

MAY 24 2016

STATE OF ARIZONA  
DEPARTMENT OF INSURANCE

DEPT OF INSURANCE  
BY MS

In the Matter of:

**GUESS, JIMMICA RANETTA**  
(Arizona License Number 1074554)  
(National Producer Number 17242845)

and

**JIMMICA GUESS & ASSOCIATES  
LLC**  
(Arizona License Number 1077812)  
(National Producer Number 17277203)

Respondents.

No. 15A-141-INS

**FINDINGS OF FACT, CONCLUSIONS  
OF LAW AND ORDER**

(Assigned to ALJ Tammy Eigenheer)

On March 30, 2016, the Arizona Department of Insurance ("Department") issued a Notice of Hearing and Complaint ("Notice") in the above-captioned matter, a copy of which is attached as Exhibit A and incorporated by reference. The Notice was served upon the Respondents' attorney of record, Kristen M. Curry. Proof of service is attached hereto as Exhibit B. As of this date, Respondent has failed to file an Answer. Pursuant to A.A.C. R20-6-106(D), a party that fails to file an answer within the time provided shall be deemed to be in default and one or more of the allegations in the Notice of Hearing may be deemed to be admitted.

**FINDINGS OF FACT**

1. Notice was proper.
2. Respondent is in default.
3. The allegations in the Notice are deemed admitted.

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**CONCLUSIONS OF LAW**

4. Respondent's conduct, as described above, constitutes violating any provision of this title or any rule, subpoena or order of the Director, within the meaning of A.R.S. § 20-295 (A)(2).

5. It is fraudulent practice and unlawful for a person to knowingly divert or attempt to conspire to divert the monies of an insurer in connection with the transaction of insurance, within the meaning of A.R.S. § 20-463(A)(4).

6. Guess' conduct, as described above, constitutes having been convicted of a felony, within the meaning of A.R.S. § 20-295 (A)(6).

7. Guess' conduct, as described above, constitutes having admitted or been found to have committed any insurance unfair trade practice or fraud, within the meaning of A.R.S. § 20-295 (A)(7).

8. Guess' conduct, as described above, constitutes using fraudulent, dishonest practices, or untrustworthiness in the conduct of business in this state, within the meaning of A.R.S. § 20-295 (A)(8).

9. Guess and Associates' conduct, as described above, constitutes failure to designate an individually licensed insurance producer who is responsible for the business entity's compliance with the insurance laws of this state, within the meaning of A.R.S. § 20-285 (C).

10. Grounds exist for the Interim Director to suspend, revoke, or refuse to renew an insurance producer's license and/or order restitution pursuant to A.R.S. § 20-295 (A).

11. Grounds exist for the Interim Director to deny, suspend, revoke or refuse to renew the license of a business entity for any of the causes prescribed in A.R.S. § 20-295 (A) if the cause relates to the designated producer or any member, officer, director or manager of the business entity pursuant to A.R.S. § 20-295 (B).

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**ORDER**

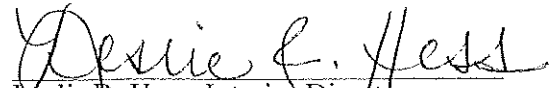
**IT IS ORDERED:**

1. The insurance license held by Jimmica Ranetta Guess, Arizona number 1074554, is revoked effective upon the issuance of this Order.

1 2. The insurance license held by Jimmica Guess & Associates, LLC, Arizona  
2 number 1077812, is revoked effective upon the issuance of this Order.

3 3. The hearing set for **May 24, 2016 at 1:00 p.m.** shall be vacated.

