

STATE OF ARIZONA
Department of Insurance and Financial Institutions
FILED October 3, 2023 by AS

STATE OF ARIZONA

DEPARTMENT OF INSURANCE AND FINANCIAL INSTITUTIONS

In the Matter of:

MADRIGAL, MELISSA JEAN

(National Producer No. 16452605)

No. 23A-026-INS

DEFAULT ORDER

Respondent

On August 23, 2023, the Arizona Department of Insurance and Financial Institutions (the "Department") issued a Notice of Hearing ("Notice") in the above-captioned matter, a copy of which is attached as **Exhibit A** and incorporated by this reference. The Notice required Melissa Jean Madrigal ("Respondent") to provide a written answer to the allegations set forth in the Notice within twenty days of the issuance of the Notice. As of this date, Respondent has failed to file an answer. On September 20, 2023, counsel for the Department filed a Motion for Default, a copy of which is attached as **Exhibit B**. As of this date, Respondent has not responded to the Department's motion. Pursuant to A.A.C. R20-6-106(D), a party that fails to file an answer within the time provided shall be deemed to be in default and one or more of the allegations in the Notice of Hearing may be deemed to be admitted.

FINDINGS OF FACT

1. Notice was proper.
2. Respondent is in default.
3. The allegations in the Notice are deemed admitted.

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CONCLUSIONS OF LAW

1. The conduct alleged in the Notice constitutes grounds for the Director to suspend, revoke or refuse to renew Respondent's license to transact insurance in Arizona, pursuant to A.R.S. §20-295(A).

ORDER

IT IS ORDERED:

1. The insurance license held by Respondent Melissa Jean Madrigal is revoked effective upon the issuance of this Order.

2. The hearing set for **October 5, 2023 at 1:00 p.m.** shall be vacated.

DATED this 3rd day of October, 2023.

Barbara D. Richardson

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

1 **COPY** of the foregoing electronically filed this
4th day of October, 2023 to:

2
3 Tammy Eigenheer, Administrative Law Judge
<https://portal.azoah.com/submission>
4 Office of Administrative Hearings

5 **COPY** of the foregoing emailed same date to:

6 Gio Espinosa, Regulatory Legal Affairs Officer
7 Deian Ousounov, Assistant Director
8 Ana Starcevic, Paralegal Project Specialist
9 Wendy Greenwood, Investigations Supervisor
10 Steven Fromholtz, Division Manager, Licensing
11 Arizona Department of Insurance and Financial Institutions

12 Raya Gardner, Assistant Attorney General
13 AdminLaw@azag.gov
14 Attorney for the Arizona Department of Insurance and Financial Institutions

15 **COPY** mailed and emailed same date to:

16 Melissa Jean Madrigal
17 1508 Virginia Avenue, Apt. 107
18 Daytona Beach, Florida 32114
19 Respondent
20 _____ 9489 0090 0027 6486 6594 62

21 Melissa Jean Madrigal
22 Mmadrigal71@hotmail.com
23 Respondent

24 *Ana Starcevic*

115008

Exhibit A

STATE OF ARIZONA
DEPARTMENT OF INSURANCE AND FINANCIAL INSTITUTIONS

In the Matter of:

Docket No. 23A-026-INS

MADRIGAL, MELISSA JEAN
(National Producer No. 16452605)

**NOTICE OF HEARING AND
COMPLAINT**

Respondent

(ALJ Tammy Eigenheer)

DIRECTED TO:

Melissa Jean Madrigal
546 Ballough Road
Daytona Beach, Florida 32114
Respondent

YOU ARE HEREBY NOTIFIED that under Arizona Revised Statutes (“A.R.S.”) §§ 20-161 and 41-1092.01, the above-captioned matter will be conducted through the Office of Administrative Hearings, an independent agency.

Date of Hearing:
October 5, 2023 at 1:00 p.m.

Location:
Office of Administrative Hearings
1740 W. Adams St.
Lower Level
Phoenix, AZ 85007

Information regarding procedures, practice pointers, or the online filing of motions is available through the Office of Administrative Hearings’ website at www.azoah.com, or by calling their offices at (602) 542-9826.

