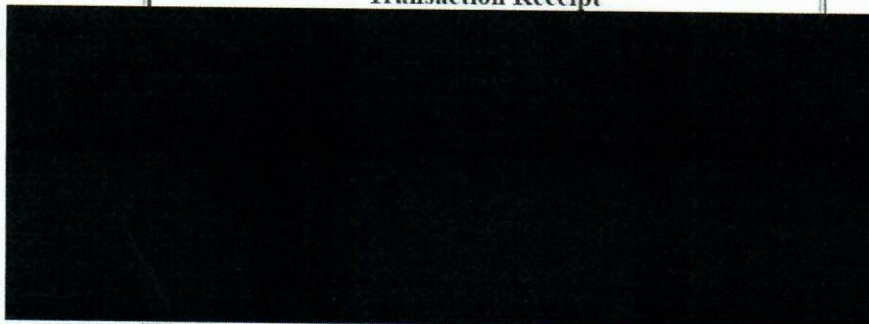
		NIBS Entry Number: 48 (Entered: 09/05/1997)
09/05/1997	65	NOTICE of report of additional claim with Certificate of Mailing [MW] Original NIBS Entry Number: 49 (Entered: 09/05/1997)
09/10/1997	66	APPLICATION for Attorney's Fees from 1-27-97 through 9-8-97 by Gary Flanders [Disposed] [MW] Original NIBS Entry Number: 50 (Entered: 09/11/1997)
09/10/1997	67	NOTICE of Hearing hearing on 10/03/1997 at 10:45 a.m. at U.S. Bankruptcy Court, Federal Courthouse 211 South Court, Rockford, Illinois RE: Item# 66 [MW] Original NIBS Entry Number: 50A (Entered: 09/11/1997)
09/10/1997	68	PROOF of Service [MW] Original NIBS Entry Number: 50B (Entered: 09/11/1997)
10/01/1997	69	NOTICE of trustee's proposal for allowance or modification of claims [MW] Original NIBS Entry Number: 51 (Entered: 10/01/1997)
10/01/1997	70	NOTICE of report of additional claim with Certificate of Mailing [MW] Original NIBS Entry Number: 52 (Entered: 10/01/1997)
10/06/1997	71	ORDER APPROVING RE: Item# 66 [MW] Original NIBS Entry Number: 53 (Entered: 10/06/1997)
10/10/1997	72	ADJOURNED Hearing Continued ADJOURNED Hearing Continued postponed to 10/31/1997 at 9:00 a.m. at U.S. Bankruptcy Court, Federal Courthouse 211 South Court, Rockford, Illinois RE: Item# 61[Rescheduled] [JB] Original NIBS Entry Number: 54 (Entered: 10/15/1997)
10/31/1997	73	ADJOURNED Hearing Continued ADJOURNED Hearing Continued postponed to 11/21/1997 at 1:30 p.m. at U.S. Bankruptcy Court, Federal Courthouse 211 South Court, Rockford, Illinois RE: Item# 72 [JB] Original NIBS Entry Number: 55 (Entered: 11/03/1997)
11/28/1997	74	NOTICE of trustee's proposal for allowance or modification of claims [JS] Original NIBS Entry Number: 56 (Entered: 11/28/1997)
11/28/1997	75	NOTICE of report of additional claim with Certificate of Mailing [JS] Original NIBS Entry Number: 57 (Entered: 11/28/1997)
12/01/1997	76	ORDER WITHDRAWING RE: Item# 46 [MW] Original NIBS Entry Number: 58 (Entered: 12/01/1997)
02/09/1998	<u>77</u>	NOTICE of trustee's proposal for allowance or modification of claims [MW] Original NIBS Entry Number: 59 (Entered: 02/09/1998)
02/12/1998	<u>78</u>	NOTICE of report of additional claim with Certificate of Mailing [MW] Original NIBS Entry Number: 60 (Entered: 02/12/1998)
06/16/1998	<u>79</u>	NOTICE of report of additional claim with Certificate of Mailing [MW] Original NIBS Entry Number: 61 (Entered: 06/16/1998)
06/16/1998	<u>80</u>	NOTICE of trustee's proposal for allowance or modification of claims [MW] Original NIBS Entry Number: 62 (Entered: 06/16/1998)
12/10/1998	<u>81</u>	NOTICE of Transfer of Claim from Sears to Max Recovery Inc [MW] Original NIBS Entry Number: 63 (Entered: 12/10/1998)

12/10/1998	<u>82</u>	NOTICE of Transfer of Claim from Sears to Max Recovery Inc [MW] Original NIBS Entry Number: 64 (Entered: 12/10/1998)
12/10/1998	<u>83</u>	NOTICE of Transfer of Claim from Sears to Max Recovery Inc [MW] Original NIBS Entry Number: 65 (Entered: 12/10/1998)
08/09/1999	<u>84</u>	MOTION In Regards to Automatic Stay Or Alternatively Dismiss by Chase Manhattan Mortgage Corp [Disposed] [MW] Original NIBS Entry Number: 66 (Entered: 08/09/1999)
08/09/1999	<u>85</u>	NOTICE of Hearing with Certificate of Mailing hearing on 08/13/1999 at 9:30 a.m. at U.S. Bankruptcy Court, Federal Courthouse 211 South Court, Rockford, Illinois RE: Item# 84 [MW] Original NIBS Entry Number: 66A (Entered: 08/09/1999)
08/09/1999	<u>86</u>	RECEIPT No. 97629/\$75.00 [MW] Original NIBS Entry Number: 66B (Entered: 08/09/1999)
08/13/1999	<u>87</u>	ORDER Stay is Modified RE: Item# 84 [MW] Original NIBS Entry Number: 67 (Entered: 08/16/1999)
09/03/1999	<u>88</u>	NOTICE of Conversion 13 to 7 with Proof of Service [MW] Original NIBS Entry Number: 68 (Entered: 09/03/1999)
09/03/1999	<u>89</u>	RECEIPT No. 98219/\$15.00 [MW] Original NIBS Entry Number: 68A (Entered: 09/03/1999)
09/03/1999	<u>90</u>	SCHEDULES [Amended] [MW] Original NIBS Entry Number: 69 (Entered: 09/03/1999)
09/03/1999	<u>91</u>	STATEMENT of Financial Affairs [Amended] [MW] Original NIBS Entry Number: 70 (Entered: 09/03/1999)
09/03/1999	<u>92</u>	ATTORNEY Statement of Compensation [Amended] [MW] Original NIBS Entry Number: 71 (Entered: 09/03/1999)
09/03/1999	<u>93</u>	DEBTOR'S Statement of Intentions [MW] Original NIBS Entry Number: 72 (Entered: 09/03/1999)
09/17/1999	<u>94</u>	NOTICE of Meeting of Creditors and Deadlines with Certificate of Service [MW] Original NIBS Entry Number: 73 (Entered: 09/17/1999)
09/28/1999	<u>95</u>	TRUSTEE'S final report and account [Chapter 13] with certificate of mailing [MW] Original NIBS Entry Number: 74 (Entered: 09/28/1999)
09/30/1999	<u>96</u>	AMENDMENT to Schedule F [MW] Original NIBS Entry Number: 75 (Entered: 09/30/1999)
09/30/1999	<u>97</u>	RECEIPT No. 98908/\$20.00 [MW] Original NIBS Entry Number: 75A (Entered: 09/30/1999)
10/07/1999	<u>98</u>	NOTICE to Creditors Listed on Schedules with Certificate of Service RE: Item# 96 [MW] Original NIBS Entry Number: 76 (Entered: 10/07/1999)
10/15/1999	<u>99</u>	FINAL Report of Trustee in No Asset Case [MW] Original NIBS Entry Number: 77 (Entered: 10/15/1999)
11/04/1999	<u>100</u>	MOTION In Regards to Automatic Stay RE: General Motors Acceptance Corp [Disposed] [MW] Original NIBS Entry Number: 78 (Entered: 11/04/1999)

