

APR 22 2019

DEPT OF INSURANCE
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STATE OF ARIZONA
DEPARTMENT OF INSURANCE

In the Matter of:

ROQUE, ERIKA D.,
(National Producer # 18556299),

Respondent.

No. 18A-105-INS

DEFAULT ORDER

On March 18, 2019, 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 Erica D. Roque ("Roque" 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 April 8, 2019, 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 request. 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.

...
...

1 **CONCLUSIONS OF LAW**

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).

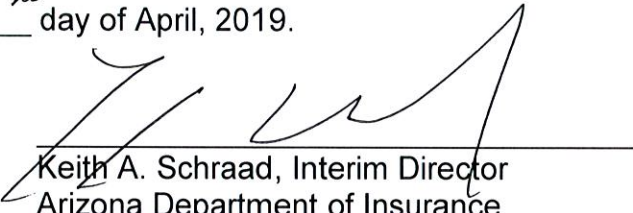
5 **ORDER**

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 **May 6, 2019 at 1:00 p.m.** shall be vacated.

10 DATED this 22nd day of April, 2019.

11
12 
13 Keith A. Schraad, Interim Director
14 Arizona Department of Insurance

15 **COPY** of the foregoing electronically filed this
16 25th day of April, 2019 to:

17 Tammy Eigenheer, 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 Arizona Department of Insurance
24 2910 North 44th Street, Suite 210
25 Phoenix, Arizona 85018

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

27 Erika D. Roque
28 teletechcorporatelicensing@teltech.com
29 Respondent

1 Deian Ousounov
2 Deian.Ousounov@azag.gov
3 Attorney for the Arizona Department of Insurance

4 **COPY** mailed same date to:

5 Erika D. Roque
6 450 S. Valencia, Apt. #B4
7 Mesa, AZ 85202-1741
8 Respondent

9 
10 _____
11 Francine Martinez
12 7802823

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STATE OF ARIZONA
DEPARTMENT OF INSURANCE

In the Matter of:

Roque, Erika D.,
(National Producer Number 18556299)

Respondent.

Docket No. 18A-105-INS

NOTICE OF HEARING

(ALJ Tammy Eigenheer)

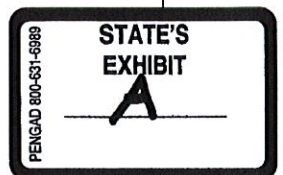
PLEASE TAKE NOTICE that the above-captioned matter will be heard before the Director of Insurance of the State of Arizona (the "Director") or his duly designated representative on **May 6, 2019 at 1:00 p.m., at the Office of Administrative Hearings, 1740 West Adams Street, Lower Level, Phoenix, Arizona 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).

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

¹As 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 A clear and accurate record of the proceedings will be made either by a court reporter
2 or by electronic means. A.R.S. § 41-1092.07(E). If you want a copy of an electronic recording,
3 you must contact the Office of Administrative Hearings at (602) 542-9826. If the hearing was
4 transcribed by a court reporter and you want a copy of the transcript, you must pay the cost of
5 the transcript to the court reporter or other transcriber.

6 Questions concerning issues raised in this Notice of Hearing should be directed to
7 Assistant Attorney General Grant Pearson, telephone number (602) 542-8326, 2005 N. Central
8 Ave., Phoenix, Arizona 85004, Grant.Pearson@azag.gov.

9 **NOTICE OF APPLICABLE RULES**

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

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

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

24 **PERSONS WITH DISABILITIES**

PERSONS WITH DISABILITIES MAY REQUEST REASONABLE
ACCOMMODATIONS SUCH AS INTERPRETERS, ALTERNATIVE FORMATS, OR
ASSISTANCE WITH PHYSICAL ACCESSIBILITY. REQUESTS FOR ACCOMMODATIONS
SHOULD BE MADE AS EARLY AS POSSIBLE TO ALLOW TIME TO ARRANGE THE

1 ACCOMMODATIONS. IF YOU REQUIRE ACCOMMODATIONS, PLEASE CONTACT THE
2 OFFICE OF ADMINISTRATIVE HEARINGS AT (602) 542-9826.

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

4 1. Erika D. Roque ("Respondent") is and was at all material times licensed as a
5 resident insurance producer with a line of authority in Accident and Health or Sickness
6 insurance, National Producer Number 18556299, which expires July 31, 2021.