1 The Office of Administrative Hearings has designated ALJ Tammy Eigenheer at the
2 address and phone number listed above, as the Administrative Law Judge for these proceedings.

3 Under the Americans with Disabilities Act (ADA), the Office of Administrative Hearings
4 endeavors to ensure the accessibility of its hearings to all persons with disabilities. Persons with
5 disabilities may request reasonable accommodations such as interpreters, alternative formats, or
6 assistance with physical accessibility. Requests for accommodations should be made as far in
7 advance of the Hearing as possible to allow time to arrange the accommodations. If you require
8 accommodations, please contact the Office of Administrative Hearings by calling their offices at
9 (602) 542-9826.

10 Under Arizona Administrative Code (“A.A.C.”) R2-19-106 and R2-19-110, motions to
11 continue this matter shall be made in writing to the Administrative Law Judge at least fifteen (15)
12 days before the Hearing date, unless good cause is demonstrated. A copy of any motion to
13 continue shall be filed and served according to A.A.C. R2-19-108, with a copy provided to the
14 Assistant Attorney General identified below.

15 You may appear on the date and at the time and place specified in this Notice of Hearing
16 (“Notice”) with or without the assistance of counsel. An insurance company may be represented
17 by a corporate officer pursuant to A.R.S. § 20-161(B). Additionally, you have the right to present
18 evidence in response to the allegations in this Notice, to have a reasonable opportunity to inspect
19 all documentary evidence, to examine witnesses, to present evidence in support of your interests,
20 and to have subpoenas issued by the Administrative Law Judge to compel the attendance of
21 witnesses and the production of evidence. If you fail to appear at the administrative hearing (the
22 “Hearing”), the Administrative Law Judge can proceed with the Hearing and issue a

1 Recommended Decision. The Director of the Arizona Department of Insurance and Financial
2 Institutions (the "Director") can then consider the Recommended Decision and make a final
3 determination on this matter.

4 Under A.R.S. § 41-1092.07(E), a clear and accurate record of the proceedings will be
5 made by a court reporter or by electronic means. Any party that requests a transcript of the
6 proceedings shall pay the cost of the transcript for the court reporter or other transcriber.

7 **Under A.A.C. R20-6-106, within twenty (20) days after service of a Notice of Hearing,**
8 **the Respondent shall appear by filing a written Answer to the allegations in the Notice. The**
9 **Answer shall state Respondent's position or defense and shall specifically admit or deny**
10 **each assertion in the Notice. Any allegation not denied shall be deemed admitted. Any**
11 **defense not raised will be considered waived. If a timely Answer is not filed, Respondent**
12 **may be deemed in default and the Director may deem the allegations in the Notice as true**
13 **and admitted. Accordingly, the Director may take whatever action is deemed appropriate.**

14 Pursuant to A.R.S. § 41-1092.06, the Respondent has the right to request an informal
15 settlement conference ("ISC") by filing a written request with the Arizona Department of
16 Insurance and Financial Institutions (the "Department") no later than **twenty (20) days** before
17 the scheduled hearing. The ISC will be held within **fifteen (15) days** after receiving the request.
18 If an ISC is requested, a person with the authority to act on behalf of the Department will be
19 present.

20 Please note that in requesting an ISC, Respondent waives any right to object to the
21 participation of the Department's representative in the final administrative decision of this matter.
22 Any statements, either written or oral, made by the Department, Respondent, or their

1 representatives at an ISC, including a written document created or expressed solely for the
2 purpose of settlement negotiations, are inadmissible in any subsequent administrative hearing.
3 *See* A.R.S. § 41-1092.06.

4 Questions concerning issues raised in this Notice of Hearing should be directed to
5 Assistant Attorney General Raya Gardner, 2005 N. Central Ave., Phoenix, Arizona 85004,
6 telephone number (602) 542-8956 or by e-mail at Raya.Gardner@azag.gov.