11/04/1999	<u>101</u>	NOTICE of Hearing with Proof of Service hearing on 11/10/1999 at 9:30 a.m. at U.S. Bankruptcy Court, Federal Courthouse 211 South Court, Rockford, Illinois RE: Item# 100 [MW] Original NIBS Entry Number: 78A (Entered: 11/04/1999)
11/04/1999	102	RECEIPT No. 797/\$75.00 [MW] Original NIBS Entry Number: 78B (Entered: 11/04/1999)
11/10/1999	<u>103</u>	ORDER Stay is Modified RE: Item# 100 [MW] Original NIBS Entry Number: 79 (Entered: 11/10/1999)
12/16/1999	<u>104</u>	DISCHARGE of Debtor with Certificate of Mailing Filed [MW] Original NIBS Entry Number: 80 (Entered: 12/17/1999)
01/03/2000	105	ORDER CLOSING CASE [MW] Original NIBS Entry Number: 81 (Entered: 01/03/2000)
02/17/2000	<u>106</u>	MOTION To Turn Over Unclaimed Funds To Clerk Of Court RE: Merchants National Bank [Disposed] [MW] Original NIBS Entry Number: 82 (Entered: 02/17/2000)
02/22/2000	<u>107</u>	ORDER Authorizing RE: Item# 106 [MW] Original NIBS Entry Number: 83 (Entered: 02/23/2000)

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ROA SUMMARY ☒ 2007-DT-0000070 People of the State of Illinois vs. OWEN G COSTANZA CASE STATUS ☒ Closed pending clerk action - Feb 27, 2007

DEFENDANT Owen G Costanza

SORT DATE Ascending Descending

1 - 34 of 34

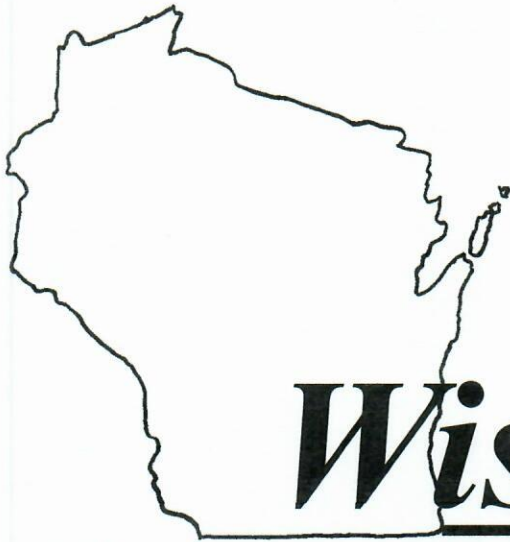
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*DATE SEALED	03/06/2008	*JUDGE CODE	**Lucas, Richard CONVERSION	MICROFILM NUMBER
*TEXT	Court Ordered Payments Fee 912.00 Amt 912.00 Defendant's Attorney Sewell Charles T Clerk MLN			
*DATE SEALED	02/12/2008	*JUDGE CODE	**Lucas, Richard CONVERSION	MICROFILM NUMBER
*TEXT	PETITION TO VACATE COURT SUPERVISION FILED BY PET/VACATE CSV 03/24/2008 2:00 pm Rm C Reporter NONE PRESENT Clerk EB			
*DATE SEALED	11/08/2007	*JUDGE CODE	**Lucas, Richard CONVERSION	MICROFILM NUMBER
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*TEXT	Accounting Adjustment Defendant's Attorney Sewell Charles T Clerk TGL			
*DATE SEALED	07/13/2007	*JUDGE CODE	**Lucas, Richard CONVERSION	MICROFILM NUMBER
*TEXT	Court Ordered Payments Fee 152.00 Amt 152.00 Defendant's Attorney Sewell Charles T Clerk SJW			
*DATE SEALED	06/25/2007	*JUDGE CODE	**Lucas, Richard CONVERSION	MICROFILM NUMBER
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*DATE SEALED	05/17/2007	*JUDGE CODE	**Lucas, Richard CONVERSION	MICROFILM NUMBER
*TEXT	Court Ordered Payments Fee 1,672.00 Amt 152.00 Clerk DR			
*DATE SEALED	04/23/2007	*JUDGE CODE	**Lucas, Richard CONVERSION	MICROFILM NUMBER
*TEXT	CHECK RETURNED TO DEFT. IT IS COMPUTER GENERATED.			



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*DATE SEALED	02/27/2007	*JUDGE CODE	**Lucas, Richard CONVERSION	MICROFILM NUMBER
*TEXT	COURT SUPERVISION ORDER FILED Reporter NONE PRESENT Clerk CC7			
*DATE SEALED	02/27/2007	*JUDGE CODE	**Lucas, Richard CONVERSION	MICROFILM NUMBER
*TEXT	Disposition 01/00 Count 001 Fine & Cost Total Disposition Withhold Judgment/Supervision DRVG UNDER INFLU OF ALCOHOL Disposition Type Court Action Defendant Plea Guilty Statute 625 5/11-501(a)(2) Class A Orig. Sentence 02/27/2007 Sentence Fines and/or Cost/Penalties and Fees Sentence In Force Sentence Supervision 12Mos Sentence In Force Sentence Alcoholism Treatment Sentence In Force Sentence DUI School/VICTIM IMPACT PANEL Sentence In Force Fine & Cost Total 1914.00 Signed Clerk MKC			
*DATE SEALED	02/27/2007	*JUDGE CODE	**Lucas, Richard CONVERSION	MICROFILM NUMBER
*TEXT	Disposition 02/00 Count 002 No Fine & Cost Disposition Dismiss/State Motion DRVG UNDER INFLU/BAC 0.08 Disposition Type Court Action Defendant Plea No Plea Entered Statute 625 5/11-501(a)(1) Class A Orig. Sentence 02/27/2007 No Fine & Cost .00 Signed Clerk CC7			
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*TEXT	GUILTY PLEA FILED Reporter NONE PRESENT Clerk CC7			
*DATE SEALED	02/27/2007	*JUDGE CODE	**Lucas, Richard CONVERSION	MICROFILM NUMBER
*TEXT	JDP ORIGINAL FILED Reporter NONE PRESENT Clerk CC7			
*DATE SEALED	02/27/2007	*JUDGE CODE	**Lucas, Richard CONVERSION	MICROFILM NUMBER
*TEXT	JDP SENT TO SOS Reporter NONE PRESENT Clerk CC7			
*DATE SEALED	02/27/2007	*JUDGE CODE	**Lucas, Richard CONVERSION	MICROFILM NUMBER
*TEXT	LETTER FROM EMPLOYER FILED Reporter NONE PRESENT Clerk CC7			
*DATE SEALED	02/27/2007	*JUDGE CODE	**Lucas, Richard CONVERSION	MICROFILM NUMBER
*TEXT	PETITION FOR JDP FILED Reporter NONE PRESENT Clerk CC7			
*DATE	02/27/2007	*JUDGE	**Lucas, Richard	MICROFILM NUMBER