7 2. Respondent's addresses of record with the Department are: 16404 N. Black
8 Canyon Hwy, #100, Phoenix, AZ 85053-4080 (business), 450 S. Valencia, Apt. #B4, Mesa, AZ
9 85202-1741 (mailing) and teletechcorporatelicensing@teltech.com (business e-mail).

10 3. On or about October 2, 2017, the Department issued to Respondent a license as
11 an insurance producer, National Producer Number 18556299.

12 4. On March 16, 2018, the Department notified Respondent by mail at her address
13 of record that her fingerprint card had been processed and returned by the Arizona
14 Department of Public Safety (DPS) as illegible. The Department requested a replacement set
15 of fingerprints along with a completed "Illegible Fingerprint Replacement Form" on or before
16 April 6, 2018. Respondent did not reply to the Department's request.

17 5. On April 17, 2018, the Department notified Respondent a second time by mail at
18 her address of record that her fingerprints had been returned by DPS as illegible and that the
19 Department was about to initiate an administrative action against her license for failure to
20 comply with the fingerprint requirement. The Department requested a response by May 4,
21 2018.

22 6. To date, Respondent has not submitted a full set of fingerprints to the
23 Department.

24 VIOLATIONS

7. Respondent's conduct as described above constitutes the violation of the
requirement that an applicant submit a full set of fingerprints to the Department within the
meaning of A.R.S. § 20-285(E)(2).

1 8. Respondent's conduct as described above constitutes providing incomplete
2 information in the license application within the meaning of A.R.S. § 20-295(A)(1).

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

6 10. Grounds exist for the Director to suspend, revoke, or refuse to renew
7 Respondent's insurance license, impose a civil penalty and/or order restitution pursuant to
8 A.R.S. §§ 20-295(A) and (F).

9 WHEREFORE, if after hearing, the Director finds the grounds alleged above, the
10 Director may deny, suspend, or revoke Respondent's insurance producer's license and impose
11 a civil penalty. A.R.S. §§ 20-295(A) and (F).

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

18 Pursuant to A.R.S. § 41-1092.01, your hearing will be conducted through the Office of
19 Administrative Hearings, an independent agency. Further hearing information may be found at
20 the Office of Administrative Hearings website: www.azoah.com.

21 DATED this 11th day of March, 2019.

22 
23 Mary Kosinski, Regulatory Legal Affairs Officer
24 Arizona Department of Insurance

25 **E-FILE** of the foregoing delivered electronically
26 this 18th day of March, 2019, to:

27 ALJ Tammy Eigenheer
28 Office of Administrative Hearings

1 **COPY** of the foregoing delivered this
2 18th day of March, 2019 to:

3 Mary Kosinski, Regulatory Legal Affairs Officer
4 Steven Fromholtz, Asst. Director, Consumer Protection Division
5 Aqueelah Currie, Licensing Manager
6 Arizona Department of Insurance
7 2910 North 44th Street, Suite 210
8 Phoenix, Arizona 85018

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

11 Erika D. Roque
12 16404 N. Black Canyon Hwy #100
13 Phoenix, AZ 85053-4080
14 Respondent


15 Erika D. Roque
16 450 S. Valencia, Apt. #B4
17 Mesa, AZ 85202-1741
18 Respondent

19 **COPY** sent same date via electronic mail to:

20 Erika D. Roque
21 teletechcorporatelicensing@teltech.com
22 Respondent

23 Grant Pearson
24 Assistant Attorney General
25 Admin.Law@azag.gov
26 Attorney for the Department of Insurance

27 Susan Hack
28 Susan.hack@azag.gov
29 Attorney General Paralegal

30 
31 _____
32 Francine Martinez
33 7716256

STATE OF ARIZONA
FILED

APR 08 2019

DEPT OF INSURANCE
BY MEK

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

3 Dejan Ousounov
3 State Bar No. 021069
4 Assistant Attorney General
4 Public Law Section
5 2005 N. Central Ave.
5 Phoenix, Arizona 85004
6 Telephone: (602) 542-4951
6 Facsimile: (602) 542-4385
7 E-mail: Dejan.Ousounov@azag.gov
8 Attorneys for the Arizona Department of Insurance

9 STATE OF ARIZONA
10 DEPARTMENT OF INSURANCE

11 In the Matter of:

12 **ROQUE, ERIKA D.,**
13 (National Producer Number 18556299)