7 The purpose of this Hearing is to determine whether grounds exist to revoke Respondent's
8 insurance producer license. In support of its position that grounds exist, the Department alleges
9 the following:

10 **PARTIES & JURISDICTION**

11 1. The Department was created and enabled to administer certain laws of the State of
12 Arizona by protecting the public interest through licensure and regulation of the insurance
13 producer profession in this state. A.R.S. § 20-142 and A.R.S. §§ 20-281 *et seq.*

14 2. Melissa Jean Madrigal ("Madrigal" or "Respondent") is licensed in Arizona as a
15 non-resident insurance producer, National Producer Number 16452605.

16 3. The Office of Administrative Hearings has subject matter and personal jurisdiction
17 over the named parties in this Notice of Hearing under A.R.S. § 20-161 and A.R.S. §§ 41-1092
18 *et seq.*

19 **FACTS**

20 4. Madrigal was at all material times licensed in Arizona as a non-resident insurance
21 producer, National Producer Number 16452605, with a line of authority in accident and health
22

1 or sickness insurance. The Department licensed Madrigal on August 15, 2022 and her license is
2 scheduled to expire on March 31, 2026. Madrigal's home state is Florida.

3 5. Madrigal has the following addresses on record with the Department: 546 Ballough
4 Road, Daytona Beach, FL 32114 (business and mailing) and
5 contracting@medicareinsurance.com (e-mail).

6 6. On December 27, 2022, the Department received a referral from the Centers for
7 Medicare and Medicaid Services ("CMS") that included a copy of a "Notice of Termination of
8 PY 2023 FFE Registration and Agreements Effective December 27, 2022" ("Notice") that CMS
9 sent to Madrigal. In the Notice, CMS alleged that Madrigal assisted consumers and facilitated
10 health plan enrollment during a period when she did not have a valid license in her home state of
11 Florida.

12 7. The Department reviewed the National Association of Insurance Commissioners
13 (NAIC) producer database report for Madrigal. The NAIC report showed Madrigal's resident
14 producer license in Florida was issued by the Florida Department of Financial Services on August
15 12, 2022 and then "cancelled – surrendered" on November 2, 2022.

16 8. On March 3, 2023, the Department sent an email to Madrigal informing her that
17 she was in violation of Arizona law due to her failure to be licensed as a resident in her home
18 state and offering her the opportunity to voluntarily surrender her Arizona nonresident producer
19 license on or before March 24, 2023. Madrigal did not respond to the email.

20 9. On March 27, 2023, the Department sent a second email to Madrigal, again offering
21 her the opportunity to voluntarily surrender her Arizona nonresident producer license on or before
22 March 31, 2023. Madrigal did not respond to the email.

1 **ORIGINAL** of the foregoing filed electronically
this 23rd day of August, 2023, to:

2
3 Tammy Eigenheer, Administrative Law Judge
4 <https://portal.azoah.com/submission>
Office of Administrative Hearings

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

6 Gio Espinosa, Regulatory Legal Affairs Officer
7 Ana Starcevic, Paralegal Project Specialist
8 Steven Fromholtz, Licensing Division Manager
9 Wendy Greenwood, Investigations Supervisor
Arizona Department of Insurance and Financial Institutions
100 North 15th Avenue, Suite 261
Phoenix, Arizona 85007

10 **COPY** mailed the same date by
11 Regular Mail and Certified Mail, Return Receipt Requested, to:
(Receipt No. 9489 0090 0027 6486 6701 60)

12 Melissa Jean Madrigal
13 1508 Virginia Avenue, Apt. 107
Daytona Beach, Florida 32114
14 *Respondent*

15 **COPY** sent via electronic mail
this same date to:

16 Melissa Jean Madrigal
17 contracting@medicareinsurance.com
mmadrigal71@hotmail.com
18 *Respondent*

19 Raya Gardner, Assistant Attorney General
20 Raya.Gardner@azag.gov
AdminLaw@azag.gov
Attorney for the Department

21 Ana Starcevic
22 11394050

Exhibit B

STATE OF ARIZONA
Department of Insurance and Financial Institutions
FILED September 20, 2023 by AS

