

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

STATE OF ARIZONA
DEPARTMENT OF INSURANCE AND FINANCIAL INSTITUTIONS

In the Matter of:

No. 21A- 083 -INS

COLOMA, CARMEN YESENIA
(National Producer No. 6748740)

CONSENT ORDER

and

COLOMA & ASSOCIATES LLC
(National Producer No. 17882342)

Respondents.

The Arizona Department of Insurance and Financial Institutions (“Department”) has received evidence that **Carman Yesenia Coloma and Coloma & Associates LLC (“the Respondents”)** violated provisions of Title 20, Arizona Revised Statutes (“A.R.S”). Respondents wish to resolve this matter without the commencement of formal proceedings, and admit the following Findings of Fact are true, and consent to the entry of the following Conclusions of Law and Order.

FINDINGS OF FACT

1. Carmen Yesenia Coloma (“Coloma”) is, and was at all material times, licensed as an Arizona resident insurance producer, National Producer Number (“NPN”) 6748740, with two (2) lines of authority in: property and casualty. The Department first licensed Coloma on April 12, 1999. The license last renewed effective June 1, 2020, and is scheduled to expire on May 31, 2024.

1 2. Coloma's business address of record with the Department: is 4150 West
2 Northern Avenue, Suite 105, Phoenix, AZ 85051. Coloma's business email address with the
3 Department is yclaytoninsurance@msn.com.

4 3. Coloma's mailing address of record with the Department is: 15316 West Roma
5 Avenue, Goodyear, AZ 85395.

6 4. Coloma & Associates LLC ("the Agency") is, and was at all material times,
7 licensed as an Arizona resident insurance producer (business entity). The Agency license,
8 NPN number 17882342, last renewed on April 1, 2020, and is scheduled to expire on March
9 31, 2024.

10 5. The Agency's business address of record with the Department is: 4150 West
11 Northern Avenue, Suite 105, Phoenix, AZ 85051. The Agency's business email address
12 with the Department is yclatoninsurance@msn.com.

13 6. The Agency's mailing address of record with the Department is: 10720 West
14 Indian School #33, Phoenix, AZ 85037.

15 7. The Department received multiple complaints against the Respondents for
16 failure to effectuate homeowners' policies and misappropriation of premium.

17 **Complaint One**

18 8. On or about December 18, 2020, the Department received a consumer
19 complaint from J.Q., who alleged that Coloma failed to place his homeowners policy.

20 9. On or about July 14, 2020, J.Q. paid a \$457.00 annual premium to fund his
21 homeowners policy at close of escrow.

22

1 **Complaint Three**

2 19. On or about May 27, 2021, the Department received a consumer complaint
3 directly from West Star.

4 20. On or about November 1, 2019, E.A paid \$990.00 to fund his homeowners
5 policy with Encompass Property and Casualty Company (“Encompass”).

6 21. WFG National Title Insurance Company (“WFG”) subsequently issued a
7 check at close of escrow to the Respondents for payment of E.A.’s annual premium.

8 22. On or about November 1, 2019, Coloma cashed the check but failed to
9 effectuate the policy with Encompass. Coloma misappropriated E.A.’s premium and
10 withheld the funds for approximately one (1) year.

11 23. In two (2) separate payments, on or about January 11, 2021 and January 19,
12 2021, respectively, Coloma refunded the premium to West Star.

13 **Complaint Four**

14 24. On or about May 27, 2021, the Department received a consumer complaint
15 directly from West Star.

16 25. On or about December 10, 2019, D.B. paid \$792.00 to fund her homeowners
17 policy with Encompass.

18 26. Empire West Title Agency (“Empire”) subsequently issued a check at close of
19 escrow to the Respondents for payment of D.B.’s annual premium.

20 27. On or about December 16, 2019, Coloma cashed the check but failed to
21 effectuate the policy with Encompass. Coloma misappropriated D.B.’s premium and withheld
22 the funds for approximately eighteen months.

1 28. On or about August 17, 2021, Coloma refunded the premium to West Star.

