

DEC 03 2019

STATE OF ARIZONA
DEPARTMENT OF INSURANCE

DEPT OF INSURANCE
BY HS 12/03/2019

In the Matter of:

GARCIA, ROXANNE
(National Producer No. 7732988)

No. 19A-077-INS

ORDER

Respondent.

On November 26, 2019, the Office of Administrative Hearings through Administrative Law Judge Jenna Clark issued an Administrative Law Judge Decision (“Recommended Decision”) received by the Director of the Arizona Department of Insurance (“Director”) on November 26, 2019, a copy of which is attached and incorporated by reference. The Director has reviewed the Recommended Decision and enters the following:

1. The Director adopts the Recommended Findings of Fact, Conclusions of Law and Recommended Order.
2. The Director orders that Roxane Garcia’s insurance producer license number 7732988 is revoked, effective immediately.

NOTIFICATION OF RIGHTS

Pursuant to Arizona Revised Statutes (“A.R.S.”) § 41-1092.09, Respondent may request a rehearing or review with respect to this Order by filing a written motion with the Director of the Department of Insurance within 30 days after the date of this Order, setting forth the basis for relief under Arizona Administrative Code R20-6-114(B). Pursuant to A.R.S. § 41-1092.09, it is not necessary to request a rehearing before filing an appeal to the Superior Court.

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1 Respondent may appeal the final decision of the Director to the Superior Court of
2 Maricopa County for judicial review, pursuant to A.R.S. § 20-166. A party filing an appeal
3 must notify the Office of Administrative Hearings of the appeal within ten days after filing the
4 complaint commencing the appeal, pursuant A.R.S. § 12-904(B).

5 DATED this 3rd day of December, 2019.

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Keith A. Schraad, Director
Arizona Department of Insurance

13 **COPY** of the foregoing electronically transmitted
14 this 4th day of December, 2019, to:

15 Kay Abramsohn, Administrative Law Judge
16 Office of Administrative Hearings
<https://portal.azoah.com/submission>

17 **COPY** of the foregoing **MAILED** same date by U.S. First-Class Mail
18 and Certified Mail, Return Receipt Requested to:

19 Roxanne Garcia
20 4372 E. Mesquite Trail
21 Tucson, AZ 85706
Respondent

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

23 Mary Kosinski, Regulatory Legal Affairs Officer
24 Ana Starcevic, Paralegal Project Specialist
25 Steven Fromholtz, Assistant Director for Consumer Protection
26 Jeff Eavenson, Investigator
100 N 15th Ave. #102
Phoenix, Arizona 85007

1 **COPY** of the foregoing electronically transmitted, same date, to:

2 Roxanne Garcia
3 rgarcia_7@yahoo.com

4 Respondent

5 Deian Ousounov, Assistant Attorney General

6 Deian.Ousounov@azag.gov

7 AdminLaw@azag.gov

8 Attorney for the Arizona Department of Insurance

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Francine Martinez

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NOV 26 2019

DEPT. OF INSURANCE
BY: AS 11/26/2019

IN THE OFFICE OF ADMINISTRATIVE HEARINGS

In the Matter of:

No. 19A-077-INS

GARCIA, ROXANNE
(National Producer No. 7732988)
Respondent

ADMINISTRATIVE LAW JUDGE
DECISION

HEARING: November 7, 2019.

APPEARANCES: Respondent Roxanne Garcia did not appear. Assistant Attorney General Deian Ousounov represented the Arizona Department of Insurance ("Department").

ADMINISTRATIVE LAW JUDGE: Kay Abramsohn

FINDINGS OF FACT

1. The Department issued a Notice of Hearing ("Notice") advising Respondent of a hearing date and time of November 7, 2019, at 1:00 p.m., at the Office of Administrative Hearings located at 1740 West Adams, Lower Level, Phoenix, Arizona. The Notice was sent to Respondent through regular mail and electronic mail.

2. The Tribunal waited a minimum of 15 minutes to convene the hearing in order to afford additional time for Respondent; she failed to appear. Respondent had not contacted the Office of Administrative Hearings to advise of any reason for his absence or a delay, nor did she request to appear telephonically or that the hearing be continued. Therefore, the hearing proceeded in Respondent's absence.¹

3. At all times relevant to this matter, Respondent was licensed with National Producer Number 7732988 by the Department; that license expired on December 31, 2018.²

4. The Department was notified that Respondent had resigned in lieu of being terminated by her employer "for cause."³ The Department learned that Respondent had failed to apply a premium payment to a consumer's insurance policy and, instead, was using the funds personally.

5. The Department subsequently subpoenaed documents from Respondent.⁴

¹ See A.A.C. R2-19-117.

² See Exhibit 1.

³ See Exhibit 2 and Exhibit 3.

⁴ See Exhibit 4.

