

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

STATE OF ARIZONA

DEPARTMENT OF INSURANCE AND FINANCIAL INSTITUTIONS

In the Matter of:

LUECKE, JONATHON DAVID

(National Producer No. 19774840)

Respondent

No. 23A-025-INS

DEFAULT ORDER

On August 9, 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 Jonathon David Luecke ("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 5, 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.

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

CONCLUSIONS OF LAW

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 Jonathon David Luecke is revoked effective upon the issuance of this Order.
2. The hearing set for **September 28, 2023 at 1:00 p.m.** shall be vacated.

DATED and EFFECTIVE this 20th day of September, 2023.

Barbara D. Richardson

Barbara D. Richardson, Director
Arizona Department of Insurance
and Financial Institutions

1 **COPY** of the foregoing electronically filed this
20th day of September, 2023 to:

2 Adam Stone, Administrative Law Judge
3 <https://portal.azoah.com/submission>
Office of Administrative Hearings

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

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

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

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

12 Jonathon David Luecke
13 2329 Whitewood Lane
Cincinnati, OH 45239
14 *Respondent* 9489 0090 0027 6486 6594 86

15 Jonathon David Luecke
Jonathon.luecke@agmedicare.com
16 *Respondent*

17 *Ana Starcevic*

18 11501736

19
20
21
22

Exhibit A

1 The Office of Administrative Hearings has designated Adam Stone at the address and
2 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 the 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. Jonathon David Luecke ("Luecke" or "Respondent") is licensed in Arizona as a
15 non-resident insurance producer, National Producer Number 19774840.

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. Luecke was at all material times licensed in Arizona as a non-resident insurance
21 producer, National Producer Number 19774840, with a line of authority in accident and health
22

1 or sickness insurance. The Department licensed Luecke on February 17, 2021, and his license is
2 scheduled to expire on September 30, 2024. Luecke's home state is Ohio.

3 5. Luecke has the following addresses on record with the Department: 5382 Cox-
4 Smith Road A, Mason, OH 45040 (business), 2329 Whitewood Lane, Cincinnati, OH 45239
5 (mailing), and jonathon.luecke@agmedicare.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 Luecke. In the Notice, CMS alleged that Luecke assisted consumers and facilitated health
10 plan enrollment during a period when he did not have a valid license in his home state of Ohio.

11 7. The Department reviewed the National Association of Insurance Commissioners
12 (NAIC) producer database report for Luecke. The NAIC report showed Luecke's resident
13 producer license in Ohio was issued by the Ohio Department of Insurance on January 24, 2021,
14 and had expired on November 1, 2022, due to non-renewal.

15 8. On March 2, 2023, the Department sent an email to Luecke informing him that he
16 was in violation of Arizona law due to his failure to be licensed as a resident in his home state
17 and offering him the opportunity to voluntarily surrender his Arizona non-resident producer
18 license on or before March 24, 2023. Luecke did not respond to the email.

19 9. On March 27, 2023, the Department sent a second email to Luecke, again offering
20 him the opportunity to voluntarily surrender his Arizona non-resident producer license on or
21 before March 31, 2023. Luecke did not respond to the email.

22

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

2. Any further relief that the tribunal deems appropriate.

DATED this 9th day of August, 2023.

Deian Ousounov

Deian Ousounov, Assistant Director
Arizona Department of Insurance and
Financial Institutions

1 **ORIGINAL** of the foregoing filed electronically
this 9th day of August, 2023, to:

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

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

6 Deian Ousounov, Assistant Director
7 Gio Espinosa, Regulatory Legal Affairs Officer
8 Ana Starcevic, Paralegal Project Specialist
9 Wendy Greenwood, Investigations Manager, Investigator
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 46)

12 Jonathon David Luecke
13 2329 Whitewood Lane
Cincinnati, OH 45239
14 *Respondent*

15 **COPY** sent via electronic mail
the same date, to:

16 Jonathon David Luecke
17 Jonathon.luecke@agmedicare.com
Respondent

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

20 Ana Starcevic
21 11366251

22

Exhibit B

STATE OF ARIZONA
Department of Insurance and Financial Institutions
FILED September 5, 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-025-INS

12 **LUECKE, JONATHON DAVID**
13 (National Producer No. 19774840)

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 Jonathon David Luecke ("Luecke") in default, deeming
19 the allegations set forth in the Notice as true, and ordering that Respondent's insurance
20 license be revoked.
21

22 On August 9, 2023, a Notice of Hearing and Complaint ("Notice") was filed in this
23 matter and served upon Luecke at his mailing address of record via regular mail and certified
24 mail pursuant to A.R.S. § 41-1092.04. The Notice was also sent to Luecke via his e-mail
25
26

1 address of record.

