

No. 2021-6759

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

Date: 04/01/2021

Subject Considered:

Nora A. Robles

[REDACTED]
Waco, Texas 76706-3950

Default Order
SOAH Docket No. 454-21-1537
TDI Enforcement File No. 23116

General remarks and official action taken:

The subject of this default order is whether a county mutual agent license should be issued to Nora A. Robles (Respondent). Respondent did not respond to a Notice of Hearing filed by the Texas Department of Insurance. This order denies Respondent's license application.

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

Findings of Fact

Failure to Respond to Notice of Hearing

1. On March 2, 2021, 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 Respondent's last known address provided in writing to the department, [REDACTED],

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Waco, Texas 76706. The Notice of Hearing and Original Petition were also sent by electronic mail and to an additional address associated with Respondent, [REDACTED] [REDACTED] Waco, Texas 76711.

4. Respondent 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 has jurisdiction pursuant to Texas law, including TEX. INS. CODE §§ 82.051-82.055, 912.251, 4001.002, 4005.101, 4005.102, 4051.201, and TEX. GOV'T CODE §§ 2001.051-2001.178, 28 TEX. ADMIN. CODE § 1.502, and TEX. OCC. CODE §§ 53.021-53.023.¹
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 Respondent'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.

¹ All citation to the Texas Occupations Code in this Order refers to the law in effect prior to H.B. 1342 (86th R.S.), effective September 1, 2019. Section 14 of H.B. 1342 states: "The changes in law made by this Act apply only to an application for a license submitted on or after the effective date of this Act. An application for a license submitted before the effective date of this Act is governed by the law in effect on the date the application was submitted, and the former law is continued in effect for that purpose."

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Order

It is ordered that Nora A. Robles's application for a county mutual agent license is denied. A copy of this order will be provided to law enforcement and/or other appropriate administrative agencies for further investigation as may be warranted.

Commissioner of Insurance

DocuSigned by:

By: C77A87C8C21B435...
Doug Slape
Chief Deputy Commissioner
TEX. GOV'T CODE § 601.002
Commissioner's Order No. 2018-5528

Prepared and reviewed by:



Anna Kalapach, Staff Attorney
Enforcement Division

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Affidavit

STATE OF TEXAS §

§

COUNTY OF TRAVIS §


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

"My name is David Moreno 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 Nora A. Robles. I have confirmed that:

- a. The last mailing address provided to the department in writing by Nora A. Robles is [REDACTED], Waco, Texas 76706.
- b. The file maintained by the Enforcement Division contains a Notice of Hearing and Original Petition dated March 2, 2021, which were filed with the State Office of Administrative Hearings.
- c. On March 2, 2021, the Notice of Hearing and Original Petition addressed to Nora A. Robles were mailed certified, return receipt requested, to her last known address and to an additional address, [REDACTED] Waco, Texas 76711.

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

DocuSigned by:

518984A11AEB416...
Affiant

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Commissioner's Order

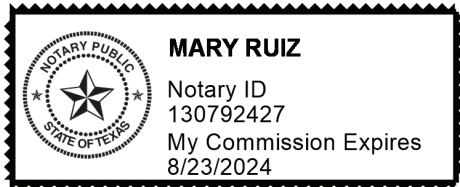
Nora A. Robles

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SWORN TO AND SUBSCRIBED before me by means of an interactive two-way audio and video communication on 3/25/2021. This notarial act was an online notarization.

Notary Seal



Digital Certificate

DocuSigned by:
Mary Ruiz
795DC4D59167489...

Notary Public State of Texas

2021-6759

ACCEPTED
454-21-1537
03/02/2021 11:25 AM
STATE OFFICE OF
ADMINISTRATIVE HEARINGS
Carol Hale, CLERK

FILED
454-21-1537
3/2/2021 11:04 AM
STATE OFFICE OF
ADMINISTRATIVE HEARINGS
Carol Hale, CLERK

**SOAH DOCKET NO. 454-21-1537
TDI ENFORCEMENT FILE NO. 23116**

TEXAS DEPARTMENT OF INSURANCE,

Petitioner

v.