4 DATED this 23<sup>rd</sup> day of May, 2016.

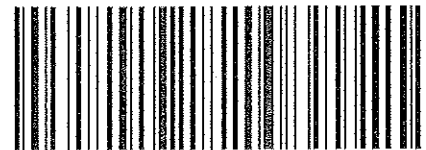
5   
6 Leslie R. Hess, Interim Director  
7 Arizona Department of Insurance

8 **E-FILE** of the foregoing sent on this  
9 24<sup>th</sup> day of May, 2016 to:

10 Tammy Eigenheer, Administrative Law Judge  
11 Office of Administrative Hearings

12 **COPY** of the foregoing sent same date via U.S.  
13 Regular mail and Certified mail return receipt requested to:  
14 (Receipt No. 7009 2250 0004 1887 6737) to:

15 Kristen M. Curry  
16 Curry, Pearson & Wooten, PLC  
17 814 West Roosevelt Street  
18 Phoenix, AZ. 85007  
19 Attorney for Respondents



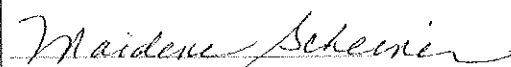
7009 2250 0004 1887 6737

20 **COPY** of the foregoing delivered same date to:

21 Mary Kosinski, Executive Assistant for Regulatory Affairs  
22 Steven Fromholtz, Asst. Dir. – Consumer Protection Division  
23 Arizona Department of Insurance  
24 [mkosinski@azinsurance.gov](mailto:mkosinski@azinsurance.gov)  
25 [sfromholtz@azinsurance.gov](mailto:sfromholtz@azinsurance.gov)

26 **COPY** of the foregoing sent same date via electronic mail to:

Liane Kido, Assistant Attorney General  
[Liane.Kido@azag.gov](mailto:Liane.Kido@azag.gov)  
Attorney for the Arizona Department of Insurance

  
Maidene Scheiner, 5077792

STATE OF ARIZONA  
FILED

MAR 30 2016

STATE OF ARIZONA

DEPARTMENT OF INSURANCE

DEPT OF INSURANCE  
BY MS

In the Matter of:

No. 15A-141-INS

**GUESS, JIMMICA RANETTA**  
(Arizona License Number 1074554)  
(National Producer Number 17242845)

**NOTICE OF HEARING and COMPLAINT**

**(ALJ Tammy Eigenheer)**

and

**JIMMICA GUESS & ASSOCIATES LLC**  
(Arizona License Number 1077812)  
(National Producer Number 17277203)

**Respondents.**

PLEASE TAKE NOTICE that the above-captioned matter will be heard before the Interim Director of Insurance of the State of Arizona (the "Interim Director") or her duly designated representative on May 24, 2016 at 1:00 p.m., at the Office of Administrative Hearings, 1400 West Washington, Suite 101, Phoenix, Arizona 85007<sup>1</sup>.

If you wish to continue this hearing to another date, you must file a motion in writing with the Office of Administrative Hearings not less than 15 days before the scheduled hearing date. Please send it to the attention of the Administrative Law Judge ("ALJ") and include the docket number listed above. You must also mail or hand-deliver a copy of any motion to continue to the Department of Insurance on the same date you file it with the Office of Administrative Hearings.

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1 You are not required to have an attorney represent you. However, if you are  
2 represented, your attorney must be licensed to practice law in the State of Arizona. An  
3 insurance company may be represented by a corporate officer. A.R.S. § 20-161(B).

4 You are entitled to be present during the giving of all evidence and you will have a  
5 reasonable opportunity to inspect all documentary evidence, examine witnesses, present  
6 evidence that supports your case and to request that the ALJ issue subpoenas to compel the  
7 attendance of witnesses and production of evidence. A.R.S. § 20-164(B).

8 A clear and accurate record of the proceedings will be made either by a court reporter  
9 or by electronic means. A.R.S. § 41-1092.07(E). If you want a copy of an electronic  
10 recording, you must contact the Office of Administrative Hearings at (602) 542-9826. If the  
11 hearing was transcribed by a court reporter and you want a copy of the transcript, you must  
12 pay the cost of the transcript to the court reporter or other transcriber.

