

SEP 11 2017

STATE OF ARIZONA
DEPARTMENT OF INSURANCE
DEPT OF INSURANCE
BY ms

In the Matter of:

BEERS, DONNA KAY
(National Producer # 733845),
(Legacy AZ License # 866264),

Respondent.

No. 17A-041-INS

DEFAULT ORDER

On August 4, 2017, the Arizona Department of Insurance ("Department") issued a Notice of Hearing ("Notice") in the above-captioned matter, a copy of which is attached as **Exhibit A** and incorporated by this reference. The Notice required Donna Kay Beers ("Beers" or "Respondent") to provide a written answer to the allegations set forth in the Notice within twenty days of the issuance of the Notice. As of this date, Respondent has failed to file an answer. On August 29, 2017, counsel for the Department filed a Motion for Default, a copy of which is attached as **Exhibit B**. As of this date, Respondent has not responded to the Department's motion. 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

1
2 1. The conduct alleged in the Notice constitutes grounds for the Director to
3 suspend, revoke or refuse to renew Respondent's license to transact insurance in Arizona,
4 pursuant to A.R.S. §20-295(A).


ORDER

6 IT IS ORDERED:

7 1. The insurance license held by Respondent is revoked effective upon the
8 issuance of this Order.

9 2. The hearing set for **September 12, 2017 at 1:00 p.m.** shall be vacated.

10 DATED this 5th day of September, 2017.

11
12 
13 _____
14 Leslie R. Hess, Interim Director
Arizona Department of Insurance

15 **COPY** of the foregoing electronically filed this
16 11th day of September 2017 to:

17 Suzanne Marwil, Administrative Law Judge
18 Office of Administrative Hearings

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

20 Mary Kosinski, Regulatory Legal Affairs Officer
21 Steven Fromholtz, Assistant Director, Consumer Protection Division
22 Aqueelah Currie, Licensing Manager
23 Sharyn Kerr, Consumer Protection Division
Arizona Department of Insurance
2910 North 44th Street, Suite 210
Phoenix, Arizona 85018

24 **COPY** of the foregoing emailed same date to:

25 Liane Kido
26 Liane.Kido@azag.gov
Attorney for the Arizona Department of Insurance

1 COPY mailed this 11th day of
2 September, 2017 to:

3 Donna Kay Beers
4 Brokers Alliance
5 16930 E. Palisades Blvd., Ste. 100
6 Fountain Hills, AZ 85268-3731
7 Respondent

8 Donna Kay Beers
9 15925 Sunflower Drive
10 Fountain Hills, AZ 85268
11 Respondent

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STATE OF ARIZONA
DEPARTMENT OF INSURANCE

In the Matter of:

BEERS, DONNA KAY,
(National Producer Number 733845)
(Legacy License ID 866264)

Respondent.

Docket No. 17A-041-INS

NOTICE OF HEARING

(ALJ Suzanne Marwil)

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 a duly designated representative on September 12, 2017 at 1:00 p.m., at the Office of Administrative Hearings, 1400 West Washington, Suite 101, Phoenix, Arizona 85007¹.

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.

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

¹ 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 You are entitled to be present during the giving of all evidence and you will have a
2 reasonable opportunity to inspect all documentary evidence, examine witnesses, present
3 evidence that supports your case and to request that the ALJ issue subpoenas to compel the
4 attendance of witnesses and production of evidence. A.R.S. § 20-164(B).

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

10 Questions concerning issues raised in this Notice of Hearing should be directed to
11 Assistant Attorney General Liane Kido, telephone number (602) 542-8011, 1275 West
12 Washington Street, Phoenix, Arizona 85007-2926, Liane.Kido@azag.gov.