SEALED		CODE	CONVERSION	
	PLEA OF GUILTY W/ ATTORNEY People of the State of Illinois present by Assistant State's Attorney, CITY ATTORNEY. Defendant appears with Atty Sewell. Charges read, rights and possible penalties explained. Defendant pleads guilty to 07DT70. Jury waived, no judgment of conviction entered. Defendant sentenced to 12 mts CTSV, VIP, Counseling, F&C=\$1,914.00. Apply any bond. Petition to rescind SSS is withdrawn. Petition for JDP is heard and granted. COURT SUPERVISION 02/27/2008 5 00 pm Rm C Reporter NONE PRESENT Clerk CC7			
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*TEXT	MOTION FOR DISCOVERY Filed Clerk WBW			
*DATE	02/22/2007	*JUDGE	**No Judge	MICROFILM NUMBER
SEALED		CODE	CONVERSION	
*TEXT	REQUEST FOR HEARING TO RESCIND SUMMARY SUSPENSION OR FOR ISSUANCE OF JUDICIAL DRIVING PERMIT Filed Clerk ACP			
*DATE	02/13/2007	*JUDGE	**Lucas, Richard	MICROFILM NUMBER
SEALED		CODE	CONVERSION	
*TEXT	ARRAIGNMENT- PLEA OF NOT GUILTY W/ATTORNEY-NOTICE GIVEN City of Rockford present by ACA, Angela Hammer. Defendant appears with Atty Sewell. Defendant waives arraignment and enters a plea of not guilty. On defendants motion case is continued for SSS. Notice given. STAT SUMMARY SUSPENSN 02/27/2007 1 30 pm Rm 215 Reporter NONE PRESENT Clerk CC7			
*DATE	02/02/2007	*JUDGE	**Kennedy, J. Todd	MICROFILM NUMBER
SEALED		CODE	CONVERSION	
*TEXT	DRUG AND ALCOHOL EVAL FILED			
*DATE	01/26/2007	*JUDGE	**Lucas, Richard	MICROFILM NUMBER
SEALED		CODE	CONVERSION	
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*DATE	01/22/2007	*JUDGE	**Lucas, Richard	MICROFILM NUMBER
SEALED		CODE	CONVERSION	
*TEXT	APPEARANCE OF ATTORNEY Filed Clerk ACP			
*DATE	01/19/2007	*JUDGE	**Lucas, Richard	MICROFILM NUMBER
SEALED		CODE	CONVERSION	
*TEXT	WARNING TO MOTORIST FILED. Clerk BG			
*DATE	01/16/2007	*JUDGE	**Lucas, Richard	MICROFILM NUMBER
SEALED		CODE	CONVERSION	
*TEXT	Bond Type Bond On Companion Case Bail .00 ARRAIGNMENT 02/13/2007 9 00 am Rm 215 Clerk GA			
*DATE	01/16/2007	*JUDGE	**Lucas, Richard	MICROFILM NUMBER
SEALED		CODE	CONVERSION	
*TEXT	Bond Type Cash 10% Deposit Bond Bail 100.00 Bond 1,000.00 ARRAIGNMENT 02/13/2007 9 00 am Rm 215 Clerk EB			
*DATE	01/16/2007	*JUDGE	**Lucas, Richard	MICROFILM NUMBER
SEALED		CODE	CONVERSION	
*TEXT	Complaint 01 Count 001 DRVG UNDER INFLU OF ALCOHOL Statute 625 5/11-501(a)(2) Class A Ong. Agency ROCKFORD Ticket# 876335 Clerk EB			
*DATE	01/16/2007	*JUDGE	**Lucas, Richard	MICROFILM NUMBER
SEALED		CODE	CONVERSION	
	Complaint 02 Count 002 DRVG UNDER INFLU/BAC 0.08			

*TEXT	Agency ROCKFORD Ticket# 876336			
	Clerk GA			
*DATE	01/16/2007	*JUDGE	**Lucas, Richard	MICROFILM NUMBER
SEALED		CODE	CONVERSION	
*TEXT	From bond Bond on companion case			
*DATE	01/16/2007	*JUDGE	**Lucas, Richard	MICROFILM NUMBER
SEALED		CODE	CONVERSION	
	warning to motorist not filed			
*TEXT	Clerk GA			



Wisconsin

Insurance Report

Jim Doyle
Governor



Sean Dilweg
Commissioner of Insurance



Business of
2008

Wisconsin

Insurance Report

**Jim Doyle
Governor**

**Sean Dilweg
Commissioner of Insurance**

**Business of
2008**

Our Mission. . .

**Leading the way in informing and
protecting the public
and
responding to their insurance needs**

Secretaries of State*

Ex Officio Commissioners of Insurance

Name	Residence	From	Term To
Llewelyn Breese	Prairie du Chien	January 3, 1870	January 5, 1874
Peter Doyle	Prairie du Chien	January 5, 1874	January 7, 1878
Hans B. Warner	Ellsworth	January 7, 1878	April 1, 1878

Commissioners of Insurance

Philip L. Spooner	Madison	April 1, 1878	January 3, 1887
Philip Cheek, Jr.	Baraboo	January 3, 1887	January 5, 1891
Wilbur M. Root	Sheboygan	January 5, 1891	January 7, 1895
William A. Fricke	Milwaukee	January 7, 1895	October 15, 1898
Emil Giljohann	Milwaukee	October 15, 1898	January 5, 1903
Zeno M. Host	Milwaukee	January 5, 1903	January 1, 1907
George E. Beedle	Embarrass	January 7, 1907	January 2, 1911
Herman L. Ekern	Whitehall	January 2, 1911	July 1, 1915
M. J. Cleary	Blanchardville	July 1, 1915	April 10, 1919
Plat Whitman	Highland	April 10, 1919	July 17, 1923
W. Stanley Smith	Ashland	July 17, 1923	June 2, 1926
Olaf H. Johnson	Gratiot	June 2, 1926	January 10, 1927
M.A. Freedy	Wauwatosa	January 10, 1927	July 1, 1931
H. J. Mortensen	New Lisbon	July 1, 1931	October 1, 1939
Morvin Duel	Fond du Lac	October 1, 1939	August 8, 1948
J. L. Sonderegger	Madison	October 1, 1948	December 1, 1948
John R. Lange	Madison	December 1, 1948	July 15, 1955
Alfred Van DeZande	Campbellsport	July 15, 1955	November 1, 1955
Paul J. Rogan	Ladysmith	November 1, 1955	July 2, 1959
Charles Manson	Wausau	July 2, 1959	September 15, 1965
Robert D. Haase	Marinette	September 15, 1965	September 7, 1969
S. C. DuRose	Madison	October 1, 1969	April 8, 1975
Harold R. Wilde	Madison	April 8, 1975	March 18, 1979
Susan M. Mitchell	Madison	March 19, 1979	July 31, 1982
Ann J. Haney	Madison	August 1, 1982	February 28, 1983
Thomas P. Fox	Madison	March 1, 1983	April 27, 1987
Robert D. Haase	Marinette	April 28, 1987	December 31, 1992
Josephine W. Musser	Madison	March 8, 1993	January 2, 1998
Randy Blumer	Madison	January 6, 1998	January 2, 1999
Connie L. O'Connell	Sun Prairie	January 4, 1999	January 6, 2003
Jorge Gomez	Milwaukee	February 17, 2003	December 18, 2006
Sean Dilweg	Madison	January 1, 2007	

*By chapter 56, section 32, General Laws of 1870, the Secretary of State was Commissioner of Insurance ex officio until 1878. The Office of the Commissioner of Insurance was made elective in 1881. In 1911 the office was made appointive instead of elective.



State of Wisconsin / OFFICE OF THE COMMISSIONER OF INSURANCE

Jim Doyle, Governor
Sean Dilweg, Commissioner

Wisconsin.gov

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Madison, Wisconsin 53707-7873
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The Honorable Jim Doyle
Governor, State of Wisconsin
115 E. State Capitol
Madison, WI 53702

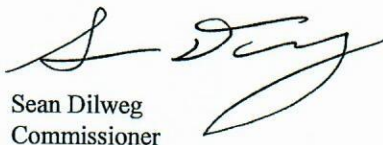
Dear Governor Doyle:

I am pleased to submit the 140th *Wisconsin Insurance Report* covering 2008.