NORA A. ROBLES,

Respondent

BEFORE THE STATE OFFICE

OF

ADMINISTRATIVE HEARINGS

NOTICE OF HEARING

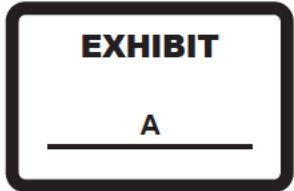
The Texas Department of Insurance seeks to deny your license application. This Notice of Hearing and the Original Petition, which is attached and incorporated for all purposes, states the allegations against you and the relief sought by the Department.

A public hearing will be held before an Administrative Law Judge on **Wednesday, August 4, 2021, at 9:00 a.m.** The hearing will take place via videoconference using a videoconference platform controlled by the State Office of Administrative Hearings, unless otherwise ordered to proceed in another manner by the Administrative Law Judge.

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 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.



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Notice of Hearing

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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 DENIAL OF YOUR LICENSE APPLICATION, 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 DENIAL OF YOUR LICENSE APPLICATION, 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) Anna Kalapach, Staff Attorney
Texas Department of Insurance
Enforcement Division, MC110-1A
P.O. Box 149104
Austin, Texas 78714-9104
(512) 490-1020 (Fax)
anna.kalapach@tdi.texas.gov

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Nora A. Robles

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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 hyperlink "Request Service by Email (only for use by self-represented litigants)," 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.

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

Respectfully Submitted,



Anna Kalapach
State Bar No. 24083290
Texas Department of Insurance
Enforcement Division, MC110-1A
P.O. Box 149104
Austin, Texas 78714-9104
(512) 676-6326 (Direct)
(512) 490-1020 (Fax)
anna.kalapach@tdi.texas.gov

ATTORNEY FOR THE PETITIONER
TEXAS DEPARTMENT OF INSURANCE

Enclosure: Original Petition

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

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CERTIFICATE OF SERVICE

I, Anna Kalapach, certify that a true and correct copy of the *Notice of Hearing and the Original Petition* were sent by the following methods, on this 2nd day of March, 2021 to:

Nora A. Robles

[REDACTED]

Waco, TX 76706

Respondent Pro Se

CM/RRR: 9214 8901 9403 8333 3886 48

Via Email to: [REDACTED]

Nora A. Robles

[REDACTED]

Waco, TX 76711

CM/RRR: 9214 8901 9403 8333 3888 60



Anna Kalapach

SOAH DOCKET NO. 454-454-21-1537
TDI ENFORCEMENT FILE NO. 23116

TEXAS DEPARTMENT OF INSURANCE,

Petitioner

v.

NORA A. ROBLES,

Respondent

BEFORE THE STATE OFFICE

OF

ADMINISTRATIVE HEARINGS

ORIGINAL PETITION

The Texas Department of Insurance seeks to deny Nora A. Robles’s license application. 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, 912.251, 4001.002, 4005.101, 4005.102, 4051.201, and TEX. GOV’T CODE §§ 2001.051-2001.178, 28 TEX. ADMIN. CODE § 1.502, and TEX. OCC. CODE §§ 53.021-53.023.¹

Factual Allegations

1. On August 13, 2019, Nora A. Robles (Robles) submitted an application to the department for a county mutual agent license.
2. The department proposed to deny Robles’s application on October 31, 2019, based on her criminal history. Robles appealed that decision and made a written request for a hearing.

¹ All citation to the Texas Occupations Code in this Original Petition refers to the law in effect prior to H.B. 1342 (86th R.S.), effective September 1, 2019. Section 14 of H.B. 1342 states: “The changes in law made by this Act apply only to an application for a license submitted on or after the effective date of this Act. An application for a license submitted before the effective date of this Act is governed by the law in effect on the date the application was submitted, and the former law is continued in effect for that purpose.”