13 **NOTICE OF APPLICABLE RULES**

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

17 **YOU MUST FILE A WRITTEN RESPONSE (ANSWER) TO THE ALLEGATIONS IN**
18 **THIS NOTICE WITH US WITHIN 20 DAYS AFTER WE ISSUE THIS NOTICE. A.A.C.**
19 **R20-6-106. YOUR RESPONSE SHOULD STATE YOUR POSITION OR DEFENSE AND**
20 **SHOULD SPECIFICALLY ADMIT OR DENY EACH ASSERTION IN THE NOTICE. IF YOU**
21 **DO NOT SPECIFICALLY DENY AN ASSERTION, WE WILL CONSIDER IT ADMITTED. ANY**
22 **DEFENSE YOU DO NOT RAISE WILL BE CONSIDERED WAIVED.**

23 **IF YOU DO NOT FILE YOUR RESPONSE ON TIME, WE WILL CONSIDER YOU IN**
24 **DEFAULT AND THE DIRECTOR MAY DEEM THE ALLEGATIONS IN THE NOTICE AS**

1 TRUE. ACCORDINGLY, WE WILL TAKE WHATEVER ACTION IS APPROPRIATE
2 INCLUDING SUSPENSION, REVOCATION, IMPOSITION OF A CIVIL PENALTY AND
3 ORDERING RESTITUTION TO ANY INJURED PERSON.

4 PERSONS WITH DISABILITIES

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

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

12 1. Donna Kay Beers ("Respondent") is and was, at all times material, an Arizona
13 resident insurance producer with lines of authority for accident and health or sickness, life, and
14 variable life/variable annuities, National Producer Number 733845. Respondent has been
15 continually licensed with the Department since June 1, 2006. Respondent's license expires on
16 March 31, 2018.

17 2. Respondent's address of record is: Brokers Alliance, 16930 E. Palisades Blvd.,
18 Ste. 100, Fountain Hills, Arizona 85268-3731 (business and mailing).

19 **Arizona Corporation Commission Action**

20 3. On or about July 30, 2013, the Arizona Corporation Commission ("ACC") entered
21 an Order to Cease and Desist, Order of Revocation, Order for Restitution, Order for
22 Administrative Penalties, and Consent to Same by: Respondents Donna Kay Beers and James
23 Beers, In the Matter of Donna Kay Beers (CRD# 1172038) and James Beers, Docket No. S-
24 20856A-12-0409, Decision No. 74017 ("ACC Order").

1 E-FILE of the foregoing delivered electronically
this 4th day of August, 2017, to:

2 ALJ Suzanne Marwil
3 Office of Administrative Hearings

4 COPY of the foregoing delivered same date to:

5 Mary Kosinski, Executive Assistant for Regulatory Affairs
6 Steven Fromholtz, Assistant Director for Consumer Protection
7 Aqueelah Currie, Licensing Supervisor
8 Arizona Department of Insurance
2910 North 44th Street, Suite 210
Phoenix, Arizona 85018

9 COPY mailed same date by Regular Mail
and Certified Mail, Return Receipt Requested, to:

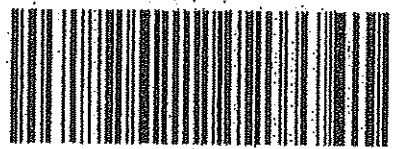
10 Brokers Alliance
11 16930 E. Palisades Blvd., Ste 100
12 Fountain Hills, AZ 85268-3731
Donna Kay Beers Respondent

13 Donna Kay Beers
14 15925 Sunflower Drive
15 Fountain Hills, Arizona 85268
Respondent

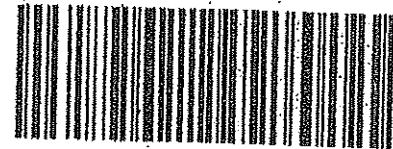
16 COPY sent same date via electronic mail to:

