

No. 2020-6386

**Official Order
of the
Texas Commissioner of Insurance**

Date: 07/07/2020

Subject Considered:

Daniel Ochoa and Ochoa Insurance Services, LLC

[REDACTED]
El Paso, Texas 79938

Ochoa Insurance Services, LLC

[REDACTED]
El Paso, Texas 79935

Default Order
SOAH Docket No. 454-20-2776.C
TDI Enforcement File Nos. 15539 & 23952

General remarks and official action taken:

This is a default order taken against Daniel Ochoa (Ochoa) and Ochoa Insurance Services, LLC (Ochoa Insurance) because Ochoa and Ochoa Insurance engaged in fraudulent or dishonest acts or practices, Ochoa failed to respond to a department inquiry, and Ochoa Insurance engaged in acts constituting the business of insurance without a license. Ochoa and Ochoa Insurance did not respond to a Notice of Hearing filed by the Texas Department of Insurance. This order revokes Ochoa's license and orders Ochoa Insurance to cease and desist from engaging in the unauthorized business of insurance.

The following findings of fact and conclusions of law are adopted:

Findings of Fact

Failure to Respond to Notice of Hearing

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Commissioner's Order

Daniel Ochoa and Ochoa Insurance Services, LLC

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1. On February 25, 2020, the department filed a Notice of Hearing, attached as Exhibit A, and an Original Petition, attached as Exhibit B, with the State Office of Administrative Hearings.
2. The department's factual allegations set out in the attached Notice of Hearing and Original Petition are incorporated in this order as findings of fact.
3. The department sent the Notice of Hearing and Original Petition to Ochoa's last known address provided in writing to the department, [REDACTED], El Paso, Texas 79938. The Notice of Hearing and Original Petition were also sent to one additional address associated with Ochoa and Ochoa Insurance: [REDACTED], [REDACTED], El Paso, Texas 79935.
4. Ochoa and Ochoa Insurance failed to file a written response to the Notice of Hearing within 20 days of the date the Notice of Hearing and Original Petition were mailed.

Conclusions of Law

1. The commissioner of insurance has jurisdiction over this matter pursuant to TEX. INS. CODE §§ 82.051-82.055, 84.021-84.022, 101.102, 4001.002, 4001.101, 4005.101, 4005.102, 4051.051, and 4054.051, and TEX. GOV'T CODE §§ 2001.051-2001.178.
2. The commissioner has authority to dispose of this case informally pursuant to TEX. GOV'T CODE § 2001.056; TEX. INS. CODE § 82.055; and 28 TEX. ADMIN. CODE §§ 1.47, 1.88, and 1.89.
3. The department provided proper notice of the hearing pursuant to TEX. GOV'T CODE §§ 2001.051, 2001.052, and 2001.054, and 28 TEX. ADMIN. CODE §§ 1.28, 1.88, 1.89, and 19.906.
4. Based on Ochoa and Ochoa Insurance's failure to file a written response to the Notice of Hearing, the department is entitled to disposition by default pursuant to 28 TEX. ADMIN. CODE §§ 1.88 and 1.89.
5. The department's factual and legal allegations set out in the attached Notice of Hearing and Original Petition are incorporated in this order and deemed admitted as true pursuant to 28 TEX. ADMIN. CODE § 1.89.

Affidavit

STATE OF TEXAS §
 §
COUNTY OF TRAVIS §

Before me, the undersigned authority, personally appeared Sonia Beck, who, being by me duly sworn, deposed as follows:

"My name is Sonia Beck and I am employed by the Texas Department of Insurance. I am of sound mind, capable of making this affidavit, and have personal knowledge of these facts which are true and correct.

I have reviewed TDI's records concerning Daniel Ochoa and Ochoa Insurance Services, LLC. I have confirmed that:

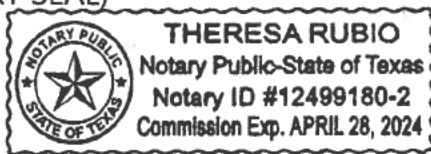
- a. The last mailing address provided to the department in writing by Daniel Ochoa is [REDACTED] El Paso, Texas 79938.
- b. The file maintained by the Enforcement Division contains a Notice of Hearing and Original Petition dated February 25, 2020, which were filed with the State Office of Administrative Hearings.
- c. On February 25, 2020, the Notice of Hearing and Original Petition addressed to Daniel Ochoa and Ochoa Insurance Services, LLC were mailed certified, return receipt requested, to Ochoa's last known address and one additional address associated with Ochoa and Ochoa Insurance Services, LLC: [REDACTED] [REDACTED] El Paso, Texas 79935.