14 Respondent.

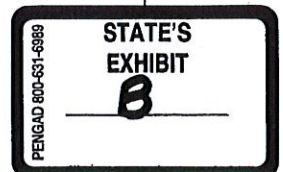
No. 18A-105-INS

MOTION FOR DEFAULT

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 Erika D. Roque ("Roque" 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 March 18, 2019, a Notice of Hearing ("Notice") was filed in this matter and
22 served upon Erika D. Roque at her address of record via certified mail pursuant to A.R.S. §
23 41-1092.04. On March 28, 2019, the Department received the certified mail return receipt,
24 No. 7017 0530 0000 3056 7479, showing that the Notice had been delivered and accepted
25 at Respondent's mailing addresses of record: 450 S. Valencia, Apt. #B4, Mesa, AZ 85202-

26



1 1741. A copy 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. Erika D. Roque ("Respondent") is and was at all material times licensed as a
11 resident insurance producer with a line of authority in Accident and Health or Sickness
12 insurance, National Producer Number 18556299, which expires July 31, 2021.

13 2. Respondent's addresses of record with the Department are: 16404 N. Black
14 Canyon Hwy, #100, Phoenix, AZ 85053-4080 (business), 450 S. Valencia, Apt. #B4, Mesa,
15 AZ 85202-1741 (mailing) and teletechcorporatelicensing@teltech.com (business e-mail).

16 3. On or about October 2, 2017, the Department issued to Respondent a license
17 as an insurance producer, National Producer Number 18556299.

18 4. On March 16, 2018, the Department notified Respondent by mail at her
19 address of record that her fingerprint card had been processed and returned by the Arizona
20 Department of Public Safety (DPS) as illegible. The Department requested a replacement
21 set of fingerprints along with a completed "Illegible Fingerprint Replacement Form" on or
22 before April 6, 2018. Respondent did not reply to the Department's request.

23 5. On April 17, 2018, the Department notified Respondent a second time by mail
24 at her address of record that her fingerprints had been returned by DPS as illegible and that
25 the Department was about to initiate an administrative action against her license for failure
26 to comply with the fingerprint requirement. The Department requested a response by May
4, 2018.

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6. To date, Respondent has not submitted a full set of fingerprints to the Department.

Based upon the foregoing, the Department respectfully requests that the allegations set forth in the March 18, 2019 Notice of Hearing be deemed admitted and that Respondent's insurance license be revoked.

RESPECTFULLY SUBMITTED this 8th day of April, 2019.

MARK BRNOVICH, Attorney General

By /s/ Deian Ousounov
Deian Ousounov, Assistant Attorney General
Attorneys for the Arizona Department of Insurance

COPY of the foregoing electronically filed this 8th day of April, 2019 to:

Mary Kosinski, Regulatory Legal Affairs Officer
Steven Fromholtz, Assistant Director, Consumer Protection Division
Aqueelah Currie, Licensing Manager
Arizona Department of Insurance

COPY mailed and e-mailed same date to:

Erika D. Roque
450 S. Valencia, Apt. #B4
Mesa, AZ 85202-1741
Respondent

Erika D. Roque
teletechcorporatelicensing@teltech.com
Respondent

Gonessa Carranza
7802484

SENDER COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<p> <input type="checkbox"/> Complete Items 1, 2, and 3. Also complete Item 4 if Restricted Delivery is desired. <input type="checkbox"/> Print your name and address on the reverse so that we can return the card to you. <input type="checkbox"/> Attach this card to the back of the mailpiece, or on the front if space permits. </p>	<p> A. Signature: <i>[Signature]</i> <input checked="" type="checkbox"/> Agent <input type="checkbox"/> Addressee </p>
<p>3. Article Addressed to:</p> <p>Erika D. Roque 450 S. Valencia Apt. #B4 Mesa, AZ 85202-1741</p>	<p> B. Received by (Printed Name): _____ C. Date of Delivery: <i>3/28</i> D. Is delivery address different from Item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No </p>
<p>2. Article Number: _____ <small>(transfer from service (sbs))</small></p>	<p> 6. Service Type: <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> O.D.P. 4. Restricted Delivery: <input type="checkbox"/> Yes <input type="checkbox"/> No </p>
<p>PS Form 3811, February 2004 Domestic Return Receipt 0299-02-N-10</p>	

UNITED STATES POSTAL SERVICE



First-Class Mail
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• Sender: Please print your name, address and ZIP+4 in this box.

RECEIVED

MAR 28 2019

Arizona Department of Insurance
100 North 15th Avenue, Suite 102
Phoenix, AZ 85007-2624
 ADMINISTRATIVE SERVICES

M. KOSINSKI