1 KRISTIN K. MAYES
Attorney General
2 Firm Bar No. 14000

3 Raya Gardner
State Bar No. 036737
4 Assistant Attorney General
Public Law Section
5 2005 N. Central Ave.
Phoenix, Arizona 85004
6 Telephone: (602) 542-8956
Facsimile: (602) 542-4385
7 E-mail: Raya.Gardner@azag.gov
Attorney for the Arizona Department of Insurance
8 and Financial Institutions

9 STATE OF ARIZONA

10 DEPARTMENT OF INSURANCE AND FINANCIAL INSTITUTIONS

11 In the Matter of:

No. 23A-026-INS

12 **MADRIGAL, MELISSA JEAN**
13 (National Producer No. 16452605)

MOTION FOR DEFAULT

14 Respondent

15 The Arizona Department of Insurance and Financial Institutions (the "Department"),
16 by and through undersigned counsel, hereby requests that the Findings of Fact and
17 Conclusions of Law set forth in the Notice of Hearing and incorporated herein by reference
18 be entered in this matter, deeming Melissa Jean Madrigal ("Madrigal") in default, deeming
19 the allegations set forth in the Notice as true, and ordering that Respondent's insurance
20 license be revoked.
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22 On August 23, 2023, a Notice of Hearing and Complaint ("Notice") was filed in this
23 matter and served upon Madrigal at her mailing address of record via regular mail and
24 certified mail pursuant to A.R.S. § 41-1092.04. The Notice was also sent to Madrigal via her
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1 e-mail address of record.

2 Madrigal had twenty (20) days from the date of issuance of the Notice to file a written
3 answer to the allegations contained therein pursuant to Arizona Administrative Code
4 (“A.A.C”) R20-6-106. As of the date of this Motion, Madrigal has not filed an answer nor
5 has she appeared through counsel. Rule 20-6-106(D) of the Arizona Administrative Code
6 provides that if an answer is not timely filed, the Respondent shall be deemed in default and
7 the Director may deem the allegations set forth in the Notice of Hearing as true and take
8 whatever action is appropriate including revoking the license.

9
10 The allegations supporting the Notice of Hearing are as follows:

11 1. Madrigal was at all material times licensed in Arizona as a non-resident
12 insurance producer, National Producer Number 16452605, with a line of authority in
13 accident and health or sickness insurance. The Department licensed Madrigal on August 15,
14 2022 and her license is scheduled to expire on March 31, 2026. Madrigal’s home state is
15 Florida.

16
17 2. Madrigal has the following addresses on record with the Department: 546
18 Ballough Road, Daytona Beach, FL 32114 (business and mailing) and
19 contracting@medicareinsurance.com (e-mail).

20
21 3. On December 27, 2022, the Department received a referral from the Centers
22 for Medicare and Medicaid Services (“CMS”) that included a copy of a “Notice of
23 Termination of PY 2023 FFE Registration and Agreements Effective December 27, 2022”
24 (“Notice”) that CMS sent to Madrigal. In the Notice, CMS alleged that Madrigal assisted
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1 consumers and facilitated health plan enrollment during a period when she did not have a
2 valid license in her home state of Florida.

3 4. The Department reviewed the National Association of Insurance
4 Commissioners (NAIC) producer database report for Madrigal. The NAIC report showed
5 Madrigal's resident producer license in Florida was issued by the Florida Department of
6 Financial Services on August 12, 2022 and then "cancelled – surrendered" on November 2,
7 2022.
8

9 5. On March 3, 2023, the Department sent an email to Madrigal informing her
10 that she was in violation of Arizona law due to her failure to be licensed as a resident in her
11 home state and offering her the opportunity to voluntarily surrender her Arizona nonresident
12 producer license on or before March 24, 2023. Madrigal did not respond to the email.
13

14 6. On March 27, 2023, the Department sent a second email to Madrigal, again
15 offering her the opportunity to voluntarily surrender her Arizona nonresident producer
16 license on or before March 31, 2023. Madrigal did not respond to the email.
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18 7. On May 4, 2023, the Department called Madrigal at the phone number on file
19 and left a voicemail requesting a call back or a response by email. The Department did not
20 receive any calls or voicemails from Madrigal.