13 Questions concerning issues raised in this Notice of Hearing should be directed to  
14 Assistant Attorney General Liane Kido, telephone number (602) 542-8011, 1275 West  
15 Washington Street, Phoenix, Arizona 85007-2926, [Liane.Kido@azag.gov](mailto:Liane.Kido@azag.gov).

#### 16 **NOTICE OF APPLICABLE RULES**

17 On January 23, 1992, we adopted the rules of practice and procedure applicable in  
18 contested cases before the Interim Director of Insurance. The hearing will be conducted  
19 pursuant to these rules. A.A.C. R20-6-101 through R20-6-115.

20 YOU MUST FILE A WRITTEN RESPONSE (ANSWER) TO THE ALLEGATIONS IN THIS  
21 NOTICE WITH US WITHIN **20 DAYS** AFTER WE ISSUE THIS NOTICE. A.A.C. R20-6-106.  
22 YOUR RESPONSE SHOULD STATE YOUR POSITION OR DEFENSE AND SHOULD  
23

24 <sup>1</sup> As authorized under Arizona Revised Statutes ("A.R.S.") §§ 20-161 through and including 20-165 and Title 41, Chapter 6, Article 10 (A.R.S. § 41-1092 *et seq.*).

1 SPECIFICALLY ADMIT OR DENY EACH ASSERTION IN THE NOTICE. IF YOU DO NOT  
2 SPECIFICALLY DENY AN ASSERTION, WE WILL CONSIDER IT ADMITTED. ANY  
3 DEFENSE YOU DO NOT RAISE WILL BE CONSIDERED WAIVED.

4 IF YOU DO NOT FILE YOUR RESPONSE ON TIME, WE WILL CONSIDER YOU IN  
5 DEFAULT AND THE INTERIM DIRECTOR MAY DEEM THE ALLEGATIONS IN THE NOTICE  
6 AS TRUE. ACCORDINGLY, WE WILL TAKE WHATEVER ACTION IS APPROPRIATE  
7 INCLUDING SUSPENSION, REVOCATION, IMPOSITION OF A CIVIL PENALTY AND  
8 ORDERING RESTITUTION TO ANY INJURED PERSON.

9 **PERSONS WITH DISABILITIES**

10 PERSONS WITH DISABILITIES MAY REQUEST REASONABLE  
11 ACCOMMODATIONS SUCH AS INTERPRETERS, ALTERNATIVE FORMATS, OR  
12 ASSISTANCE WITH PHYSICAL ACCESSIBILITY. REQUESTS FOR ACCOMMODATIONS  
13 SHOULD BE MADE AS EARLY AS POSSIBLE TO ALLOW TIME TO ARRANGE THE  
14 ACCOMMODATIONS. IF YOU REQUIRE ACCOMMODATIONS, PLEASE CONTACT THE  
15 OFFICE OF ADMINISTRATIVE HEARINGS AT (602) 542-9826.

16 The allegations supporting this Notice of Hearing are as follows:

17 **FINDINGS OF FACT**

18 1. Jimmica Ranetta Guess ("Guess") is, and was at all material times, licensed as  
19 an Arizona resident life producer, Arizona license number 1074554, which expires on May 31,  
20 2017.

21 2. Guess' addresses of record are: 888 E. Clinton Street, Phoenix, Arizona 85020  
22 (business and residence) and 10645 N. Tatum Blvd., #200-229, Phoenix, Arizona 85028-3068  
23 (mailing).

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2 3. Jimmica Guess & Associates LLC ("Guess & Associates") is licensed as an  
3 Arizona resident life producer, Arizona license number 1077812, which expires on May 31,  
4 2018. The Department first licensed Guess & Associates on May 27, 2014.

5 4. Guess & Associates' addresses of record are: 888 E. Clinton Street, #2110,  
6 Phoenix, Arizona 85020 (business) and 10645 N. Tatum Blvd., #200-229, Phoenix, Arizona  
7 85028-3068 (mailing).