Wisconsin's tradition of sound regulation, combined with strong consumer protections, continued over the past year. Highlights of the Office of the Commissioner of Insurance's (OCI) accomplishments and innovations are as follows:

- ☐ Examined more than 50 domestic insurers' financial statements and market conduct practices.
- ☐ Worked with the National Association of Insurance Commissioners (NAIC) on regulatory issues related to financial guaranty insurers.
- ☐ Continued close monitoring of the impact of the economic downturn on Wisconsin's domestic insurers. Working with other states, we effectively addressed insurer financial reporting requirements.
- ☐ Worked with the NAIC to develop a white paper on climate change. At the urging of OCI and other states, the NAIC adopted the Climate Change Disclosure Survey to collect substantive information about the risks posed by climate change to insurers and what actions the insurers have taken in response to those risks. This is the first mandatory climate disclosure required by any regulator.
- ☐ Adoption of administrative rules to implement the Long-Term Care Insurance Partnership Program in Wisconsin. The rules describe training requirements for agents and companies who wish to market Partnership plans.
- ☐ Joined the Interstate Insurance Product Regulation Commission (IIPRC).

Sincerely,


Sean Dilweg
Commissioner

Introduction

Every individual and business in Wisconsin depends upon insurance. Whether it is auto, home, life, commercial, or health, insurance plays an important role in people's lives. The Office of the Commissioner of Insurance (OCI) was created by the legislature in 1870 and vested with broad powers to ensure that the insurance industry meets the insurance needs of Wisconsin citizens responsibly and adequately.

The importance of fair, effective, and timely regulation of the insurance industry offers OCI a special challenge in meeting its public mission of leading the way in informing and protecting the public and responding to their insurance needs.

The major functions of the office include:

- Evaluating insurance policies that are sold in Wisconsin to determine if they meet the requirements of Wisconsin's laws.
 - Conducting financial examinations of domestic and foreign insurers to assure compliance with Wisconsin regulations and rules.
 - Monitoring the financial status of licensed companies and applicant companies to provide early warning of financial difficulty.
 - Issuing licenses to companies, agents, brokers, surplus lines brokers, managing general agents, reinsurance brokers and managers, and organizations including employee benefit plan administrators.
 - Examining and analyzing rates filed by insurance companies to determine if they are excessive, inadequate, or unfairly discriminatory.
 - Investigating and processing consumer complaints against agents and insurance companies and attempting to bring the matter to a fair and reasonable conclusion.
 - Researching special insurance problems through data collection and analysis and publishing conclusions and recommendations in special reports.
 - Developing legislation and promulgating administrative rules that ensure a strong insurance market through proactive policy and skillful enforcement.
 - Investigating and pursuing administrative actions against agents and insurers who violate Wisconsin insurance laws and regulations. Penalties include suspension or revocation of licenses and fines.
 - Conducting a comprehensive program of consumer education and public information to educate consumers about insurance through public speaking and distribution of information booklets and comparison guides.
 - Operating a state life insurance fund, a property fund for the property owned by local units of government, and a patients compensation fund insuring health care providers for medical malpractice.
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Billie Jo CasaDecalvo

1616 Stonepine Bay, Hudson, WI 54016

Has had her insurance license revoked and was ordered to never reapply for an insurance intermediary license. This action was based on allegations of failing to remit premiums for property and casualty insurance products between January 2006 and October 2007, misrepresenting and falsifying insurance coverage for additional cargo coverage, and misrepresenting and falsifying insurance coverage for auto insurance documents. September 2008

Crystal J. Chapman

2511 Caddy Ln., Joliet, IL 60435

Has had her application for an insurance license denied. This action was based on allegations of failing to respond promptly to inquiries from OCI and failing to disclose administrative actions taken by the states of Colorado and Illinois on an insurance license application. January 2008

Geana Monet Christian

3904 N. 77th St., Milwaukee, WI 53222

Has had her insurance license revoked. This action was based on allegations of failing to pay Wisconsin delinquent taxes due. August 2008

Lissa M. Clem

6724 23rd Ave. Apt. Upper, Kenosha, WI 53143

Has had her insurance license revoked. This action was based on allegations of failing to pay Wisconsin delinquent taxes due. April 2008

Graham McMurray Clement

5938 Flambeau Rd., Rancho Palos Verdes, CA 90275

Has had his application for an insurance license denied. This action was based on allegations of failing to respond promptly to inquiries from OCI and failing to disclose an administrative action taken by the state of Nevada on an insurance license application. November 2008

David M. Cleveland

1830 Lake Breeze Rd., Oshkosh, WI 54904

Has had his application for an insurance license denied. This action was based on allegations of failing to respond promptly to inquiries from OCI and a criminal conviction which may be substantially related to insurance marketing type conduct. August 2008

David D. Coenen

4524 N. Marshall Heights Ave., Appleton, WI 54913

Was ordered to pay a forfeiture of \$25,000.00, to undergo five years of supervision regarding annuity sales, to submit yearly reports to OCI, and to facilitate restitution

to consumers. These actions were based on allegations of making unsuitable sales of insurance products to consumers and making false and misleading statements regarding insurance contracts. January 2008

Joel E. Cole

616 Peters Dr., Waukesha, WI 53188

Has had his insurance license revoked. This action was based on allegations of failing to pay Wisconsin delinquent taxes due. May 2008

Lisa A. Coleman

3020 17th Ave. Ct. W. #A, Gig Harbor, WA 98335

Has had her application for an insurance license denied. This action was based on allegations of failing to respond promptly to inquiries from OCI and failing to disclose an administrative action taken by the state of Washington on an insurance license application. January 2008

Reuben Edward Collier

2411 N. Jackson, Waukegan, IL 60087

Has had his insurance license revoked. This action was based on allegations of failing to pay Wisconsin delinquent taxes due. October 2008

Owen G. Costanza

199 Edson St., Poplar Grove, IL 61065

Has had his license denied for 31 days. This action was based on allegations of failing to disclose previous criminal convictions on an insurance license application and failing to disclose a company termination for allegations of misconduct. November 2008

James W. Crystal

875 Park Ave. #7B, New York, NY 10021

Has had his application for an insurance license denied. This action was based on allegations of failing to respond promptly to inquiries from OCI and an administrative action taken by another state. July 2008

Mark R. Cummisford

6980 S. Crane Dr., Oak Creek, WI 53154

Has had his license denied for 31 days. This action was based on allegations of failing to disclose an administrative action taken by the state of Wisconsin, Department of Regulation and Licensing, Real Estate Examining Board, on an insurance license application. September 2008

Sean Richard Dahl

907 S. Comanche Ln., Waukesha, WI 53188

Paid a forfeiture of \$250.00, was ordered to respond truthfully to all inquiries from OCI, and has had his license denied for 30 days. This action was based on allegations

STATE OF INDIANA
COUNTY OF MARION

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) SS:
)

BEFORE THE INDIANA
COMMISSIONER OF INSURANCE

CAUSE NUMBER: 9384-AG10-0831-135

IN THE MATTER OF:

Owen Costanza
Agent / Respondent

199 Edson Street
Poplar Grove, IL 61065

Type of Agency Action: Enforcement

Indiana Insurance License No.: 425943

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FILED

SEP 21 2010

STATE OF INDIANA
DEPT. OF INSURANCE

FINAL ORDER AND APPROVAL

The Indiana Department of Insurance ("Department") and Owen Costanza ("Respondent"), a licensed resident Indiana Insurance Producer, signed an Agreed Entry which purports to resolve all issues involved in the above captioned action, and which has been submitted to the Acting Commissioner of Insurance (the "Commissioner") for approval. (See Exhibit 'A' attached hereto)

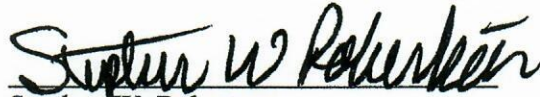
The Acting Commissioner, after reviewing the Agreed Entry, finds it has been entered into fairly and without fraud, duress or undue influence, and is fair and equitable between the parties. The Acting Commissioner hereby incorporates the Agreed Entry as if fully set forth herein, and approves and adopts in full the Agreed Entry as a resolution of this matter.