2 **Complaint Five**

3 29. On or about May 28, 2021, the Department received a consumer complaint
4 directly from West Star.

5 30. On or about March 4, 2020, L. S. paid \$1,094.00 to fund a homeowners policy
6 with Homeowners of America Insurance Company (“Homeowners”).

7 31. American Title subsequently issued a check at close of escrow to the
8 Respondents at close of escrow for payment of L.S.’s annual premium.

9 32. On or about March 9, 2020, Coloma cashed the check but failed to effectuate
10 the policy with Homeowners. Coloma misappropriated L.S.’s premium and withheld the
11 funds for approximately one (1) year.

12 33. On or about April 28, 2021, Coloma refunded the premium to West Star.

13 **Complaint Six**

14 34. On or about May 28, 2021, the Department received a consumer complaint
15 directly from West Star.

16 35. On or about March 9, 2020, M.J. paid \$654.00 to fund a homeowners policy
17 with American Summit.

18 36. WFG subsequently issued a check at close of escrow to the Respondents at for
19 payment of M.J.’s annual premium.

20 37. On or about March 13, 2020, Coloma cashed the check but failed to effectuate
21 the policy with American Summit. Coloma misappropriated M.J’s premium and withheld the
22 funds for approximately one (1) year.

1 47. On or about April 19, 2020, Coloma cashed the check but failed to effectuate
2 the policy with American Summit. Coloma misappropriated I.G.'s premium and withheld the
3 funds for approximately one (1) year.

4 48. On or about June 10, 2021, Coloma returned premium to West Star.

5 **Complaint Nine**

6 49. On or about June 7, 2021, the Department received a consumer complaint
7 directly from West Star.

8 50. On or about August 16, 2020, E.C. paid \$643.00 to fund a homeowners policy
9 with American Summit.

10 51. Great American Title Agency, Inc. ("Great American") subsequently issued a
11 check at close of escrow to the Respondents for payment of E.C.'s annual premium.

12 52. On or about August 3, 2020, Coloma cashed the check but failed to effectuate
13 the policy with American Summit. Coloma misappropriated E.C.'s premium and withheld
14 the funds for approximately ten (10) months.

15 53. On or about June 10, 2021, Coloma issued a payment to Stillwater to effectuate
16 a homeowners policy for E.C. To fully fund the Stillwater policy, Coloma added \$4.41 of
17 her own funds to pay the higher premium.

18 **Failure to Report Address Change**

19 54. On or about June 30, 2021, the Department mailed a subpoena by USPS
20 certified mail, return receipt requested, to Coloma's business and mailing addresses of
21 record.

22

1 55. On or about July 2, 2021, via USPS online tracking, the subpoena sent to
2 Coloma's mailing address with the Department was forwarded to an address in Goodyear,
3 AZ and subsequently delivered to a Phoenix, AZ address. During her interview, Coloma
4 stated that the subpoena had been forwarded to her daughter's address (Bloomfield Road).

5 56. On July 16, 2021, during an investigational interview, Coloma confirmed her
6 mailing address (Roma Avenue). Coloma provided a new email address,
7 eaicinsurance@gmail.com, as well as a new business address on Colter Street. Coloma
8 stated the change in her business address occurred approximately two (2) years prior.
9 Coloma failed to timely notify the Department of the changes in her contact information.

10 57. Coloma failed to notify the director of any change of addresses within the
11 statutorily-mandated thirty (30) days as required by A.R.S. §20-286(C)(1).

12 **CONCLUSIONS OF LAW**

13 1. The director has jurisdiction over this matter.

14 2. Respondents' conduct, as described above, constitutes a violation of Title 20 or
15 any rule, subpoena or order of the Director, within the meaning of A.R.S. § 20-295(A)(2).

16 3. Respondents' conduct as described above, constitutes improperly withholding
17 and misappropriation of monies within the meaning of A.R.S. § 20- 295(A)(4).

18 4. Respondents' conduct as described above, constitutes using fraudulent and
19 dishonest practices, and demonstrating incompetence, untrustworthiness, and financial
20 responsibility, in violation of A.R.S. § 20-295(A)(8).