A copy of the certified mail log maintained by the Enforcement Division is attached as Exhibit C."

Affiant

SWORN TO AND SUBSCRIBED before me on June 17, 2020

(NOTARY SEAL)



Theresa Rubio
Signature of Notary Public

2020-6386

Commissioner's Order
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Theresa Rubio
Printed Name of Notary Public

SOAH DOCKET NO. 454-20-2776.C
TDI ENFORCEMENT FILE NOS. 15539 & 23952

TEXAS DEPARTMENT OF INSURANCE,

Petitioner

v.

DANIEL OCHOA AND OCHOA
INSURANCE SERVICES, LLC,

Respondents

BEFORE THE STATE OFFICE

OF

ADMINISTRATIVE HEARINGS

NOTICE OF HEARING

The Texas Department of Insurance seeks to take disciplinary action against Daniel Ochoa and Ochoa Insurance Services, LLC (collectively, Respondents). This Notice of Hearing and the Original Petition, which is attached and incorporated for all purposes, states the allegations against Respondents and the relief sought by the department.

A public hearing will be held before an Administrative Law Judge on **Thursday, May 14, 2020, at 9:00 a.m.** The hearing will take place at the State Office of Administrative Hearings, located in the William P. Clements Building, 300 W. 15th Street, 4th Floor, Austin, Texas, 78701.

The hearing shall be conducted pursuant to TEX. GOV'T CODE, ch. 2001 and 1 TEX. ADMIN. CODE, ch. 155. Unless otherwise directed by the Administrative Law Judge, the hearing shall continue from day to day in the offices of the State Office of Administrative Hearings until concluded. You have the right to appear at this hearing and to be represented by an attorney.

Parties that are not represented by an attorney may obtain information regarding contested case hearings on the public website of the State Office of Administrative Hearings at www.soah.texas.gov, or in printed format upon request to SOAH.

YOU MUST FILE A WRITTEN RESPONSE TO THE NOTICE OF HEARING WITH THE STATE OFFICE OF ADMINISTRATIVE HEARINGS WITHIN 20 DAYS OF THE DATE THE NOTICE OF HEARING WAS MAILED. FAILURE TO FILE A WRITTEN RESPONSE BY THIS

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Notice of Hearing

Daniel Ochoa and Ochoa Insurance Services, LLC

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DEADLINE SHALL ENTITLE TDI TO SEEK DISPOSITION BY DEFAULT PURSUANT TO 1 TEX. ADMIN. CODE § 155.501 AND 28 TEX. ADMIN. CODE §§ 1.88 AND 1.89.

IF YOU FAIL TO FILE A WRITTEN RESPONSE, THE SCHEDULED HEARING CAN BE CANCELED AND WITHOUT FURTHER NOTICE TO YOU THE COMMISSIONER OF INSURANCE CAN ISSUE AN ORDER IN WHICH THE ALLEGATIONS IN THE NOTICE OF HEARING ARE DEEMED ADMITTED AS TRUE AND THE RELIEF SOUGHT IN THE NOTICE OF HEARING, INCLUDING REVOCATION OF YOUR LICENSE, ISSUANCE OF A CEASE AND DESIST ORDER, IMPOSITION OF ADMINISTRATIVE PENALTIES, AND/OR PAYMENT OF RESTITUTION IS GRANTED BY DEFAULT.

IF YOU FILE A WRITTEN RESPONSE BUT THEN FAIL TO APPEAR ON THE DAY AND TIME SET FOR HEARING, WITHOUT FURTHER NOTICE TO YOU, THE COMMISSIONER OF INSURANCE CAN ISSUE AN ORDER IN WHICH THE ALLEGATIONS IN THE NOTICE OF HEARING ARE DEEMED ADMITTED AS TRUE AND THE RELIEF SOUGHT IN THE NOTICE OF HEARING, INCLUDING REVOCATION OF YOUR LICENSE, ISSUANCE OF A CEASE AND DESIST ORDER, IMPOSITION OF ADMINISTRATIVE PENALTIES, AND/OR PAYMENT OF RESTITUTION IS GRANTED BY DEFAULT.