IT IS THEREFORE ORDERED by the Acting Commissioner of Insurance:

1. Respondent shall pay a fifteen hundred dollar (\$1,500.00) civil penalty to the Indiana Department of Insurance within thirty (30) day from the date this order is filed.

ALL OF WHICH IS ORDERED this 21st day of September 2010.



Stephen W. Robertson
Acting Commissioner/Executive Director
Indiana Department of Insurance

Distribution:

Laura A. Levenhagen
INDIANA DEPARTMENT OF INSURANCE
311 West Washington Street, Suite 300
Indianapolis, Indiana 46204-2787

Owen Costanza
199 Edson St.
Poplar Grove, IL 61065

administrative proceeding regarding any professional or occupational license or registration?"

Respondent indicated "NO", which was false;

WHEREAS, when asked on the application "[h]ave you... ever had an insurance agency contract or any other business relationship with an insurance company terminated for any alleged misconduct?" Respondent indicated "NO", which was false.

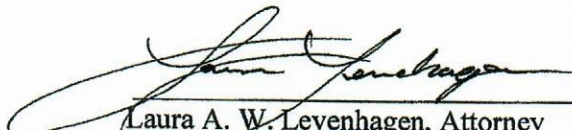
IT IS THEREFORE, NOW AGREED by and between the parties as follows:

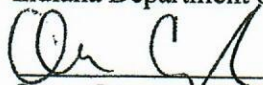
1. The Commissioner has jurisdiction over the subject matter of, and the parties to, this Agreed Entry.
2. This Agreed Entry is executed voluntarily by the parties without the presence of any duress, coercion, or undue influence.
3. Respondent voluntarily and freely waives his right to a public hearing on the issues in the above captioned matter.
4. Respondent voluntarily and freely waives his right to petition for judicial review of this agreement and the Commissioner's Final Order.
5. Respondent acknowledges that his Indiana non-resident producer license was granted through misrepresentation.
6. Respondent agrees that his actions have made him subject to penalties under Indiana Code § 27-1-15.6.12(b)(3), including, but not limited to, probation, suspension, or revocation of Respondent's Indiana non-resident insurance license, and fines.
7. Respondent agrees to pay a fifteen hundred dollar (\$1,500.00) civil penalty, which shall be payable within thirty (30) days from the date the Commissioner files a Final Order in the above captioned matter.
8. The Department agrees to accept Respondent's compliance with the terms of this agreement as full resolution of this matter.

9. Respondent has carefully read and examined this agreement and fully understands its terms.
10. Respondent is aware that failure to comply with any term of this agreement will result in the matter being set for hearing.
11. Respondent understands that this agreement will result in a state action against his Indiana non-resident license, and Respondent may be required to report that action to other states where he holds professional licenses.

9/15/10
Date Signed

9/10/10
Date Signed



Laura A. W. Levenhagen, Attorney
Indiana Department of Insurance


Owen Costanza, Respondent

STATE OF _____)
) SS:
COUNTY OF _____)

Before me a Notary Public for BOONE County, State of
ILLINOIS, personally appeared Owen Costanza and being first duly sworn by me upon his
oath, states that the facts alleged in the foregoing instrument are true. Signed and sealed this 10
day of SEPTEMBER, 2010.


Notary Signature

PA HARVEY
Notary Name Printed

My Commission expires: 9.14.10

County of Residence: BOONE

INDIANA DEPARTMENT OF INSURANCE
Enforcement Division
Suite 300
311 West Washington Street
Indianapolis, IN 46204-2787
317/233-4243 - telephone
317/232-5251 - facsimile

RMS Service Group, Inc.
911 E. Touhy Ave.
Suite 200
Des Plaines, IL 60018

January 27, 2011

Via E-mail at owencostanza@msn.com
Via E-mail at owen@rmsinsuranceservices.com
Via Federal Express

Owen Costanza
199 Edison St.
Poplar Grove, IL 61065

Re: Letter of Termination

Dear Mr. Costanza:

This letter is being written to inform you that effective immediately your employment with RMS Service Group, Inc. is terminated.

It has come to our attention that you have altered access to the Applied Systems TAM application, access to our phone systems and changed company passwords at our insurance company data bases. You have also opened an unauthorized business account at Poplar Grove State Bank. In addition, it has come to our attention that you have conducted a mass deletion of e-mails without permission or authorization.

These actions have all been done following being confronted on January 15, 2011 with unauthorized disbursements made to you and on your behalf from the Premium Fund Trust account maintained at National City Bank (n/k/a PNC Bank). In addition, you were asked to explain several transactions in which it appears that you accepted premium payments from customers and failed to remit said premiums to insurance companies for the issuance of insurance policies. You were also confronted with and asked to explain altered customer premiums that did not reconcile with insurance policies issued to said customers.

Finally, it has come to our attention that you formed RMS Insurance Services, Inc. on January 16, 2011. The Illinois Secretary of State's website lists you as the registered agent with an address at RMS Service Group, Inc. office in Poplar Grove, Illinois. Please be advised that RMS Service Group, Inc. will take any and all actions available to it under the Illinois Trade Secrets Act to make sure that you are held personally liable for any misappropriation of confidential information or trade secrets from it.

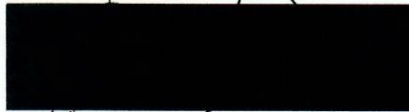


Owen Costanza
Page 2
January 27, 2011

You are no longer permitted to enter the premises of the company unless escorted by Rashid Sindhu.

Very truly yours,

RMS SERVICE GROUP, INC.

A solid black rectangular box used to redact the signature of Rashid Sindhu.

By: Rashid Sindhu, President

cc: David J. Schwab

STATE OF ILLINOIS

DEPARTMENT OF INSURANCE



IN THE MATTER OF THE
REVOCATION OF LICENSING
AUTHORITY OF:

RMS SERVICE GROUP, INC.
d/b/a/Alliance Insurance Agency

HEARING NO. 14-HR-0482

And

OWEN G. COSTANZA

ORDER OF DISMISSAL

WHEREAS, on April 3, 2014, an Order of Revocation was issued by the former Director of Insurance, Andrew Boron ("Director"), to Owen Costanza ("Respondent") and RMS Service Group Inc., d/b/a/Alliance Insurance agency ("RMS") (collectively, "Respondents"), revoking the Illinois insurance producer license of the Respondent and business entity license of RMS;

WHEREAS, on June 20, 2014, pursuant to Ms. Gabriella Moretti of Ziccardi Law Offices request for a hearing on behalf of the Respondents, a Notice of Hearing was issued by the Director setting an original hearing date of August 27, 2014;

WHEREAS, on July 17, 2014, the Respondents submitted a Motion for Continuance;

WHEREAS, on August 12, 2014, an Order was issued by the appointed Hearing Officer continuing this matter generally;

WHEREAS, on February 20, 2015, the Respondents and the Acting Director of Insurance, James A. Stephens, entered into a Stipulation and Consent Order (attached) for purposes of resolving all matters pertaining to the previously issued Order of Revocation;

EXHIBIT

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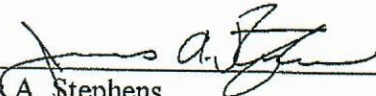
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WHEREAS, the Acting Director of Insurance being otherwise fully advised in the premises.