21
22

1 5. Respondents’ conduct as described above, constitutes failing to inform the
2 Director within thirty days of any change in the licensee’s residential, business or email
3 address within the meaning of A.R.S. § 20-286(C)(1).

4 **ORDER**

5 IT IS HEREBY ORDERED THAT:

- 6 1. Carmen Yesenia Coloma’s Arizona resident insurance producer license, NPN
7 6748740, is revoked, effective immediately upon entry of this Order.
- 8 2. Coloma & Associates’ Arizona resident insurance producer license (business
9 entity), NPN 17882342, is revoked, effective immediately upon entry of this Order.

10
11 Effective this 25th day of October , 2021.

12
13 

14 _____
15 Evan G. Daniels, Director
16 Arizona Department of Insurance and
17 Financial Institutions

18 **CONSENT TO ORDER**

- 19 1. Respondents have reviewed the foregoing Findings of Fact, Conclusions of
20 Law and Order.
- 21 2. Respondents admit to the jurisdiction of the Director of the Arizona
22 Department of Insurance and Financial Institutions and admit to the foregoing Findings of
Fact and consent to the entry of the foregoing Conclusions of Law and Order.

1 3. Respondents are aware of their right to notice and to a hearing, at which they
2 may be represented by counsel, present evidence and examine witnesses.

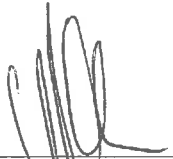
3 4. Respondents irrevocably waive their right to such notice and hearing and to
4 any court appeals relating to this Consent Order.

5 5. Respondents state that no promise of any kind or nature whatsoever, except as
6 expressly contained in this Consent Order, was made to induce them to enter into this
7 Consent Order and that they have entered into this Consent Order voluntarily.

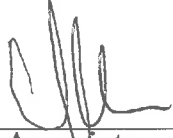
8 6. Respondents acknowledge that the acceptance of this Consent Order by the
9 Director is solely to settle the matter against them and does not preclude any other agency,
10 officer, or subdivision of this state including the Department, from instituting civil or
11 criminal proceedings as may be appropriate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

12 7. Respondents acknowledge that this Consent Order is an administrative action
13 that the Department will report to the National Association of Insurance Commissioners
14 (NAIC). Respondents further acknowledge that they must report this administrative action
15 to any and all states in which they hold an insurance license and must disclose this
16 administrative action on any license application.

17
18 09/22/2021
Date


Carmen Yesenia Coloma
(NPN License No. 6748740)

19
20 10/22/2021
Date


Coloma & Associates
(NPN License No. 17882342)

1 **COPY** of the foregoing delivered by E-mail
this 26th day of October, 2021, to:

2
3 Carmen Yesenia Coloma
4 4150 W. Northern Ave., Ste-105
5 Phoenix, AZ 85051
6 yclaytoninsurance@msn.com
7 Respondent

8
9 Carmen Yesenia Coloma
10 15316 W. Roma Ave.
11 Goodyear, AZ 85395
12 Respondent

13
14 Coloma & Associates LLC
15 4150 W. Northern Ave., Ste-105
16 Phoenix, AZ 85051
17 yclaytoninsuance@msn.com
18 Respondent

19
20 Coloma & Associates LLC
21 10720 W. Indian School Rd, Ste-33
22 Phoenix, AZ 85037
Respondent

23 **COPY** of the foregoing delivered/emailed same date, to:

24
25 Deian Ousounov, Regulatory Legal Affairs Officer
26 Ana Starcevic, Paralegal Project Specialist
27 Catherine M. O'Neil, Consumer Legal Affairs Office
28 Steven Fromholtz, Division Manager, Licensing Division
29 Aqueelah Currie, Licensing Supervisor
30 Linda Lutz, Legal Assistant, Licensing Division
31 Dawn Lucero, Investigator
32 Arizona Department of Insurance and Financial Institutions
33 100 North 15th Avenue, Suite 261
34 Phoenix, Arizona 85007-2630

35
36 Francine Juarez
37 Francine Juarez