17 Liane Kido
18 Assistant Attorney General
Liane.Kido@azag.gov
19 Attorney for the Department of Insurance

20 *Madeine Scheiner*
21 Madeine Scheiner
22 6117004
23
24



7009 1680 0001 4216 4070



7009 1680 0001 4216 4087

STATE OF ARIZONA
FILED

AUG 29 2017

DEPARTMENT OF INSURANCE
BY: MEK

1 MARK BRNOVICH
2 Attorney General
2 Firm Bar No. 14000

3 Liane Kido
3 State Bar No. 023696
4 Assistant Attorney General
4 Agency Counsel Section
5 1275 West Washington Street
5 Phoenix, Arizona 85007-2926
6 Telephone: (602) 542-4951
6 Facsimile: (602) 542-4385
7 E-mail: Liane.Kido@azag.gov
8 Attorneys for the Arizona Department of Insurance

9 STATE OF ARIZONA
10 DEPARTMENT OF INSURANCE

11 In the Matter of:

No. 17A-041-INS

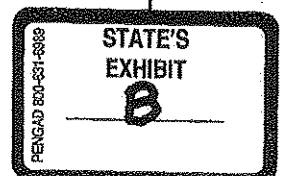
12 **BEERS, DONNA KAY,**
13 (National Producer # 733845),
14 (Legacy AZ License # 866264),

MOTION FOR DEFAULT

15 Respondent.

16 The Arizona Department of Insurance ("Department"), by and through undersigned
17 counsel, hereby requests that the Findings of Fact and Conclusions of Law set forth in the
18 Notice of Hearing and incorporated herein by reference be entered in this matter, deeming
19 Donna Kay Beers ("Beers" or "Respondent"), in default, deeming the allegations set forth in
20 the Notice as true, and ordering that Respondent's insurance license be revoked.

21 On August 4, 2017, a Notice of Hearing ("Notice") was filed in this matter and served
22 upon Donna Kay Beers at her address of record via certified mail pursuant to A.R.S. § 41-
23 1092.04. On August 9, 2017, the Department received the certified mail return receipt, No.
24 7009 1680 0001 4216 4087, showing that the Notice had been delivered and accepted at
25 Respondent's address of record: 15925 Sunflower Drive, Fountain Hills, AZ 85268. A copy
26



1 of the certified mail receipt is attached to this request as **Exhibit A**.

2 Respondent had twenty (20) days from the date of issuance of the Notice to file a
3 written answer to the allegations contained therein pursuant to Arizona Administrative Code
4 ("A.A.C") R20-6-106. As of the date of this Motion, Respondent has not filed an answer nor
5 has she appeared through counsel. Rule 20-6-106(D) of the Arizona Administrative Code
6 provides that if an answer is not timely filed, the Respondent shall be deemed in default
7 and the Director may deem the allegations set forth in the Notice of Hearing as true and
8 take whatever action is appropriate including revoking the license.

9 The allegations supporting the Notice of Hearing are as follows:

10 1. Donna Kay Beers ("Respondent") is and was, at all times material, an Arizona
11 resident insurance producer with lines of authority for accident and health or sickness, life,
12 and variable life/variable annuities, National Producer Number 733845. Respondent has
13 been continually licensed with the Department since June 1, 2006. Respondent's license
14 expires on March 31, 2018.

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16 Blvd., Ste. 100, Fountain Hills, Arizona 85268-3731 (business and mailing).

17 **Arizona Corporation Commission Action**

18 3. On or about July 30, 2013, the Arizona Corporation Commission ("ACC")
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20 for Administrative Penalties, and Consent to Same by: Respondents Donna Kay Beers and
21 James Beers, In the Matter of Donna Kay Beers (CRD# 1172038) and James Beers,
22 Docket No. S-20856A-12-0409, Decision No. 74017 ("ACC Order").

23 4. The ACC Order revoked Donna Kay Beers' securities salesman registration,
24 ordered Donna Kay Beers to cease and desist violating the securities act, ordered
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1 restitution in the amount of \$86,815.00, and assessed an administrative penalty of
2 \$15,000.00.