NOW THEREFORE, IT IS HEREBY ORDERED that Hearing No. 14-HR-0482 is dismissed.

DEPARTMENT OF INSURANCE
STATE OF ILLINOIS

DATE: March 4, 2015



James A. Stephens
Acting Director of Insurance

STATE OF ILLINOIS

DEPARTMENT OF INSURANCE



IN THE MATTER OF:
THE REVOCATION OF LICENSING
AUTHORITY OF:

RMS Service Group, Inc.
d/b/a Alliance Insurance Agency
13532 Julie Drive
Poplar Grove, IL 61065

And

14-HR-0482

Owen G. Costanza
199 Edson Street
Poplar Grove, IL 61065

STIPULATION AND CONSENT ORDER

WHEREAS, Owen Costanza (Licensee), is a licensed producer in the State of Illinois and RMS Service Group, Inc. d/b/a Alliance Insurance Agency (Business Entity) was a licensed business entity in the State of Illinois; and

WHEREAS, the Licensee and Business Entity are aware that Section 5/500-70(e) [215 ILCS 5/500-70(e)] states the following: "The Director has the authority to enforce the provisions of and impose any penalty or remedy authorized by this Article against any person who is under investigation for or charged with a violation of this Code or rules even if the person's license or registration has been surrendered or has lapsed by operation of law;" and

WHEREAS, the Licensee and Business Entity are aware of the actions, steps and remedies which the Director of Insurance is authorized to take under Section 5/500-70 of the Illinois Insurance Code (215 ILCS 5/500-70); and

WHEREAS, the Licensee and Business Entity are advised that the Department of Insurance has caused an investigation to be commenced to determine whether or not such causes and conditions exist as would authorize the Director of Insurance to take such actions and steps or pursue such remedies as are

provided in Section 5/500-70 of the Illinois Insurance Code; and

WHEREAS, the Licensee and Business Entity are aware of and understand the nature of this investigation and the charges and their various rights in connection therewith, including the right to counsel, notice, hearing and appeal under Section 5/500-70 of the Illinois Insurance Code and 50 Ill. Adm. Code 2402; and

WHEREAS, the Licensee and Business Entity, for the purpose of resolving all matters raised by the investigation without the necessity of an administrative hearing, enters into this Stipulation and Consent Order.

NOW THEREFORE, IT IS AGREED by and between the Licensee and Business Entity and the Director of Insurance as follows:

I. To waive the Notice and Hearing as required under Section 5/500-70 of the Illinois Insurance Code.

II. To stipulate that the Director of Insurance alleges the following:

A. A fiduciary review revealed that for the time period of August 31, 2010 through January 14, 2011, the Business Entity and Licensee's PFTA was deficient in respect to those premium monies under examination on 117 days during that time period. The review pertained to premiums collected from 17 consumers.

During the 117 days in which the PFTA was deficient, the deficiency differences ranged from \$200.14 to \$24,574.16 with an average of \$15,240.35.

B. From August 2, 2010 through October 21, 2010, the Business Entity and Licensee collected insurance premiums from three (3) consumers but failed to forward the premiums to the insurer within the required timeframe.

C. The examination revealed the Business Entity and Licensee failed to return four (4) return premiums to insureds within 15 days of receipt from the insurer or other licensee.

On those four (4) occasions, the Business Entity and Licensee failed to obtain written authorization from the insured to hold credit balances.

Of the four (4) return premiums not returned timely, the average return premium was \$611.32. Furthermore, the Business Entity and Licensee held the four (4) return premiums for an average of 301 days.

D. During March 2010, the Business Entity and Licensee made unlawful withdrawals that totaled \$9,400.00 from the PFTA, \$10,733.97 from the Main Account and \$16,385.66 from the Operating Account, all held at National City Bank.

E. On September 22, 2010, the Business Entity and Licensee deposited

\$365.83 received from a consumer for a homeowner's insurance policy. On September 27, 2010, \$196.40 was paid to the insurer. The remainder of \$169.43 was not repaid to the consumer until October 5, 2011.

F. During the course of the examination the examiner reviewed 13 consumer files for service fees. Nine (9) of the thirteen (13) files revealed the consumers were being charged a service fee and all nine (9) files had no Service Fee Agreements and six (6) of the nine (9) had no invoices sent to the consumer informing them of the service fee.

G. During February 2009, the Business Entity and Licensee deposited premium monies totaling \$1,011.00 and paid premiums totaling \$1,535.50 from the Main Account. During July 2009, the Business Entity and Licensee deposited premium monies totaling \$2,242.00 into the Main Account, \$3,283.88 into the Operating Account and paid premiums totaling \$5,838.17 from the Main Account. During March 2010, the Business Entity and Licensee deposited premium monies totaling \$1,756.17 into the Operating Account and paid premiums totaling \$567.00 from the Main Account. During July 2010, the Business Entity and Licensee paid premiums totaling \$76.00 from the Main Account.

H. The check register provided by the Business Entity and Licensee did not include positive running balances after each deposit or disbursement entry.

From May 31, 2008 through February 28, 2011, the Business Entity and Licensee's bank accounts held at National City/PNC Bank had a combined negative balance on thirty-two (32) separate dates.

I. The Business Entity and Licensee maintained a Bond in the amount of \$2,500.00 from 2008 through 2011. The Business Entity and Licensee brokered \$146,831.00 in 2010 indicating the minimum amount of the bond for calendar year 2011 should have been \$7,342.00.

J. In 2008, the State of Wisconsin denied the Business Entity and Licensee's application for failing to disclose previous criminal convictions on an insurance license application and failing to disclose a company termination for allegations of misconduct.

In 2010, the State of Indiana filed an Agreed Entry with a \$1,500 civil penalty against the Licensee for failing to disclose prior criminal convictions, having a judgment withheld or deferred, pending criminal investigation, or being named as a party in administrative proceedings regarding a professional or occupational license or registration on their application.

K. The Business Entity and Licensee answered "No" to question #2 when asked about their involvement in an administrative proceeding regarding a professional or occupational license or registration, regarding whether administrative action was taken by another State on their 2010 and 2012 application renewals for a license.

L. The Business Entity and Licensee's PFTA bank statement with National City Bank/PNC have the account labeled: "DBA Alliance Insurance." An Illinois Casualty Direct Bill Statement was issued to "Alliance Insurance Agency." Premiums sent in by consumers are written to "Alliance Insurance Agency." Alliance Insurance Agency is not licensed as a business entity to transact insurance business with the State of Illinois in violation of Section 5/500-30(c) of the Illinois Insurance Code (215 ILCS 5/500-30(c)) nor does the license issued for the Business Entity include the DBA Alliance Insurance Agency in violation of Section 5/500-55 of the Illinois Insurance Code (215 ILCS 5/500-55)).

M. The Business Entity and Licensee provided the Department examiner with a Check Register Report which did not have all checks issued listed and was not accurate as to actual checks issued with the correct check number.

N. The Business Entity and Licensee did not provide the Department examiner with a listing of deposits or monies received. Although some deposits of premium monies had been entered into their Applied computer system, it was not done on a consistent or complete basis. Deposit slips did not have the name of the consumer or payee listed.

O. The Business Entity and Licensee did not prepare and maintain bank reconciliations for any of the bank accounts for the time period from June 1, 2008 through January 31, 2011.

