

JUL 16 2012

DEPT OF INSURANCE
BY 

STATE OF ARIZONA
DEPARTMENT OF INSURANCE

In the Matter of:

OCHOA, JUDY ANNE,
(Arizona License Number 941886)
(National Producer Number 7255772)

Respondent.

No. 12A-075 - INS

CONSENT ORDER

The State of Arizona Department of Insurance ("Department") has received evidence that **Judy Anne Ochoa ("Respondent")** violated Arizona Revised Statutes ("A.R.S.") §20-295(A)(2), specifically by not participating in providing information to the Department, based upon a subpoena issued by the Director of Department, that was properly served upon her. Respondent wishes to resolve this matter without the commencement of formal proceedings, and admits the following Findings of Fact are true and consents to entry of the following Conclusions of Law and Order.

FINDINGS OF FACT

1. Respondent is, and was at all material times licensed as an Arizona resident casualty and property insurance producer, Arizona license number 941886, which expires on January 31, 2013.

2. On or about March 28, 2012, the Department received a referral from the National Insurance Crime Bureau (NICB) alleging that Respondent inflated her claim to Traveler's Insurance Company with a date of loss of April 20, 2011 ("Traveler's claim number HGX3932").

1 3. On May 9, 2012, the Department sent to Respondent via US Certified Mail a
2 subpoena requiring her to appear before the Department at 10:00 A.M. on May 29, 2012 to
3 provide testimony in the matter of Traveler's claim number HGX3932.

4 4. On May 29, 2012, Respondent appeared at the Department with her attorney,
5 Kirk Smith, and provided a letter (attached) stating that she would not participate, citing
6 constitutional rights.

7 **CONCLUSIONS OF LAW**

8 1. The Director has jurisdiction over this matter.

9 2. Respondent's conduct as described above constitutes a violation of A.R.S. §20-
10 295(A)(2), specifically because Respondent did not participate in providing information to the
11 Department on May 29, 2012, based upon the subpoena, that the Department sent to
12 Respondent on May 9, 2012 via certified mail.

13 3. Grounds exist for the Director to suspend, revoke, or refuse to renew
14 Respondent's insurance license, impose a civil penalty and/or order restitution pursuant to
15 A.R.S. §§20-295(A) and (F), based upon Respondent's violation of A.R.S. §20-295(A)(2),
16 specifically because Respondent did not participate in providing information to the Department
17 on May 29, 2012, based upon the subpoena, that the Department sent to Respondent on May
18 9, 2012 via certified mail.

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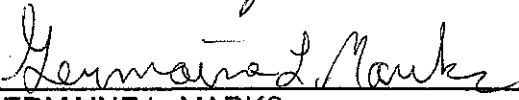
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ORDER

IT IS HEREBY ORDERED THAT:

1. Respondent's license is revoked effective immediately upon entry of this Order.

DATED AND EFFECTIVE this 16th day of July, 2012.


GERMAINE L. MARKS
Acting Director of Insurance

CONSENT TO ORDER

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

2. Respondent admits the jurisdiction of the Director of Insurance, State of Arizona, and admits the foregoing Findings of Fact and consents to the entry of the foregoing Conclusions of Law and Order.

3. Respondent is aware of her right to notice and a hearing at which she may be represented by counsel, present evidence and examine witnesses. Respondent irrevocably waives her right to such notice and hearing and to any court appeals relating to this Consent Order.

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

5. Respondent acknowledges that the acceptance of this Consent Order by the Director is solely to settle this matter against her and does not preclude any other agency,

1 officer, or subdivision of this state including the Department from instituting civil or criminal
2 proceedings as may be appropriate now or in the future.

3 6. Respondent acknowledges that this Consent Order is an administrative action
4 that the Department will report to the National Association of Insurance Commissioners (NAIC)
5 and that she may have to report this administrative action on any future licensing applications
6 either to the Department or other states' Departments of Insurance.

7 7/13/12
8 Date

Judy Anne Ochoa
Judy Anne Ochoa, License No. 941886

9 COPIES of the foregoing mailed/delivered
10 this 16th day of July, 2012, to:

11 Kirk Smith
12 Davis Miles Law Firm
13 Suite 401,
14 80 E. Rio Salado Pkwy
15 Tempe, AZ 85281
16 (Attorney for Respondent)

17 Brian Wright
18 Traveler's Insurance Co.
19 2401 West Peoria Ave.
20 Phoenix, AZ 85029

21 Mary Kosinski, Executive Assistant for Regulatory Affairs
22 Catherine M. O'Neil, Consumer Legal Affairs Officer
23 Steve Fromholtz, Licensing Supervisor
24 Charles Gregory, Investigations Supervisor
Randy Markham, Investigator
Department of Insurance
2910 North 44th Street, Suite 210
Phoenix, Arizona 85018

Curvey Burton
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