

**STATE OF ARIZONA
DEPARTMENT OF INSURANCE AND FINANCIAL INSTITUTIONS**

In the Matter of:

TOLEDO, JOANNA MELISSA
(National Producer No. 17113420)

No. 19A-119-INS

ORDER

Respondent

On September 11, 2020, the Office of Administrative Hearings through Administrative Law Judge Kay Abramsohn issued an Administrative Law Judge Decision (“Recommended Decision”) received by the Director of the Arizona Department of Insurance and Financial Institutions (“Director”) on September 14, 2020, 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, except to correct the following:
 - a) Page 1, line 14, should read, Respondent was licensed by the Department as an Arizona resident insurance **producer**.
 - b) Page 2, line 10, should read, The Department’s Investigator **Jeff** Eavenson.
2. The Director ADOPTS the Recommended Conclusions of Law.
3. The Director ADOPTS the Recommended Order and orders revoked Joanna Melissa Toledo’s Arizona insurance producer license, National Producer Number 17113420, 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

1 forth the basis for relief under Arizona Administrative Code R20-6-114(B). Pursuant to
2 A.R.S. § 41-1092.09, it is not necessary to request a rehearing before filing an appeal to the
3 Superior Court.

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

8 DATED this 16th day of September, 2020.

9
10 

11 _____
12 Evan G. Daniels, Director
13 Arizona Department of Insurance and
14 Financial Institutions

15 **COPY** of the foregoing electronically transmitted
16 this 18th day of September, 2020, to:

17 Kay Abramsohn, Administrative Law Judge
18 Office of Administrative Hearings
19 <https://portal.azoah.com/submission>

20 **COPY** mailed same date by U.S. First Class Mail
and Certified Mail, Return Receipt Requested, to:

21 Joanna Melissa Toledo
22 4671 West 16th Place
23 Yuma, AZ 85364
Respondent

24 Joanna Melissa Toledo
25 2206 North 24th Street
26 Phoenix, AZ 85008
Respondent

1 **COPY** of the foregoing delivered/mailed same date to:

2 Deian Ousounov, Regulatory Legal Affairs Officer
3 Ana Starcevic, Paralegal Project Specialist
4 Steven Fromholtz, Licensing Division Manager
5 Linda Lutz, Legal Assistant
6 Jeff Eavenson, Investigator
7 Arizona Department of Insurance and Financial Institutions
8 100 N 15th Avenue, Suite 261
9 Phoenix, Arizona 85007

10 Joanna Melissa Toledo
11 AZCLERK@FREDLOYA.COM
12 Respondent

13 Lynette Evans, Assistant Attorney General
14 AdminLaw@azag.gov
15 Attorney for the Department of Insurance and Financial Institutions

16 *Francine Juarez*

17 Francine Juarez
18
19
20
21
22
23
24
25
26

IN THE OFFICE OF ADMINISTRATIVE HEARINGS

In the Matter of:

No. 19A-119-INS

TOLEDO, Joanna Melissa
National Producer No. 17113420,
Respondent.

**ADMINISTRATIVE LAW JUDGE
DECISION**

HEARING: August 18, 2020.

APPEARANCES: Assistant Attorney General Lynette Evans represented the Arizona Department of Insurance (Department). Respondent Joanna Melissa Toledo failed to appear.

ADMINISTRATIVE LAW JUDGE: Kay Abramsohn

FINDINGS OF FACT

1. At all times relevant, Respondent was licensed by the Department as an Arizona resident insurance provider with line of authority in Personal Lines Insurance, under National Producer Number 17113420. See Exhibit 1. Respondent's license was issued in November of 2013; the current licensing is set to expire on February 28, 2021.

2. Respondent's addresses with the Department are as follows: 2206 N. 24th Street, Phoenix, Arizona 85008 (business and mailing) and azclerk@fredloya.com (business e-mail).¹

3. By letter dated May 25, 20107, Chris Reetz from Allstate Insurance Company notified the Department that Respondent had been terminated from its companies for cause, indicating the cause to be "falsification." See Exhibit 2.

4. At that time, Respondent had been employed by Allstate Agent Anna Vargas.

5. In December of 2017, Armando Macias purchased the Allstate book of business from Ms. Vargas.²

6. On April 16, 2019, Heather C. Hummer sent an e-mail to the Department regarding possible fraud by Respondent. See Exhibit 3. Ms. Hummer indicated that she

¹ The Department's records also contain a residence address for Respondent in Yuma, Arizona. *Id.*

² See Exhibit 7.