P. The Business Entity and Licensee have a PFTA held at National City Bank which was changed to PNC Bank. The Business Entity and Licensee's PFTAs were labeled "Premium Trust Account" on the bank statements and the checks. The Business Entity and Licensee's bank statements through January, 2011 were labeled "Premium Trust Account." Check #1314 written on September 9, 2010 on the Business Entity and Licensee's National City Bank account #986631529, has "Premium Fund Trust Account" on the face of the check.

III. The Licensee and Business Entity does consent to entry of the following Order based upon the above stipulations.

NOW THEREFORE, IT IS HEREBY ORDERED by the undersigned Director of Insurance, Department of Insurance, pursuant to Section 5/500-70 of the Illinois Insurance Code that Licensee and

Business Entity:

1. Shall voluntarily agree to the revocation of the Business Entity license of RMS Service Group, Inc., d/b/a Alliance Insurance Agency.
2. Shall pay a civil penalty in the amount of \$30,000.00 to the Director of the Illinois Department of Insurance. The payment of the civil penalty shall be as follows: \$10,000.00 is due to the Director of the Illinois Department of Insurance within 15 days of the date of this Order and the remainder (\$20,000.00) is due to the Director of the Illinois Department of Insurance within one year of the date of this Order to be paid in monthly installments directly to the Illinois Department of Insurance, Attention: Cathy Suhling, 320 West Washington Street, 4th Floor, Springfield, Illinois 62767.
3. Shall not violate any sections of the Illinois Insurance Code or Title 50 of the Illinois Administrative Code.

This Stipulation and Consent Order supersedes the Order of Revocation dated April 3, 2014. Hearing No. 14-HR-0482 shall be dismissed based upon the entry of this Stipulation and Consent Order.

A material violation of the above Stipulation & Consent Order, including failure to comply with the monthly payments of the civil penalty, shall subject the Licensee to further administrative action pursuant to Section 5/407.2 of the Illinois Insurance Code (215 ILCS 5/407.2).

Nothing contained herein shall prohibit the Director of Insurance from taking any and all appropriate action should the Licensee violate any of the provisions of this Stipulation and Consent Order or any provisions of the Illinois Insurance Code or Title 50 of the Illinois Administrative Code.



Owen G. Costanza, Licensee
and as representative of RMS
Service Group, Inc., Business Entity

Date: 2/18/15

State of Illinois)
County of Winnebago)SS

Subscribed and sworn to,
before me, this 18 day of
Feb, 2015


Notary Public



DEPARTMENT OF INSURANCE
of the State of Illinois;

Date: 3/20/15


James A. Stephens
Acting Director

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on 3-5, 2015, I caused a true and correct copy of the foregoing instrument to be served upon the Attorneys of Record or Parties to the above captioned matter, by the designated means:

RMS Service Group, Inc.
d/b/a Alliance Ins. Agency
13532 Julie Dr.
Poplar Grove, IL 61065

☒ first class mail
☒ certified mail # 8521
☐ hand delivery
☐ electronic mail
☐ via facsimile

Owen G. Costanza
199 Edison St.
Poplar Grove, IL 61065

☒ first class mail
☒ certified mail # 8538
☐ hand delivery
☐ electronic mail
☐ via facsimile

Gabriella Moretti
Ziccardi Law Offices
77 W. Washington St., Ste. 705
Chicago, IL 60602

☒ first class mail
☒ certified mail # 8545
☐ hand delivery
☐ electronic mail
☐ via facsimile

M Lely
Mary Ann Lelys
Administrative Assistant

STATE OF ILLINOIS

DEPARTMENT OF INSURANCE



IN THE MATTER OF THE
REVOCATION OF LICENSING
AUTHORITY OF:

RMS SERVICE GROUP, INC.
d/b/a/Alliance Insurance Agency

And

OWEN G. COSTANZA

HEARING NO. 14-HR-0482

ORDER OF DISMISSAL



WHEREAS, on April 3, 2014, an Order of Revocation was issued by the former Director of Insurance, Andrew Boron ("Director"), to Owen Costanza ("Respondent") and RMS Service Group Inc., d/b/a/Alliance Insurance agency ("RMS") (collectively, "Respondents"), revoking the Illinois insurance producer license of the Respondent and business entity license of RMS;

WHEREAS, on June 20, 2014, pursuant to Ms. Gabriella Moretti of Ziccardi Law Offices request for a hearing on behalf of the Respondents, a Notice of Hearing was issued by the Director setting an original hearing date of August 27, 2014;

WHEREAS, on July 17, 2014, the Respondents submitted a Motion for Continuance;

WHEREAS, on August 12, 2014, an Order was issued by the appointed Hearing Officer continuing this matter generally;

WHEREAS, on February 20, 2015, the Respondents and the Acting Director of Insurance, James A. Stephens, entered into a Stipulation and Consent Order (attached) for purposes of resolving all matters pertaining to the previously issued Order of Revocation;

WHEREAS, the Acting Director of Insurance being otherwise fully advised in the premises.

NOW THEREFORE, IT IS HEREBY ORDERED that Hearing No. 14-HR-0482 is dismissed.

DEPARTMENT OF INSURANCE
STATE OF ILLINOIS

DATE: March 4, 2015



James A. Stephens
Acting Director of Insurance

STATE OF ILLINOIS

DEPARTMENT OF INSURANCE



IN THE MATTER OF:
THE REVOCATION OF LICENSING
AUTHORITY OF:

RMS Service Group, Inc.
d/b/a Alliance Insurance Agency
13532 Julie Drive
Poplar Grove, IL 61065

And

14-HR-0482

Owen G. Costanza
199 Edson Street
Poplar Grove, IL 61065

STIPULATION AND CONSENT ORDER

WHEREAS, Owen Costanza (Licensee), is a licensed producer in the State of Illinois and RMS Service Group, Inc. d/b/a Alliance Insurance Agency (Business Entity) was a licensed business entity in the State of Illinois; and

WHEREAS, the Licensee and Business Entity are aware that Section 5/500-70(e) [215 ILCS 5/500-70(e)] states the following: "The Director has the authority to enforce the provisions of and impose any penalty or remedy authorized by this Article against any person who is under investigation for or charged with a violation of this Code or rules even if the person's license or registration has been surrendered or has lapsed by operation of law;" and

WHEREAS, the Licensee and Business Entity are aware of the actions, steps and remedies which the Director of Insurance is authorized to take under Section 5/500-70 of the Illinois Insurance Code (215 ILCS 5/500-70); and

WHEREAS, the Licensee and Business Entity are advised that the Department of Insurance has caused an investigation to be commenced to determine whether or not such causes and conditions exist as would authorize the Director of Insurance to take such actions and steps or pursue such remedies as are

provided in Section 5/500-70 of the Illinois Insurance Code; and

WHEREAS, the Licensee and Business Entity are aware of and understand the nature of this investigation and the charges and their various rights in connection therewith, including the right to counsel, notice, hearing and appeal under Section 5/500-70 of the Illinois Insurance Code and 50 Ill. Adm. Code 2402; and

WHEREAS, the Licensee and Business Entity, for the purpose of resolving all matters raised by the investigation without the necessity of an administrative hearing, enters into this Stipulation and Consent Order.

NOW THEREFORE, IT IS AGREED by and between the Licensee and Business Entity and the Director of Insurance as follows:

I. To waive the Notice and Hearing as required under Section 5/500-70 of the Illinois Insurance Code.

II. To stipulate that the Director of Insurance alleges the following:

A. A fiduciary review revealed that for the time period of August 31, 2010 through January 14, 2011, the Business Entity and Licensee's PFTA was deficient in respect to those premium monies under examination on 117 days during that time period. The review pertained to premiums collected from 17 consumers.