8 5. According to Arizona Corporation Commission records as of October 20, 2015,  
9 Guess is the sole member and President/CEO for Guess & Associates.

10 6. On December 24, 2014, the Arizona Attorney General's Office filed a Direct  
11 Complaint against Guess in the Superior Court of Arizona, Maricopa County, Case Number  
12 CR2014-160418-001 DT. The complaint charged Guess with:

- 13 a. Counts 1 and 2: Fraudulent Schemes and Artifices, class 2 felonies
- 14 b. Count 3: Theft, a class 2 felony,
- 15 c. Count 4: Theft, a class 3 felony,
- 16 d. Counts 5 and 6: Forgery, class 4 felonies, and
- 17 e. Counts 7 and 8: Aggravated Identity Theft, class 3 felonies.

18 7. On August 5, 2015, the Superior Court of Arizona, Maricopa County, in the State  
19 of Arizona v. Jimmica Ranetta Guess, Case Number CR2014-160418-001 DT, found Guess  
20 guilty of one count of Fraudulent Schemes and Artifices, a Class 2 Felony and two counts of  
21 Theft, a Class 4 Felony. The court sentenced Guess to imprisonment for a period of 2 years

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1 beginning on August 5, 2015 and ordered her to pay restitution in the amount of \$464,100.00  
2 to be dispersed as follows:

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|---|--|--------------|
| 3 | a. American General Life Insurance Company | \$89,375.00  |
| 4 | b. Integrity Life Insurance Company        | \$65,250.00  |
| 5 | c. Midland National/North American         | \$83,725.00  |
| 6 | d. Phoenix Life Insurance Company          | \$108,750.00 |
| 7 | e. Great American Insurance Company        | \$117,000.00 |

8 8. With Guess' incarceration, Guess and Associates no longer has a Designated  
9 Licensed Responsible Producer.

#### 10 CONCLUSIONS OF LAW

- 11 1. The Interim Director has jurisdiction over this matter.
- 12 2. Respondent's conduct, as described above, constitutes violating any provision of  
13 this title or any rule, subpoena or order of the Director, within the meaning of A.R.S. § 20-295  
14 (A)(2).
- 15 3. It is fraudulent practice and unlawful for a person to knowingly divert or attempt  
16 to conspire to divert the monies of an insurer in connection with the transaction of insurance,  
17 within the meaning of A.R.S. § 20-463(A)(4).
- 18 4. Guess' conduct, as described above, constitutes having been convicted of a  
19 felony, within the meaning of A.R.S. § 20-295 (A)(6).
- 20 5. Guess' conduct, as described above, constitutes having admitted or been found  
21 to have committed any insurance unfair trade practice or fraud, within the meaning of A.R.S. §  
22 20-295 (A)(7).

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1           6.     Guess' conduct, as described above, constitutes using fraudulent, dishonest  
2 practices, or untrustworthiness in the conduct of business in this state, within the meaning of  
3 A.R.S. § 20-295 (A)(8).

4           7.     Guess and Associates' conduct, as described above, constitutes failure to  
5 designate an individually licensed insurance producer who is responsible for the business  
6 entity's compliance with the insurance laws of this state, within the meaning of A.R.S. § 20-  
7 285 (C).

8           8.     Grounds exist for the Interim Director to suspend, revoke, or refuse to renew an  
9 insurance producer's license and/or order restitution pursuant to A.R.S. § 20-295 (A).

10          9.     Grounds exist for the Interim Director to deny, suspend, revoke or refuse to  
11 renew the license of a business entity for any of the causes prescribed in A.R.S. § 20-295 (A)  
12 if the cause relates to the designated producer or any member, officer, director or manager of  
13 the business entity pursuant to A.R.S. § 20-295 (B).