1 had been told Ms. Vargas “was made to give up her agency” and that Respondent was
2 not allowed to work for Allstate. Ms. Hummer noted that Respondent had been working
3 for Mr. Macias under another licensee’s name and license, that of “Patricia Alvarez (NPN:
4 17151277).”

5 7. On May 7, 2019, the Department issued a subpoena to Respondent, at the
6 business address and residence address contained in departmental records, for
7 Respondent ordering her to appear on May 23, 2019 and to produce certain specified
8 records. See Exhibit 4. The certified mailing sent to Respondent’s residence address
9 was returned to the Department, with the postal service indicating that delivery had been
10 attempted and that it was unable to forward the mailing. See Exhibit 5. The certified
11 mailing sent to Respondent’s business address was signed for at that address.

12 8. Respondent failed to appear at the Department.

13 9. On June 11, 2019, Allstate provided records to the Department that document
14 over 20 policies that had been sold to customers by “Patricia Alvarez-Rodriguez” (*i.e.*, by
15 Respondent) between December 2018 and April 2019. See Exhibit 6.

16 10. On July 23, 2019, The Department’s Investigator Jeffrey Eavenson conducted
17 an “examination under oath” (EUO) interview with Mr. Macias. See Exhibit 7. Mr. Macias
18 only knew Respondent by the name of Patricia Alvarez-Rodriguez and not by the name of
19 Joanne Toledo; Respondent was “working” there when he purchased the business. Mr.
20 Macias told Mr. Eavenson that when he contacted Respondent about this matter, she had
21 admitted to him that she had taken on the name of Patricia Alvarez-Rodriguez “in order to
22 continue working.”

23 11. On July 6, 2020, the Department noticed an administrative hearing in this
24 matter, sending a copy to Respondent at the residence and business addresses contained
25 in the Department’s records and by email.

26 12. Respondent failed to appear at the date and time of the noticed hearing.³

27 13. At the hearing, the Department requested that Respondent’s license be
28 revoked based on Respondent’s failure to respond to the Department’s subpoena and

29 ³ Respondent did not request to appear telephonically.

1 failure to participate in the investigation. The Department's position is that such failures
2 are an indication that she cannot be regulated.

3 **CONCLUSIONS OF LAW**

4 1. This matter lies within the Department's jurisdiction.⁴

5 2. The Department bears the burden of proof to establish cause to discipline
6 Respondent's bail bond agent's license by a preponderance of the evidence.⁵

7 3. "A preponderance of the evidence is such proof as convinces the trier of fact
8 that the contention is more probably true than not."⁶

9 4. The Department established that Respondent's fraudulent and dishonest
10 conduct practices in utilizing/assuming the name of another licenses and forging the
11 name of that licensee in the course of engaging in the insurance business, as described
12 above, constituted violations of the applicable statues and rules, and orders/subpoenas
13 of the Director, within the meaning of A.R.S. § 20-295(A)(2), (A)(8) and (A)(10).

14 5. The Department established that Respondent's conduct, as described above,
15 demonstrates failure to inform the Department of any change in residential, mailing,
16 business, and e-mail addresses.

17 6. Respondent's conduct, as described above, provides grounds for the Director
18 of the Department to suspend or revoke the license and to impose a civil penalty and/or
19 order restitution, pursuant to A.R.S. § 20-295(A) and (F).

20 **RECOMMENDED ORDER**

21 Based on the foregoing, it is recommended that the Director revoke Respondent
22 Joanna Melissa Toledo's National Producer License No. 17113420.

23 *In the event of certification of the Administrative Law Judge Decision by the*
24 *Director of the Office of Administrative Hearings, the effective date of the Order will be*
25 *five days from the date of that certification.*

26 Done this day, September 11, 2020.

27 _____
28 ⁴ See A.R.S. § 20-340 *et seq.*

29 ⁵ See A.R.S. § 41-1092.07(G)(2); A.A.C. R2-19-119(A) and A.A.C. R2-19-119(B)(1); *see also Vazanno v.*
30 *Superior Court*, 74 Ariz. 369, 372, 249 P.2d 837 (1952).

⁶ MORRIS K. UDALL, ARIZONA LAW OF EVIDENCE § 5 (1960).

/s/ Kay Abramsohn
Administrative Law Judge

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
26
27
28
29
30

Transmitted electronically to:
Christina Corieri, Interim Director
Arizona Department of Insurance