

JUL 23 2019

STATE OF ARIZONA

DEPARTMENT OF INSURANCE

DEPT OF INSURANCE
BY MEK 7/23/19

In the Matter of:

GARCIA, MARIA GUADALUPE
(National Producer Number 6739157)
(Arizona License Number 7700)

No. 19A-107-INS

CONSENT ORDER

Respondent.

The State of Arizona Department of Insurance ("Department") has received evidence that **Maria Guadalupe Garcia** ("Garcia" or "Respondent") violated provisions of Title 20, Arizona Revised Statutes ("A.R.S."). Respondent wishes to resolve this matter without the commencement of formal proceedings, admits the following Findings of Fact are true and consents to entry of the following Conclusions of Law and Order.

FINDINGS OF FACT

1. Garcia is, and was at all material times, licensed as an Arizona resident insurance producer, National Producer Number 6739157, with two (2) lines of authority: life and accident and health or sickness. The Department issued Garcia a license effective March 26, 1992; the license is currently scheduled to expire on March 31, 2021.

2. Garcia's addresses of record with the Department are: Heritage Services Agency LLC, 1116 North Yucca Street, Chandler, AZ 85224 (business and mailing), and heritageservicesaz@gmail.com (business email).

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1 **Falsification of Insurance Applications**

2 3. On or about 02/03/2019, the caregiver for a developmentally disabled adult
3 ("disabled person"), filed a Complaint with the Department alleging that Garcia falsified an
4 application for a life insurance policy for the disabled person ("Complaint").

5 4. On or about July 20, 2016, Garcia submitted a Great Western Insurance
6 Company ("GWIC") life insurance application for the disabled person, as directed by the
7 disabled person's court appointed Representative Payee, the Arizona Department of Economic
8 Security ("DES"), Division of Developmental Disabilities ("DDD"). GWIC bound the policy which
9 was cancelled by the DDD, as Representative Payee, on behalf of the disabled person during
10 the 30-day free look period. All funds were returned in the amount of \$276.00

11 5. On or about December 29, 2016, Garcia submitted a second GWIC life insurance
12 for the same disabled person.

13 6. Garcia submitted the application at the request of the DES, DDD as the disabled
14 person's Representative Payee.

15 7. Garcia utilized the signature page from the first application to bind the second
16 application, as directed by the DDD, the Representative Payee.

17 **Examination Under Oath**

18 8. On or About April 22, 2019, Garcia appeared before the Department to provide
19 testimony during an Examination Under Oath ("EUO").

20 9. During the examination, Garcia admitted using the first application's signature
21 page at the direction of the DDD in order to create the second life insurance application. In
22 addition, Garcia admitted re-dating the second application by placing an "x" over the previous
23 handwritten date and typing in a new date beneath it. Garcia stated that she believed she had
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1 the appropriate authority to submit the application as she was directed to do so by a DDD
2 Supervisor, Representative Payee, who had authority to make financial decisions and purchase
3 the life insurance policy on the disabled person's behalf.

4 10. On or about August 28, 2017, GWIC cancelled the policy and refunded the
5 \$4,572.00 they charged the disabled person for the purchase of the policy.

6 **CONCLUSIONS OF LAW**

7 1. The Director has jurisdiction over this matter.

8 2. Respondent's conduct, as described above, constitutes a violation of Title 20,
9 within the meaning of A.R.S. § 20-295(A)(2).

10 3. Respondent's conduct, as described above, constitutes using fraudulent and
11 dishonest practices, and demonstrating incompetence, untrustworthiness and financial
12 irresponsibility in the conduct of business in this state or elsewhere, within the meaning of
13 A.R.S. § 20-295(A)(8).

14 4. Respondent's conduct, as described above, constitutes presenting, causing to be
15 presented or preparing with the knowledge or belief that it will be presented, an oral or written
16 statement, including computer-generated documents, to an insurer that contains untrue
17 statements of material fact or that fails to state any material fact with respect to a claim for
18 payment or benefit pursuant to an insurance policy or payments made pursuant to the terms of
19 an insurance policy, within the meaning of A.R.S. § 20-463(A)(1)(a).

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

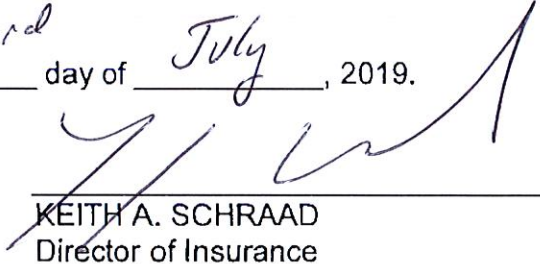
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1 **ORDER**

2 IT IS HEREBY ORDERED THAT:

3 1. Maria Guadalupe Garcia's license, National Producer Number 6739157, is
4 suspended for a duration of six (6) consecutive months effective immediately upon entry of this
5 Order.

6 DATED AND EFFECTIVE this 23rd day of July, 2019.

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10 KEITH A. SCHRAAD
11 Director of Insurance

12 **CONSENT TO ORDER**

13 1. Respondent has reviewed the foregoing Findings of Fact, Conclusions of Law and
14 Order.

15 2. Respondent admits the jurisdiction of the Director of Insurance, State of Arizona,
16 and admits the foregoing Findings of Fact and consents to the entry of the foregoing
17 Conclusions of Law and Order.

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

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

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

5 6. Respondent acknowledges that this Consent Order is an administrative action the
6 Department will report to the National Association of Insurance Commissioners ("NAIC") and
7 that she may have to report this administrative action on any future licensing applications either
8 to the Department or other states' Departments of Insurance.

9
10 7/11/19
Date



Maria Guadalupe Garcia, National Producer Number 6739157

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12 **COPY** of the foregoing mailed this
13 5th day of July, 2019, to:

14 Michelle G. Thompson
15 Udall Law Firm, LLP
16 4801 E. Broadway Blvd., Ste. 400
17 Tucson, Arizona 85711
18 Attorney for Respondent

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

20 Mary Kosinski, Regulatory Legal Affairs Officer
21 Catherine M. O'Neil, Consumer Legal Affairs Officer
22 Steven Fromholtz, Assistant Director, Consumer Protection Division
23 Wendy Greenwood, Investigations Supervisor
24 Sharyn Kerr, Administrative Assistant
Lawrence Bevins, Investigator
Arizona Department of Insurance
100 N. 15th Avenue, Suite 102
Phoenix, Arizona 85007-2624

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1 COPY of the foregoing delivered electronically, same date, to:

2 Michelle G. Thompson
3 mthompson@udallaw.com
4 Attorney for Respondent

5 *Francine Martinez*
6 Francine Martinez

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