2 Luecke 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, Luecke has not filed an answer nor has
5 he 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. Luecke was at all material times licensed in Arizona as a non-resident
12 insurance producer, National Producer Number 19774840, with a line of authority in
13 accident and health or sickness insurance. The Department licensed Luecke on February 17,
14 2021 and his license is scheduled to expire on September 30, 2024. Luecke’s home state is
15 Ohio.
16

17 2. Luecke has the following addresses on record with the Department: 5382 Cox-
18 Smith Road A, Mason, OH 45040 (business), 2329 Whitewood Lane, Cincinnati, OH 45239
19 (mailing), and jonathon.luecke@agmedicare.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 Luecke. In the Notice, CMS alleged that Luecke assisted
25
26

1 consumers and facilitated health plan enrollment during a period when he did not have a
2 valid license in his home state of Ohio.

3 4. The Department reviewed the National Association of Insurance
4 Commissioners (NAIC) producer database report for Luecke. The NAIC report showed
5 Luecke's resident producer license in Ohio was issued by the Ohio Department of Insurance
6 on January 24, 2021 and had expired on November 1, 2022 due to non-renewal.
7

8 5. On March 2, 2023, the Department sent an email to Luecke informing him
9 that he was in violation of Arizona law due to his failure to be licensed as a resident in his
10 home state and offering him the opportunity to voluntarily surrender his Arizona non-
11 resident producer license on or before March 24, 2023. Luecke did not respond to the
12 email.
13

14 6. On March 27, 2023, the Department sent a second email to Luecke, again
15 offering him the opportunity to voluntarily surrender his Arizona non-resident producer
16 license on or before March 31, 2023. Luecke did not respond to the email.
17

18 7. On May 4, 2023, Department Investigator Kyle Tapia called Luecke, who
19 answered and confirmed his identity. When Mr. Tapia identified himself and asked if
20 Luecke had received the Department's emails, Luecke ended the call without warning.
21

22 CONCLUSIONS OF LAW

23 8. The Director has jurisdiction over this matter.

24 9. Respondent's conduct, as described above, constitutes failing to respond to a
25 Department request in an investigative matter, within the meaning of A.R.S. § 20-157(A).
26

1 13. Respondent’s conduct, as described above, constitutes failing to maintain a
2 license in good standing in the person’s home state, within the meaning of A.R.S. § 20-
3 287(A)(1).

4 14. Respondent’s conduct, as described above, constitutes violating any provision
5 of Title 20 or any rule, subpoena or order of the Director, within the meaning of A.R.S. §
6 20-295(A)(2).

7
8 15. Grounds exist for the Director to suspend, revoke, or refuse to renew
9 Respondent’s insurance license, pursuant to A.R.S. §§ 20-157(A), 20-287(A)(1) and 20-
10 295(A)(2).

11 Based upon the foregoing, the Department respectfully requests that the allegations set
12 forth in the August 9, 2023 Notice of Hearing and Complaint be deemed admitted and that
13 Respondent’s insurance license be revoked.

14
15 RESPECTFULLY SUBMITTED this 5th day of September, 2023.

16 KRISTIN K. MAYES, Attorney General

17 By /s/ Raya Gardner

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

21 **COPY** of the foregoing electronically filed this
22 5th day of September, 2023 with:

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

25 COPY of the foregoing emailed this same date to:
26

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

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 mailed and emailed this same date to:

Jonathon David Luecke
2329 Whitewood Lane
Cincinnati, OH 45239
Respondent

Jonathon David Luecke
Jonathon.luecke@agmedicare.com
Respondent

/s/ S. Hack
11465121