In accord with 28 TEX. ADMIN. CODE § 1.90(e) and 1 TEX. ADMIN. CODE §§ 155.101 and 155.103, you should send copies of your written response to:

- (1) Docketing Division
State Office of Administrative Hearings
300 West 15th Street, Room 504
P.O. Box 13025
Austin, Texas 78711-3025
(512) 322-2061 (Fax);
- (2) Chief Clerk
Texas Department of Insurance
P.O. Box 149104, MC112-2A
Austin, Texas 78714-9104
(512) 490-1064 (Fax)
chiefclerk@tdi.texas.gov; and
- (3) Cassie Tigue, Staff Attorney
Texas Department of Insurance

2020-6386

Notice of Hearing

Daniel Ochoa and Ochoa Insurance Services, LLC

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Enforcement Division, MC110-1A

P.O. Box 149104

Austin, Texas 78714-9104

(512) 490-1020 (Fax)

Cassie.Tigue@tdi.texas.gov

Receiving Documents

The State Office of Administrative Hearings (SOAH) offers you the ability to receive service of orders and other documents issued by SOAH through email instead of by mail or fax. If you want to receive SOAH-issued documents by email, go to SOAH's website, www.soah.texas.gov, click on the "E-Services" tab, then click the "Email Service" hyperlink, and follow the instructions.

NOTE: A request to receive SOAH-issued documents by email does not change the procedures you must follow to file documents with SOAH. The rules for filing documents and providing copies to all other parties in the case are described in SOAH's Procedural Rules, which are available on SOAH's website. Click the "Agency" tab, then click "Administrative Rules and Laws" to view SOAH's Procedural Rules.

Important Security Notice

ALL VISITORS TO THE WILLIAM P. CLEMENTS BUILDING WITHOUT AN AGENCY OR DPS ISSUED ID CARD MUST PROVIDE THE BUILDING SECURITY OFFICER WITH THE STATE OFFICE OF ADMINISTRATIVE HEARINGS DOCKET NUMBER AND RECEIVE A VISITOR'S PASS IN ORDER TO BE ALLOWED ACCESS TO THE HEARING ROOM. INDIVIDUALS SHOULD ALLOW ADDITIONAL TIME TO GO THROUGH THE SECURITY PROCESS.

If you have any questions, please contact me at the address or telephone number shown below.

Respectfully Submitted,



Cassie Tigue

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Notice of Hearing

Daniel Ochoa and Ochoa Insurance Services, LLC

SOAH Docket No. 454-20-2776.C

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State Bar No. 24099994

Texas Department of Insurance

Enforcement Division, MC110-1A

P.O. Box 149104

Austin, Texas 78714-9104

(512) 676-6356 (Direct)

(512) 490-1020 (Fax)

Cassie.Tigue@tdi.texas.gov

ATTORNEY FOR THE PETITIONER

TEXAS DEPARTMENT OF INSURANCE

Enclosure: Original Petition

cc: Leah Gillum, Deputy Commissioner, Enforcement Division, MC-110-1A
Ginger Loeffler, Litigation Director, Enforcement Division, MC-110-1A
Administrative Review, MC107-1A

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Daniel Ochoa and Ochoa Insurance Services, LLC
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CERTIFICATE OF SERVICE

I, Cassie Tigie, certify that a true and correct copy of the *Notice of Hearing and the Original Petition* were sent by regular, first-class mail and by certified mail, return receipt requested, on this 25th day of February, 2020 to:

Daniel Ochoa
Ochoa Insurance Services, LLC
[REDACTED]
El Paso, Texas 79938
Respondents Pro Se

Via CM/RRR No.: 9214 8901 9403 8307 5240 96

Daniel Ochoa
Ochoa Insurance Services, LLC
[REDACTED]
El Paso, Texas 79935
Respondents Pro Se

Via CM/RRR No.: 9214 8901 9403 8307 5241 40



Cassie Tigie

SOAH DOCKET NO. 454-20-2776.C
TDI ENFORCEMENT FILE NO. 15539 & 23952

TEXAS DEPARTMENT OF INSURANCE,

Petitioner

v.