During the 117 days in which the PFTA was deficient, the deficiency differences ranged from \$200.14 to \$24,574.16 with an average of \$15,240.35.

B. From August 2, 2010 through October 21, 2010, the Business Entity and Licensee collected insurance premiums from three (3) consumers but failed to forward the premiums to the insurer within the required timeframe.

C. The examination revealed the Business Entity and Licensee failed to return four (4) return premiums to insureds within 15 days of receipt from the insurer or other licensee.

On those four (4) occasions, the Business Entity and Licensee failed to obtain written authorization from the insured to hold credit balances.

Of the four (4) return premiums not returned timely, the average return premium was \$611.32. Furthermore, the Business Entity and Licensee held the four (4) return premiums for an average of 301 days.

D. During March 2010, the Business Entity and Licensee made unlawful withdrawals that totaled \$9,400.00 from the PFTA, \$10,733.97 from the Main Account and \$16,385.66 from the Operating Account, all held at National City Bank.

E. On September 22, 2010, the Business Entity and Licensee deposited

\$365.83 received from a consumer for a homeowner's insurance policy. On September 27, 2010, \$196.40 was paid to the insurer. The remainder of \$169.43 was not repaid to the consumer until October 5, 2011.

F. During the course of the examination the examiner reviewed 13 consumer files for service fees. Nine (9) of the thirteen (13) files revealed the consumers were being charged a service fee and all nine (9) files had no Service Fee Agreements and six (6) of the nine (9) had no invoices sent to the consumer informing them of the service fee.

G. During February 2009, the Business Entity and Licensee deposited premium monies totaling \$1,011.00 and paid premiums totaling \$1,535.50 from the Main Account. During July 2009, the Business Entity and Licensee deposited premium monies totaling \$2,242.00 into the Main Account, \$3,283.88 into the Operating Account and paid premiums totaling \$5,838.17 from the Main Account. During March 2010, the Business Entity and Licensee deposited premium monies totaling \$1,756.17 into the Operating Account and paid premiums totaling \$567.00 from the Main Account. During July 2010, the Business Entity and Licensee paid premiums totaling \$76.00 from the Main Account.

H. The check register provided by the Business Entity and Licensee did not include positive running balances after each deposit or disbursement entry.

From May 31, 2008 through February 28, 2011, the Business Entity and Licensee's bank accounts held at National City/PNC Bank had a combined negative balance on thirty-two (32) separate dates.

I. The Business Entity and Licensee maintained a Bond in the amount of \$2,500.00 from 2008 through 2011. The Business Entity and Licensee brokered \$146,831.00 in 2010 indicating the minimum amount of the bond for calendar year 2011 should have been \$7,342.00.

J. In 2008, the State of Wisconsin denied the Business Entity and Licensee's application for failing to disclose previous criminal convictions on an insurance license application and failing to disclose a company termination for allegations of misconduct.

In 2010, the State of Indiana filed an Agreed Entry with a \$1,500 civil penalty against the Licensee for failing to disclose prior criminal convictions, having a judgment withheld or deferred, pending criminal investigation, or being named as a party in administrative proceedings regarding a professional or occupational license or registration on their application.

K. The Business Entity and Licensee answered "No" to question #2 when asked about their involvement in an administrative proceeding regarding a professional or occupational license or registration, regarding whether administrative action was taken by another State on their 2010 and 2012 application renewals for a license.

L. The Business Entity and Licensee's PFTA bank statement with National City Bank/PNC have the account labeled: "DBA Alliance Insurance." An Illinois Casualty Direct Bill Statement was issued to "Alliance Insurance Agency." Premiums sent in by consumers are written to "Alliance Insurance Agency." Alliance Insurance Agency is not licensed as a business entity to transact insurance business with the State of Illinois in violation of Section 5/500-30(c) of the Illinois Insurance Code (215 ILCS 5/500-30(c)) nor does the license issued for the Business Entity include the DBA Alliance Insurance Agency in violation of Section 5/500-55 of the Illinois Insurance Code (215 ILCS 5/500-55)).

M. The Business Entity and Licensee provided the Department examiner with a Check Register Report which did not have all checks issued listed and was not accurate as to actual checks issued with the correct check number.

N. The Business Entity and Licensee did not provide the Department examiner with a listing of deposits or monies received. Although some deposits of premium monies had been entered into their Applied computer system, it was not done on a consistent or complete basis. Deposit slips did not have the name of the consumer or payee listed.

O. The Business Entity and Licensee did not prepare and maintain bank reconciliations for any of the bank accounts for the time period from June 1, 2008 through January 31, 2011.

P. The Business Entity and Licensee have a PFTA held at National City Bank which was changed to PNC Bank. The Business Entity and Licensee's PFTAs were labeled "Premium Trust Account" on the bank statements and the checks. The Business Entity and Licensee's bank statements through January, 2011 were labeled "Premium Trust Account." Check #1314 written on September 9, 2010 on the Business Entity and Licensee's National City Bank account #986631529, has "Premium Fund Trust Account" on the face of the check.

III. The Licensee and Business Entity does consent to entry of the following Order based upon the above stipulations.

NOW THEREFORE, IT IS HEREBY ORDERED by the undersigned Director of Insurance, Department of Insurance, pursuant to Section 5/500-70 of the Illinois Insurance Code that Licensee and

Business Entity:

1. Shall voluntarily agree to the revocation of the Business Entity license of RMS Service Group, Inc., d/b/a Alliance Insurance Agency.
2. Shall pay a civil penalty in the amount of \$30,000.00 to the Director of the Illinois Department of Insurance. The payment of the civil penalty shall be as follows: \$10,000.00 is due to the Director of the Illinois Department of Insurance within 15 days of the date of this Order and the remainder (\$20,000.00) is due to the Director of the Illinois Department of Insurance within one year of the date of this Order to be paid in monthly installments directly to the Illinois Department of Insurance, Attention: Cathy Suhling, 320 West Washington Street, 4th Floor, Springfield, Illinois 62767.
3. Shall not violate any sections of the Illinois Insurance Code or Title 50 of the Illinois Administrative Code.

This Stipulation and Consent Order supersedes the Order of Revocation dated April 3, 2014. Hearing No. 14-HR-0482 shall be dismissed based upon the entry of this Stipulation and Consent Order.

A material violation of the above Stipulation & Consent Order, including failure to comply with the monthly payments of the civil penalty, shall subject the Licensee to further administrative action pursuant to Section 5/407.2 of the Illinois Insurance Code (215 ILCS 5/407.2).

Nothing contained herein shall prohibit the Director of Insurance from taking any and all appropriate action should the Licensee violate any of the provisions of this Stipulation and Consent Order or any provisions of the Illinois Insurance Code or Title 50 of the Illinois Administrative Code.



Owen G. Costanza, Licensee
and as representative of RMS
Service Group, Inc., Business Entity

Date: 2/18/15

State of Illinois)
County of Winnebago)SS

Subscribed and sworn to,
before me, this 18 day of
Feb, 2015


Notary Public



DEPARTMENT OF INSURANCE
of the State of Illinois;

Date: 3/20/15


James A. Stephens
Acting Director

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on 3-5, 2015, I caused a true and correct copy of the foregoing instrument to be served upon the Attorneys of Record or Parties to the above captioned matter, by the designated means:

RMS Service Group, Inc.
d/b/a Alliance Ins. Agency
13532 Julie Dr.
Poplar Grove, IL 61065

☒ first class mail
☒ certified mail # 8521
☐ hand delivery
☐ electronic mail
☐ via facsimile

Owen G. Costanza
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Poplar Grove, IL 61065

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☒ first class mail
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☐ via facsimile

M Lelys
Mary Ann Lelys
Administrative Assistant