

STATE OF ARIZONA
Department of Insurance and Financial Institutions
FILED May 1, 2024 by AS

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

STATE OF ARIZONA

DEPARTMENT OF INSURANCE AND FINANCIAL INSTITUTIONS

In the Matter of:

EMA Risk Services, LLC

No. 24A-025-INS

CONSENT ORDER

Respondent.

The Arizona Department of Insurance and Financial Institutions (“Department”) alleges that EMA Risk Services, LLC (“Respondent”) violated provisions of Arizona Revised Statutes (“A.R.S.”) Title 20. Respondent wishes to resolve this matter without the commencement of formal proceedings, and admits the following Findings of Fact are true, and consents to the entry of the following Conclusions of Law and Order.

FINDINGS OF FACT

1. Respondent is a Texas entity established in 2020 as a limited liability company.
2. During 2022, the Department received Arizona consumers’ complaints alleging various acts of misconduct by Mohave Transportation Insurance Company (“Mohave Transportation”).
3. The Department investigated the allegations and found the following (related to the complaints number 50064 and 50945):
 - a) After multiple failed attempts to communicate with Mohave Transportation regarding the complaints, via email correspondence sent to mramirez@cmariskservices.com, on or about October 14, 2022, the Department contacted Misti Ramirez (“Ms. Ramirez”), the Co-Founder and Chief Operating Officer of Respondent, via telephone.
 - b) The Department’s investigation revealed that EMA Risk Services acted as the third-party administrator authorized to handle claims on behalf of Mohave Transportation.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

- c) Respondent is not registered with the Arizona Corporation Commission in order to transact business or conduct affairs in Arizona.
- d) At the time of the Department’s investigation, Respondent did not hold, nor did it ever hold, a license or permit issued by the Department.
- e) Respondent claims that it did not believe it needed to obtain a license in order to adjust, investigates or negotiates settlement of claims in Arizona because Respondent’s individual claims adjusters possessed individual adjuster licenses. Respondent asserts its failure to obtain licensure as an entity was not the result of any intentional act, but was due to Respondent’s understanding of the relevant law.
- f) On June 30, 2023 Respondent obtained an Arizona adjuster license in order to lawfully transact business in Arizona.

CONCLUSIONS OF LAW

- 4. The Director has jurisdiction over this matter.
- 5. Respondent, as described above, engaged in the business of an insurance adjuster in Arizona without a license. A.R.S. § 20-321.01.
- 6. Respondent, as described above, used a different name from Respondent’s legal name to conduct business in Arizona. A.R.S. § 20-297.
- 7. Respondent, as described above, violated provisions of Title 20. A.R.S. § 20-295(A)(2).
- 8. The Director may impose a civil penalty of not more than two hundred dollars for each unintentional violation, up to an aggregate civil penalty of two thousand five hundred dollars. A.R.S. § 20-295(F).

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

ORDER

IT IS ORDERED:

Respondent shall immediately pay to the Department a civil money penalty in the amount of one thousand dollars (\$1,000.00).

DATED AND EFFECTIVE this 1st day May, 2024.

Barbara D. Richardson

Barbara Richardson
Cabinet Executive Officer
Executive Deputy Director
Arizona Department of Insurance and Financial Institutions

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

CONSENT TO ORDER

1. Respondent acknowledges that it has been served with a copy of the foregoing Consent Order in the above-referenced matter, has read it, is aware of its right to an administrative hearing in this matter and has knowingly and voluntarily waived that right.

2. Respondent accepts the personal and subject matter jurisdiction of the Department over it in this matter.

3. Respondent acknowledges that no promise of any kind or nature has been made to induce it to sign the Consent to Order and it has done so knowingly and voluntarily.

4. Respondent acknowledges and agrees that the acceptance of this Consent to Order by the Director is solely to settle this matter and does not preclude the Department from instituting other proceedings as may be appropriate now or in the future. Furthermore, and notwithstanding any language in this Consent Order, this Consent Order does not preclude in any way any other state agency or officer or political subdivision of this state from instituting proceedings, investigating claims, or taking legal action as may be appropriate now or in the future relating to this matter or other matters concerning Respondent, including but not limited to violations of Arizona’s Consumer Fraud Act. Respondent acknowledges that, other than with respect to the Department, this Consent Order makes no representations, implied or otherwise, about the views or intended actions of any other state agency or officer or political subdivision of the state relating to this matter or other matters concerning Respondent.

5. Respondent acknowledges and agrees that failure to correct the violations set forth above in this Consent Order, or any repeat findings of the above violations in the future, can result in disciplinary action which may include a greater civil money penalty and suspension or revocation of its license.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

6. Erika Anderson represents that she is the CEO of Respondent and, as such, is authorized to enter this Consent Order on its behalf.

EMA Risk Services, LLC

November 13, 2023
Date

By: 
Erika Anderson, CEO

1 **ORIGINAL** of the foregoing filed
this 1st day of May, 2024, in the office of:

2
3 Barbara Richardson, Cabinet Executive Officer/Executive Deputy Director
4 Arizona Department of Insurance and Financial Institutions
5 Attn: Ana Starcevic, Paralegal
6 100 North 15th Avenue, Suite 261
7 Phoenix, Arizona 85007
8 Ana.Starcevic@difi.az.gov

9 **COPY** of the foregoing delivered and/or emailed same date to:

10 Deian Ousunov, Assistant Director
11 Gio Espinosa, Regulatory Legal Affairs Officer
12 Maria Alior, Assistant Director
13 Noelani Spenser, Consumer Services Supervisor
14 Ana Starcevic, Paralegal
15 Arizona Department of Insurance and Financial Institutions
16 100 North 15th Avenue, Suite 261
17 Phoenix, AZ 85007

18 **COPY** of the foregoing transmitted electronically the same date to:

19 EMA Risk Services, LLC
20 c/o Andrew Breavington
21 andrew@mscclaw.com
22 Respondent

23
24 *Ana Starcevic*
25 _____