14           WHEREFORE, if after hearing, the Interim Director finds the grounds alleged above,  
15 the Interim Director may deny, suspend, or revoke Respondents' insurance producer's  
16 licenses, impose a civil penalty and/or order the licensees to pay restitution. A.R.S. § 20-295  
17 (A)(B) and (F).

18           The Interim Director delegates the authority vested in the Interim Director to the Director  
19 of the Office of Administrative Hearings or his designee to preside over the hearing of this  
20 matter as the Administrative Law Judge, to make written recommendations to the Interim  
21 Director consisting of proposed findings of fact, proposed conclusions of law, and a proposed  
22 order. This delegation does not include delegation of the authority of the Interim Director to  
23 make an order on the hearing or any other final decision in this matter. A.R.S. § 20-150.

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1 Pursuant to A.R.S. § 41-1092.01, your hearing will be conducted through the Office of  
2 Administrative Hearings, an independent agency. Further hearing information may be found  
3 at the Office of Administrative Hearings website: [www.azoah.com](http://www.azoah.com).

4 DATED this 30<sup>th</sup> day of March, 2016.

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6   
7 Mary E. Kosinski  
8 Executive Assistant for Regulatory Affairs  
9 Arizona Department of Insurance  
10  
11  
12

13 **E-FILE** of the foregoing delivered electronically  
14 this 30<sup>th</sup> day of March, 2016, to:

15 ALJ Tammy Eigenheer  
16 Office of Administrative Hearings

17 **COPY** of the foregoing delivered same date to:

18 Mary Kosinski, Executive Assistant for Regulatory Affairs  
19 Gloria Barnes-Jackson, Investigator III  
20 Arizona Department of Insurance  
21 2910 North 44th Street, Suite 210  
22 Phoenix, Arizona 85018

23 **COPY** mailed same date by Regular Mail  
24 and Certified Mail, Return Receipt Requested, to:

25 Kristen M. Curry  
26 Curry, Pearson & Wooten, PLC  
27 814 West Roosevelt Street  
28 Phoenix, AZ 85007  
29 Attorney for Respondents

1 COPY sent same date via electronic mail to:

2 Liane Kido  
Assistant Attorney General  
3 Consumer@azag.gov  
Attorney for the Department of Insurance

4

5 *Maidene Scheiner*  
6 Maidene Scheiner

7 4887959v2

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PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT  
OF THE RETURN ADDRESS; FOLD AT DOTTED LINE  
**CERTIFIED MAIL**



7009 2250 0004 1887 6669

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> <li>Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</li> <li>Print your name and address on the reverse so that we can return the card to you.</li> <li>Attach this card to the back of the mailpiece or on the front if space permits.</li> </ul>		A. Signature <i>x [Signature]</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee	
1. Article Addressed to:  <div style="border: 1px solid black; padding: 5px;">             Kristen M. Curry              Curry, Pearson &amp; Wooten, PLC              814 W Roosevelt Street              Phoenix, AZ 85007           </div>		B. Received by (Printed Name) <i>Veronica Alvarez</i>	
		C. Date of Delivery	
		D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input type="checkbox"/> No If YES, enter delivery address below:	
		3. Service type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Priority Mail Express <input type="checkbox"/> Registered <input checked="" type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> Collect on Delivery	
		4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes	
2. Article Number (Transfer from service label)		7009 2250 0004 1887 6669	
PS Form 3811, July 2013		Domestic Return Receipt	

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First-Class Mail  
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 Permit No. G-10

• Sender: Please print your name, address, and ZIP+4® in this box •

**RECEIVED**  
 APR 05 2016  
 AZ DEPT. OF INSURANCE  
 ADMINISTRATIVE SERVICES

**Arizona Dept. of Insurance**  
 2910 N. 44th St., Suite 210  
 Phoenix, AZ 85018

*2910 Roosevelt*  
 Docket # ISA-141-INS

STATE'S EXHIBIT  
**8**

PEVAGAD 800-831-6883