DANIEL OCHOA AND OCHOA
INSURANCE SERVICES, LLC,

Respondents

BEFORE THE STATE OFFICE

OF

ADMINISTRATIVE HEARINGS

ORIGINAL PETITION

The Texas Department of Insurance seeks to take disciplinary action against Daniel Ochoa and Ochoa Insurance Services, LLC. (collectively, Respondents). In support of this petition, the department makes the following allegations upon information and belief:

Jurisdiction

The commissioner of insurance has jurisdiction over this matter pursuant to TEX. INS. CODE §§ 82.051-82.055, 84.021-84.022, 101.102, 4001.002, 4001.101, 4005.101, 4005.102, 4051.051, 4054.051, and TEX. GOV'T CODE §§ 2001.051-2001.178.

Factual Allegations

Licensure and Background

1. Daniel Ochoa (Ochoa), individual identification no. 1201561, holds a general lines agent license with a life, accident, and health qualification, and a property and casualty qualification, originally issued by Texas Department of Insurance on May 3, 2013.
2. Ochoa Insurance Services, LLC (Ochoa Insurance), firm identification no. 147038, holds a general lines agency license with a property and casualty qualification, originally issued by the department on August 23, 2018.

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Original Petition

Daniel Ochoa and Ochoa Insurance Services, LLC

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3. Farmers Insurance Companies (Farmers) appointed Ochoa as an agent from May 2013, through February 2018.

Fraudulent/Dishonest Conduct

4. In August 31, 2017, Farmers' Internal Audit received an underwriting referral for Ochoa due to his low underwriting quality index score. Farmers' Underwriting noted the possible manipulation of 16 roofing permits to support a new roof discount. The roof permit documentation submitted by the agency did not match the documentation on the city of El Paso building permit website. In addition, Farmers' Underwriting identified 19 questionable proof of prior insurance documents submitted by Ochoa's agency. As a result, Farmers' Internal Audit opened an investigation on the Ochoa's agency.
5. On September 22, 2017, Farmers conducted an interview with Ochoa and two of his employees, Mary Monje (Monje) and Marleen Roth (Roth). Monje was the only other licensed agent at Ochoa's agency. Roth was not licensed and was responsible for daily, routine office work which included scanning documents to Farmers' Imaging Center. Monje's license expired January 31, 2020.
6. During the interview on September 22, 2017, Roth admitted to creating all of the fictitious documents that were discovered during the audit one month prior. Roth said she created these documents when she was unable to obtain the necessary documents from the insureds. Both Ochoa and Monje signed written statements during the interview admitting they were unaware that the documents were fraudulent, but both Ochoa and Monje acknowledged that the activity had occurred at the agency.
7. Ochoa's written statement collected during the interview also acknowledged some of the fictitious documents were used on policies he personally wrote.
8. The very next day, after the interview was concluded, Roth emailed the Farmers district manager and said Ochoa and Monje had pressured her to take the blame for the fraudulent documents. Roth stated that she had never forged any documents while working at the agency and that her statements to the Farmers' investigator the day before were not true.

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Original Petition

Daniel Ochoa and Ochoa Insurance Services, LLC

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9. Farmers subsequently informed the department that its investigation had found that Ochoa and Ochoa Insurance had engaged in fraudulently manipulating proof of prior insurance documents and roof certificates in order to place coverage with Farmers or to earn discounted premiums.

Unlicensed Agency

10. Ochoa operated Ochoa Insurance without holding an agency license for approximately two and a half years—from February of 2016 until August 23, 2018, when the agency was licensed by the department.

Failure to Timely Respond to Requests for Information

11. On September 28, 2018, the department sent Ochoa a request for information pursuant to TEX. INS. CODE § 38.001 which required Ochoa to respond in writing not later than the 15th day after Ochoa received the request. Ochoa requested an extension, which the department granted, but the department never received a response from Ochoa.

Legal Allegations

1. Respondents have committed acts for which a license holder may be disciplined under TEX. INS. CODE § 4005.101, as contemplated by TEX. INS. CODE §§ 4005.102 and 4101.201.
2. Respondents have willfully violated an insurance law of this state, pursuant to TEX. INS. CODE § 4005.101(b)(1).
3. Respondents have engaged in fraudulent or dishonest acts or practices, in violation of TEX. INS. CODE § 4005.101(b)(5).
4. Ochoa failed to respond to a department inquiry in writing not later than the 15th day after the date he received the inquiry, in violation of TEX. INS. CODE § 38.001.
5. Respondents have engaged in acts constituting the business of insurance without a license as defined in TEX. INS. CODE §§ 101.102, 4001.101, and 4051.051.

