

MAY 17 2016

STATE OF ARIZONA

DEPARTMENT OF INSURANCE

DEPT OF INSURANCE
BY YMS

In the Matter of:

GUTIERREZ, JESSICA MARIA
(Arizona License Number 1017513)
(National Producer Number 16619932)

No. 16A-072-INS
CONSENT ORDER

Respondent.

The State of Arizona Department of Insurance ("Department") has received evidence that **Jessica Maria Gutierrez ("Respondent")** violated provisions of Title 20, Arizona Revised Statutes. 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 property and casualty insurance producer, Arizona license number 1017513, which expires November 30, 2019. Respondent first became licensed with the Department on April 23, 2012.

2. Respondent's addresses of record are: c/o Freeway Insurance Services of AZ, 6750 W. Olive Ave., #105, Peoria, AZ 85345 (business and mailing).

3. On or about November 30, 2015, Respondent submitted a Resident License Renewal to the Department ("Application"). The Background Questions of the Application asks: 1.B. Have you been convicted of a felony, had a judgment withheld or deferred, or are you currently charged with committing a felony which has not been previously reported to this

1 insurance department? You may exclude juvenile adjudications (offenses where you were
2 adjudicated delinquent in a juvenile court). Respondent answered "Yes" to Question 1.B.

3 4. The Attestation section of the Application states: 1. I hereby certify that, under
4 penalty of perjury, all of the information submitted in this application and attachments is true
5 and complete. I am aware that submitted false information or omitting pertinent or material
6 information in connection with this application is grounds for license revocation or denial of the
7 license and may subject me to civil or criminal penalties. Respondent answered "Yes" to
8 "Attestation Accepted."

9 **CR2013-115396**

10 5. On or about April 24, 2013, the Superior Court of Arizona, Maricopa County
11 ("Court"), held a Preliminary Hearing in State of Arizona v. Jessica Marie Gutierrez, CR2013-
12 115396 ("CR2013-115396").

13 6. On or about May 24, 2015, the Court adjudicated Respondent guilty of
14 Possession of Drug Paraphernalia, a Class 6 Undesignated Felony and Possession of a
15 Forgery Device, a Class 6 Undesignated Felony in CR2013-115396.

16 7. Respondent failed to notify the Department of the criminal prosecution within
17 thirty days of the initial pretrial hearing date.

18 **CONCLUSIONS OF LAW**

- 19 1. The Interim Director has jurisdiction over this matter.
- 20 2. Respondent's conduct, as described above, constitutes failing to notify the
21 director any criminal prosecution of the producer taken in any jurisdiction within thirty days
22 after the initial pretrial hearing date, within the meaning of A.R.S. § 20-301(B).
- 23

1 3. Respondent's conduct, as described above, constitutes violating any provision of
2 Title 20, or any rule, subpoena or order of the director, within the meaning of A.R.S. § 20-
3 295(A)(2).

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

6 5. Grounds exist for the Director to deny, suspend for not more than twelve months,
7 revoke, or refuse to renew an insurance producer's license pursuant to A.R.S. § 20-295(A).

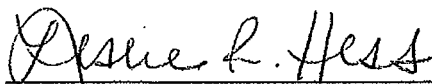
8 6. Grounds exist for the Director, in addition to or instead of any suspension,
9 revocation or refusal to renew, impose a civil penalty of not more than two hundred fifty
10 dollars for each unintentional failure or violation, up to an aggregate civil penalty of two
11 thousand five hundred dollars, or impose a civil penalty of not more than two thousand five
12 hundred dollars for each intentional failure or violation, up to an aggregate civil penalty of
13 fifteen thousand dollars, within the meaning of A.R.S. § 20-295(F).

14 **ORDER**

15 **IT IS HEREBY ORDERED THAT:**

16 1. Respondent shall immediately pay a civil penalty of \$500.00 for deposit into the
17 State General Fund.

18 DATED AND EFFECTIVE this 13th day of May, 2016.

19 

20 Leslie R. Hess
21 Interim Director of Insurance
22 ...
23 ...

CONSENT TO ORDER

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

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

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

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

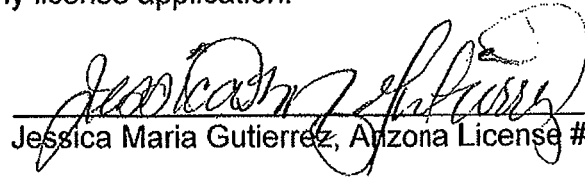
14 5. Respondent acknowledges that the acceptance of this Consent Order by the
15 Director is solely to settle this matter against her and does not preclude any other agency,
16 including the Department, officer, or subdivision of this state or this agency from instituting civil
17 or criminal proceedings as may be appropriate now or in the future.

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

21 ...
22 ...
23 ...

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

3 May 12, 2016.
4 Date


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7
8 Jessica Maria Gutierrez, Arizona License # 1017513

9 COPIES of the foregoing mailed/delivered
10 this 17th day of May, 2016, to:

11 Jessica Maria Gutierrez
12 c/o Freeway Insurance Services of AZ
13 6750 W. Olive Ave., #105
14 Peoria, AZ 85345
15 Respondent

16 Mary E. Kosinski, Executive Assistant for Regulatory Affairs
17 Catherine M. O'Neil, Consumer Legal Affairs Officer
18 Steven Fromholtz, Assistant Director – Consumer Protection Division
19 Department of Insurance
20 2910 North 44th Street, Suite 210
21 Phoenix, Arizona 85018

22 
23 Maidene Scheiner