21 8. On May 22, 2023, the Department sent a third email to Madrigal informing
22 her that the Department had been attempting to reach her and requesting a response by 2:00
23 p.m. on the following day. The Department further provided that it would start legal
24 proceedings to revoke her license if the Department did not receive a response.
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Based upon the foregoing, the Department respectfully requests that the allegations set forth in the August 23, 2023 Notice of Hearing and Complaint be deemed admitted and that Respondent’s insurance license be revoked.

RESPECTFULLY SUBMITTED this 20th day of September, 2023.

KRISTIN K. MAYES, Attorney General

By /s/ Raya Gardner

Raya Gardner, Assistant Attorney General
Attorney for the Arizona Department of Insurance
and Financial Institutions

COPY of the foregoing electronically filed this 20th day of September, 2023 with:

Barbara D. Richardson, Director
c/o of Deian Ousounov, Assistant Director
Arizona Department of Insurance and Financial Institutions

COPY of the foregoing emailed this same date to:

Gio Espinosa, Regulatory Legal Affairs Officer
Ana Starcevic, Paralegal Project Specialist
Wendy Greenwood, Investigations Supervisor
Steven Fromholtz, Division Manager, Licensing
Arizona Department of Insurance and Financial Institutions

COPY emailed this same date to:

Melissa Jean Madrigal
Mmadrigal71@hotmail.com
Respondent

/s/ S. Hack
11500836

Exhibit A

STATE OF ARIZONA
DEPARTMENT OF INSURANCE AND FINANCIAL INSTITUTIONS

In the Matter of:

Docket No. 23A-026-INS

MADRIGAL, MELISSA JEAN
(National Producer No. 16452605)

**NOTICE OF HEARING AND
COMPLAINT**

Respondent

(ALJ Tammy Eigenheer)

DIRECTED TO:

Melissa Jean Madrigal
546 Ballough Road
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Respondent

YOU ARE HEREBY NOTIFIED that under Arizona Revised Statutes ("A.R.S.") §§ 20-161 and 41-1092.01, the above-captioned matter will be conducted through the Office of Administrative Hearings, an independent agency.

Date of Hearing:
October 5, 2023 at 1:00 p.m.

Location:
Office of Administrative Hearings
1740 W. Adams St.
Lower Level
Phoenix, AZ 85007

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1 The Office of Administrative Hearings has designated ALJ Tammy Eigenheer at the
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17 the scheduled hearing. The ISC will be held within **fifteen (15) days** after receiving the request.
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3 *See* A.R.S. § 41-1092.06.

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7 The purpose of this Hearing is to determine whether grounds exist to revoke Respondent's
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10 **PARTIES & JURISDICTION**

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13 producer profession in this state. A.R.S. § 20-142 and A.R.S. §§ 20-281 *et seq.*

14 2. Melissa Jean Madrigal ("Madrigal" or "Respondent") is licensed in Arizona as a
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16 3. The Office of Administrative Hearings has subject matter and personal jurisdiction
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19 **FACTS**

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22

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1 **ORIGINAL** of the foregoing filed electronically
this 23rd day of August, 2023, to:

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3 Tammy Eigenheer, Administrative Law Judge
4 <https://portal.azoah.com/submission>
Office of Administrative Hearings

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

6 Gio Espinosa, Regulatory Legal Affairs Officer
7 Ana Starcevic, Paralegal Project Specialist
8 Steven Fromholtz, Licensing Division Manager
9 Wendy Greenwood, Investigations Supervisor
Arizona Department of Insurance and Financial Institutions
100 North 15th Avenue, Suite 261
Phoenix, Arizona 85007

10 **COPY** mailed the same date by
11 Regular Mail and Certified Mail, Return Receipt Requested, to:
(Receipt No. 9489 0090 0027 6486 6701 60)

12 Melissa Jean Madrigal
13 1508 Virginia Avenue, Apt. 107
Daytona Beach, Florida 32114
Respondent

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

16 Melissa Jean Madrigal
17 contracting@medicareinsurance.com
mmadrigal71@hotmail.com
Respondent

18
19 Raya Gardner, Assistant Attorney General
Raya.Gardner@azag.gov
AdminLaw@azag.gov
20 *Attorney for the Department*

21 Ana Starcevic

22 11394050