Relief Sought

If one or more of the above allegations is found to be true, the department asks the Administrative Law Judge to enter a Proposal for Decision recommending that the Commissioner of Insurance issue an order:

1. revoking Ochoa and Ochoa Insurance's licenses;
2. assessing an administrative penalty;
3. ordering restitution paid; and
4. any other just and appropriate relief to which the department may be entitled to by law, including any combination of the above actions.

Respectfully Submitted,



Cassie Tigue
State Bar No. 24099994
Texas Department of Insurance
Enforcement Division, MC110-1A
P.O. Box 149104
Austin, Texas 78714-9104
(512) 676-6356 (Direct)
(512) 490-1020 (Fax)
Cassie.Tigue@tdi.texas.gov

ATTORNEY FOR THE PETITIONER
TEXAS DEPARTMENT OF INSURANCE

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Shipment Confirmation
Acceptance Notice



A. Mailer Action

Note to Mailer: The labels and volume associated to this form online, must match the labeled packages being presented to the USPS® employee with this form.

Shipment Date: 02/25/2020

Shipped From:

Name: S BECK

Address: 333 GUADALUPE ST

City: AUSTIN

State: TX ZIP+4® 78701

Type of Mail	Volume
Priority Mail Express®	
Priority Mail®	0
First-Class Package Service®	
Returns	
International*	
Other	2
Total	2

*Start time for products with service guarantees will begin when mail arrives at the local Post Office™ and items receive individual processing and acceptance scans.

B. USPS Action

Note to RSS Clerk:

1. Home screen > Mailing/Shipping > More
2. Select Shipment Confirm
3. Scan or enter the barcode/label number from PS Form 5630
4. Confirm the volume count message by selecting Yes or No
5. Select Pay and End Visit to complete transaction

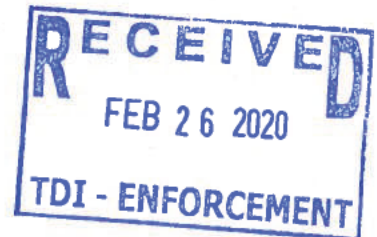
USPS EMPLOYEE: Please scan upon pickup or receipt of mail. Leave form with customer or in customer's mail receptacle.

Exhibit C

USPS SCAN AT ACCEPTANCE



9275 0901 1935 6200 0020 5354 51



TIGUE 15539 & 23952



Firm Mailing Book For Accountable Mail

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Name and Address of Sender

S. Beck
Texas Department of Insurance
333 Guadalupe St
Austin TX 78701

USPS Tracking/Article Number

1. 9214 8901 9403 8307 5240 96
TIGUE 15539 & 23952

2. 9214 8901 9403 8307 5241 40

Check type of mail or service

Adult Signature Required

Adult Signature Restricted Delivery

Certified Mail

Certified Mail Restricted Delivery

Collect on Delivery (COD)

Insured Mail

Priority Mail

Priority Mail Express

Registered Mail

Return Receipt for Merchandise

Signature Confirmation

Signature Confirmation Restricted Delivery

Affix Stamp Here
(if issued as an international certificate of mailing or for additional copies of this receipt).
Postmark with Date of Receipt.

Postage	(Extra Service) Fee	Handling Charge	Actual Value if Registered	Insured Value	Due Sender if COD	ASR Fee	ASRD Fee	RD Fee	RR Fee	SC Fee	SCRD Fee	SH Fee
1.40	3.55								1.70			
0.80	3.55	Handling Charge - if Registered and over \$50,000 in value				Adult Signature Required	Adult Signature Restricted Delivery	Restricted Delivery	Return Receipt	Signature Confirmation	Signature Confirmation Restricted Delivery	Special Handling

RECEIVED
FEB 26 2020

TDI - ENFORCEMENT

GMP WINDOW
FEB 25 2020
AUSTIN TX 78710

Postmaster, Per (Name of receiving employee)

Total Number of Pieces Listed by Sender: 2

Total Number of Pieces Received at Post Office: 2

PS Form 3877, April 2015 (Page 1 of 1)

PSN 7530-02-000-9098

Complete in Ink

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