EXHIBIT

B

Criminal History

3. On or about November 19, 2004, Robles, with the intent to defraud or harm another, made or executed a writing, so it purported to be the act of F.K., who did not authorize the act, and said writing was a check. Robles was indicted for this felony offense by a grand jury on February 9, 2005, in case number 2005-164-C, in the 54th District Court of McLennan County, Texas.
4. On or about November 24, 2004, Robles, with the intent to defraud or harm another, made or executed a writing, so it purported to be the act of R.K., who did not authorize the act, and said writing was a check. Robles was indicted for this felony offense by a grand jury on February 9, 2005, in case number 2005-164-C, in the 54th District Court of McLennan County, Texas.
5. Later, on February 9, 2005, in case number 2005-165-C in the same court, Robles was indicted by a grand jury for the felony offense of having between June 2004 and November 2004, unlawfully appropriated, by acquiring or otherwise exercising control over, property being savings account certificates held at the American Bank in Waco, Texas, of the value of \$1,500 or more, but less than \$20,000, from M.N., the owner, without the effective consent of the owner, by deception and with the intent to deprive the owner of the property.
6. Robles pled guilty to two counts of felony Forgery on June 2, 2005, in case number 2005-164-C. She was found guilty and sentenced to two years confinement in a State Jail Facility. The imposition of the sentence was suspended and Robles was placed on probation for five years.
7. After that adjudication, on July 20, 2005, the State dismissed the second case, number 2005-165-C, due to her two convictions in case number 2005-164-C. The State's Motion to Dismiss indicates the dismissal was considered in the adjudication of case number 2005-164-C, pursuant to TEX. PENAL CODE § 12.45.²

² Act of 1993, 73rd Leg., ch. 900, § 1.01, eff. Sept. 1, 1994 (amended 2019) (current version at TEX. PENAL CODE § 12.45). At the time of the offense, TEX. PENAL CODE § 12.45(a) stated, "A person may, with the consent of the attorney for the state, admit during the sentencing hearing his guilt of one or more unadjudicated offenses and request the court to take each into account in determining sentence for the offense or offenses of which he stands adjudged guilty."

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8. The conditions of Robles's probation in case number 2005-164-C included that Robles:
 - a. Submit a urine sample and/or blood sample and/or breath analysis to the Probation Officer or his assistant at any time a request for such a sample is made;
 - b. Pay the cost of the case in the amount of \$763;
 - c. Work faithfully and satisfactorily participate in a community service project(s) by completing 300 hours of community service within 24 months of the order; and
 - d. Be required to make full restitution in the amount of \$18,750, with payments made to the victim.
9. On July 19, 2010, Robles was discharged from probation in case number 2005-164-C.

Material Misstatement in Application and Attempt to Obtain License by Misrepresentation

10. The Application asked Robles, "Have you ever been convicted of any misdemeanor or felony offense in Texas, in any other state or by the federal government?"
11. Robles answered "no," which was a false answer because she had been convicted of two counts of felony Forgery.

Legal Allegations

1. Robles has intentionally made a material misstatement in her license application, as contemplated by TEX. INS. CODE § 4005.101(b)(2).
2. Robles has attempted to obtain a license by fraud or misrepresentation, as contemplated by TEX. INS. CODE § 4005.101(b)(3).
3. Robles has engaged in fraudulent or dishonest acts or practices, as contemplated by TEX. INS. CODE § 4005.101(b)(5).

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4. Robles has been convicted of a felony, as contemplated by TEX. INS. CODE § 4005.101(b)(8) and TEX. OCC. CODE § 53.021(a).
5. Robles has committed felony offenses and has engaged in fraudulent or dishonest activity that directly relate to the duties and responsibilities of the licensed occupation, as contemplated in 28 TEX. ADMIN. CODE § 1.502(d) and (f).
6. Robles committed offenses that the department considers to be of such a serious nature that it is of prime importance in determining fitness for licensure, as contemplated by 28 TEX ADMIN. CODE § 1.502(e)(1), and TEX. OCC. CODE §§ 53.021 – 53.023.
7. Department guidelines, 28 TEX ADMIN. CODE § 1.502(c)-(e), emphasize that the department:
 - a. considers it very important that applicants be honest, trustworthy, and reliable;
 - b. may refuse to issue an original license if the department determines that the applicant has committed a felony or misdemeanor that directly relates to the duties and responsibilities of the licensed occupation; and
 - c. considers the two counts of felony Forgery to be of such a serious nature that it is of prime importance when determining fitness for licensure. 28 TEX ADMIN. CODE § 1.502(e)(1).
8. Robles has been convicted of more than one felony involving dishonesty or breach of trust, as specified in 18 U.S.C. § 1033, and requiring written consent from the commissioner of insurance to engage or participate in the business of insurance.