3 5. Respondent failed to immediately report the ACC Order to the Department.

4 **FINRA Action**

5 6. On October 29, 2015, the Financial Industry Regulatory Authority ("FINRA")
6 accepted the Letter of Acceptance, Waiver and Consent, No. 20140403972 02 ("AWC")
7 from Respondent.

8 7. Pursuant to the AWC, FINRA barred Respondent from associating with any
9 FINRA member firm in any capacity.

10 8. Respondent failed to immediately report the AWC to the Department.

11 Based upon the foregoing, the Department respectfully requests that the allegations
12 set forth in the August 4, 2017 Notice of Hearing be deemed admitted and that
13 Respondent's insurance license be revoked.

14 RESPECTFULLY SUBMITTED this 29th day of August, 2017.

15 MARK BRNOVICH, Attorney General

16

17 By /s/ Liane Kido
18 Liane Kido, Assistant Attorney General
19 Agency Counsel Section
20 Attorneys for the Arizona Department of Insurance

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23

24 COPY of the foregoing electronically filed this
25 29th day of August, 2017 to:

26 Mary Kosinski, Regulatory Legal Affairs Officer
Steven Fromholtz, Assistant Director, Consumer Protection Division
Arizona Department of Insurance

27

28 COPY mailed this 29th day of August, 2017 to:

29

1 Donna Kay Beers
2 Brokers Alliance
3 16930 E. Palisades Blvd., Ste. 100
4 Fountain Hills, AZ 85268-3731
5 Respondent

6 Donna Kay Beers
7 15925 Sunflower Drive
8 Fountain Hills, AZ 85268
9 Respondent

10 *Herosa Carranza*
11 6172682

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SENDER INFORMATION (THIS SECTION)	COMPLETE THIS SECTION ON DELIVERY	
<p>■ Complete items 1, 2, and 3.</p> <p>■ Print your name and address on the reverse so that we can return the card to you.</p> <p>■ Attach this card to the back of the mailpiece, or on the front if space permits.</p>	<p>A. Signature <input checked="" type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p><i>x Donna Beer</i></p>	
<p>1. Article Addressed to:</p> <p>Donna Kay Beers 16926 Sunflower Drive Fountain Hills, AZ 85268</p>	<p>B. Received By (Printed Name)</p>	<p>C. Date of Delivery</p> <p>INTAKE AUG 7 2017 85268 USPS</p>
<p>2. Article Number (Transfer from service label)</p> <p>7009 3688 0001 4216 4087</p>	<p>D. Is delivery address different from item 1? <input type="checkbox"/> YES <input type="checkbox"/> NO</p> <p>If YES, enter delivery address below:</p>	
<p>PS Form 3811, July 2016 PSN 7530-02-000-9053</p>	<p>3. Service Type</p> <p><input type="checkbox"/> Adult Signature <input type="checkbox"/> Adult Signature Restricted Delivery <input type="checkbox"/> Certified Mail <input type="checkbox"/> Certified Mail Restricted Delivery <input type="checkbox"/> Collect on Delivery <input type="checkbox"/> Collect on Delivery Restricted Delivery <input type="checkbox"/> Insured Mail <input type="checkbox"/> Insured Mail Restricted Delivery # 5300</p>	<p><input type="checkbox"/> Priority Mail Express <input type="checkbox"/> Registered Mail™ <input type="checkbox"/> Registered Mail Restricted Delivery <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Signature Confirmation™ <input type="checkbox"/> Signature Confirmation Restricted Delivery</p>
Domestic Return Receipt		

USPS TRACKING#

9590 9402 1635 6104 9380 13

First-Class Mail
Postage & Fees Paid
USPS
Form No. 3-10

United States Postal Service

RECEIVED

AUG 09 2017

AZ DEPT. OF INSURANCE ADMINISTRATIVE SERVICES

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

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

*M. K...
Direct # 17A-041-INS*

