

SEP 12 2019

STATE OF ARIZONA

DEPARTMENT OF INSURANCE

DEPT OF INSURANCE
BY MEK 9/12/19

In the Matter of:

PONCE, MARIA LOURDES
(National Producer Number 10188507)

Respondent.

No. 19A-133-INS

CONSENT ORDER

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

FINDINGS OF FACT

1. Maria Lourdes Ponce ("Ponce") was, at all material times, licensed as an Arizona resident property and casualty insurance producer. The Department renewed Ponce's license, number 10188507, on May 8, 2019. The license is scheduled to expire on July 31, 2023.

2. Ponce's addresses of record are: 2333 West Northern Avenue, Suite 6, Phoenix, Arizona 85021 (business and mailing); and maria@myproinsurance.com (business email).

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1 **ADOT and Markel Insurance Complaints**

2 3. The Department received two separate but identical complaints from the
3 Arizona Department of Transportation (“ADOT”) on or about March 27, 2019 and from Markel
4 Insurance Company (“Markel”) on or about July 8, 2019 (collectively the “Complainants”).

5 4. The Complainants alleged that, on or about March 19, 2019, Ponce created
6 fraudulent policy endorsement documents in order for an Arizona consumer to meet ADOT
7 requirements on a Data Breach insurance policy.

8 5. On July 24, 2019, the Department conducted an Examination Under Oath with
9 Ponce. Ponce admitted to creating this endorsement document stating she was under
10 pressure by the consumer to meet a deadline set by ADOT.

11 **CONCLUSIONS OF LAW**

12 1. The Director has jurisdiction over this matter.

13 2. Ponce’s conduct, as described above, constitutes intentionally misrepresenting
14 the terms of an actual or proposed insurance contract or application for insurance, within the
15 meaning of A.R.S. § 20-295(A)(5).

16 3. Ponce’s conduct, as described above, constitutes using fraudulent, coercive, or
17 dishonest practices, or demonstrating incompetence, untrustworthiness or financial
18 irresponsibility in the conduct of business in this state or elsewhere, in violation of A.R.S. §
19 20-295(A)(8).

20 4. Grounds exist for the Director to deny, suspend for not more than twelve
21 months, revoke or refuse to renew and insurance producer’s license, within the meaning of
22 A.R.S. § 20-295(A).

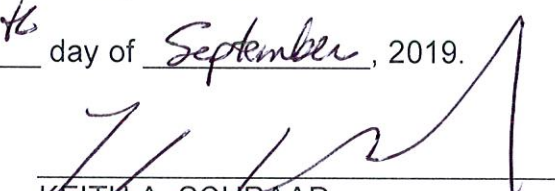
1 5. Grounds exist, in addition to or instead of any suspension, revocation or refusal
2 to renew a license, for the Director to impose a civil penalty of not more than \$250.00 for each
3 unintentional failure or violation, up to an aggregate civil penalty of \$2,500.00, or impose a
4 civil penalty of not more than \$2,500.00 for each intentional failure or violation, up to an
5 aggregate penalty of \$15,000.00, or order the licensee to provide restitution to any party
6 injured by the licensee's action, pursuant to A.R.S. § 20-295(F).

7 **ORDER**

8 IT IS HEREBY ORDERED THAT:

- 9 1. The producer license for, **Maria Lourdes Ponce**, National Producer Number
10 10188507, is suspended for fourteen (14) calendar days effective immediately.
- 11 2. **Maria Lourdes Ponce**, National Producer Number 10188507, shall immediately
12 pay a civil penalty of \$2,500 for deposit into the state general fund.

13 DATED AND EFFECTIVE this 12th day of September, 2019.

14 
15 KEITH A. SCHRAAD
16 Director of Insurance

17 **CONSENT TO ORDER**

- 18 1. Respondent has reviewed the foregoing Findings of Fact, Conclusions of Law
19 and Order.
- 20 2. Respondent admits the jurisdiction of the Director of Insurance, State of Arizona,
21 and admits the foregoing Findings of Fact and consent to the entry of the foregoing
22 Conclusions of Law and Order.
- 23
- 24

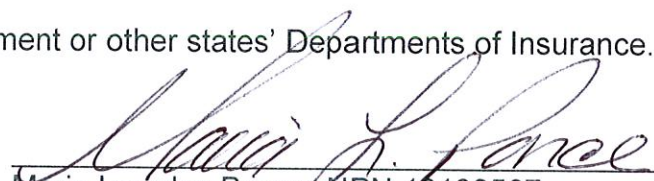
1 3. Respondent is aware of their right to notice and to a hearing, at which she may
2 be represented by counsel, present evidence and examine witnesses. Respondent
3 irrevocably waives her right to such notice and hearing and to any court appeals relating to
4 this Consent Order.

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

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

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

16 8/30/19
17 Date


17 Maria Lourdes Ponce, NPN 10188507

18
19
20 **COPY** of the foregoing mailed this
21 10th day of September, 2019, to:

22 Maria Lourdes Ponce
23 2333 W Northern Ave, Ste #6
24 Phoenix, AZ 85021
Respondent

1 Maria Lourdes Ponce
3123 W. Port Royale Ln.
2 Phoenix, AZ 85053
Respondent

3
4 **COPY** of the foregoing delivered, same date, to:

5 Mary Kosinski, Regulatory Legal Affairs Officer
6 Catherine M. O'Neil, Consumer Legal Affairs Officer
7 Steven Fromholtz, Assistant Director, Consumer Protection Division
8 Sharyn Kerr, Administrative Assistant, Consumer Protection Division
9 Aqueelah Currie, Licensing Supervisor
10 Jeff Eavenson, Investigator
11 Arizona Department of Insurance
12 100 North 15th Avenue, Ste.102
13 Phoenix, Arizona 85007-2624

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

15 Maria Lourdes Ponce
16 mariaponce07@hotmail.com
17 maria@myproinsurance.com
18 Respondent

19 
20 Francine Martinez