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. denying Nora A. Robles's license application;
2. denying consent to allow Nora A. Robles to engage or participate in the business of insurance under 18 U.S.C. § 1033; and
3. imposing 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,



Anna Kalapach
State Bar No. 24083290
Texas Department of Insurance
Enforcement Division, MC110-1A
P.O. Box 149104
Austin, Texas 78714-9104
(512) 676-6326 (Direct)
(512) 490-1020 (Fax)
anna.kalapach@tdi.texas.gov
ATTORNEY FOR THE PETITIONER
TEXAS DEPARTMENT OF INSURANCE



Name and Address of Sender
MC 110-1A D MORENO
TEXAS DEPARTMENT OF INSURANCE
333 GUADALUPE ST
AUSTIN TX 78701

- 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
(for additional copies of this receipt).
Postmark with Date of Receipt.

USPS Tracking/Article Number

1. 9214 8901 9403 8333 3886 48

NORA A. ROBLES
MACO, TX 76706

Postage 1.40
(Extra Service) Fee 3.60

2. 9214 8901 9403 8333 3888 60

NORA A. ROBLES
MACO, TX 76711

Postage 1.40
(Extra Service) Fee 3.60

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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



Total Number of Pieces Listed by Sender 2

Total Number of Pieces Received at Post Office

Postmaster: Per (Name of receiving employee)

2021-6759



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: 03/02/2021

Shipped From:

Name: MC 110-1A D MORENO

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.

USPS SCAN AT ACCEPTANCE











9275 0901 1935 6200 0027 3000 07

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Tracking #: 921489019403833388648

Recipient: NORA A. ROBLES
[REDACTED]
WACO, TX 76706









Date & Time	Event Type	Event	Event Location
03/02/2021 11:00		PRE-SHIPMENT INFO SENT USPS AWAITS ITEM	AUSTIN, TX, 78701
03/02/2021 17:23		PICKED UP	AUSTIN, TX, 78744
03/03/2021 21:37		PROCESSED THROUGH USPS FACILITY	AUSTIN, TX, 78710
03/04/2021 03:11		DEPART USPS FACILITY	AUSTIN, TX, 78710
03/04/2021 14:56		PROCESSED THROUGH USPS FACILITY	FORT WORTH, TX, 76161
03/05/2021 07:16		ARRIVAL AT UNIT	WACO, TX, 76706
03/05/2021 07:27		OUT FOR DELIVERY	WACO, TX, 76706
03/05/2021 13:18		DELIVERED LEFT WITH INDIVIDUAL	WACO, TX, 76706

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Tracking #: 9214890194038333388860

Recipient: NORA A. ROBLES

WACO, TX 76711

Date & Time	Event Type	Event	Event Location
03/02/2021 11:00		PRE-SHIPMENT INFO SENT USPS AWAITS ITEM	AUSTIN, TX, 78701
03/02/2021 17:23		PICKED UP	AUSTIN, TX, 78744
03/03/2021 21:37		PROCESSED THROUGH USPS FACILITY	AUSTIN, TX, 78710
03/04/2021 03:11		DEPART USPS FACILITY	AUSTIN, TX, 78710
03/04/2021 14:56		PROCESSED THROUGH USPS FACILITY	FORT WORTH, TX, 76161
03/05/2021 07:16		ARRIVAL AT UNIT	WACO, TX, 76706
03/05/2021 07:27		OUT FOR DELIVERY	WACO, TX, 76711
03/05/2021 09:17		DELIVERED LEFT WITH INDIVIDUAL	WACO, TX, 76711