

No. 2021-6823

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

**Date:** 05/13/2021

**Subject Considered:**

Erasto Ureste, Jr.

[REDACTED]  
Los Fresnos, TX 78566-2104

Default Order  
SOAH Docket No. 454-21-1828.C  
TDI Enforcement File No. 24681

**General remarks and official action taken:**

This is a default order taken against Erasto Ureste, Jr. (Respondent) because he submitted numerous unauthorized applications for insurance and failed to respond to request for information. Respondent did not respond to a Notice of Hearing filed by the Texas Department of Insurance. This order revokes Respondent's license.

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

**Findings of Fact**

Failure to Respond to Notice of Hearing

1. On March 30, 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]

# 2021-6823

Commissioner's Order

Erasto Ureste, Jr.

SOAH Docket No. 454-21-1828.C

Page 2 of 5

██████████, Los Fresnos, TX 78566-2104. The Notice of Hearing and Original Petition were also sent by electronic mail.

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 under Texas law, including TEX. INS. CODE §§ 82.051-82.055, 4001.002, 4001.102, 4001.105, 4005.101-4005.105, 4054.051 and 4101.051; TEX. OCC. CODE §§ 53.021-53.023; 28 TEX. ADMIN. CODE § 1.502; and TEX. GOV'T CODE §§ 2001.051-2001.178.
2. The commissioner has authority to dispose of this case informally under 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 under 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 under 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 under 28 TEX. ADMIN. CODE § 1.89.



# 2021-6823

Commissioner's Order  
Erasto Ureste, Jr.  
SOAH Docket No. 454-21-1828.C  
Page 4 of 5

## 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 Erasto Ureste, Jr. I have confirmed that:

- a. The last mailing address provided to the department in writing by Erasto Ureste, Jr. is [REDACTED] Los Fresnos, TX 78566-2104.
- b. The file maintained by the Enforcement Division contains a Notice of Hearing and Original Petition dated March 30, 2021, which were filed with the State Office of Administrative Hearings.
- c. On March 30, 2021, the Notice of Hearing and Original Petition addressed to Erasto Ureste, Jr. were mailed certified, return receipt requested, to his last known address and sent by electronic mail.

Copy of the certified mail log maintained by the Enforcement Division are attached as Exhibit C."

DocuSigned by:  
*David Moreno*  
6B05A3656B1C4A3...

Affiant

# 2021-6823

Commissioner's Order

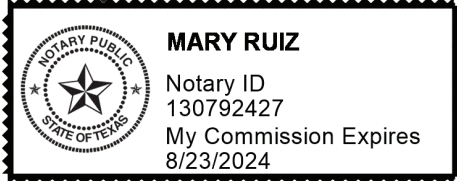
Erasto Ureste, Jr.

SOAH Docket No. 454-21-1828.C

Page 5 of 5

SWORN TO AND SUBSCRIBED before me by means of an interactive two-way audio and video communication on 4/27/2021. This notarial act was an online notarization.

## Notary Seal



## Digital Certificate

DocuSigned by:  
*Mary Ruiz*  
795DC4D59167489...

---

Notary Public State of Texas



## 2021-6823

Notice of Hearing

Erasto Ureste, Jr.

SOAH Docket No. 454-21-1828.C

Page 2 of 5

**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) Sydney Moore, Staff Attorney  
Texas Department of Insurance  
Enforcement Division, MC110-1A  
P.O. Box 149104  
Austin, Texas 78714-9104

## 2021-6823

Notice of Hearing

Erasto Ureste, Jr.

SOAH Docket No. 454-21-1828.C

Page 3 of 5

(512) 490-1020 (Fax)

sydney.moore@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](http://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.**

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



## 2021-6823

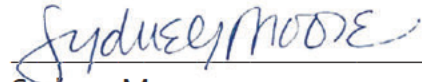
Notice of Hearing

Erasto Ureste, Jr.

SOAH Docket No. 454-21-1828.C

Page 4 of 5

Respectfully Submitted,



Sydney Moore

State Bar No. 24056052

Texas Department of Insurance

Enforcement Division, MC110-1A

P.O. Box 149104

Austin, Texas 78714-9104

(512) 676-6339 (Direct)

(512) 490-1020 (Fax)

sydney.moore@tdi.texas.gov

ATTORNEY FOR THE PETITIONER

TEXAS DEPARTMENT OF INSURANCE

Enclosure: Original Petition

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

**2021-6823**

Notice of Hearing

Erasto Ureste, Jr.

SOAH Docket No. 454-21-1828.C

Page 5 of 5

**CERTIFICATE OF SERVICE**

I, Sydney Moore, certify that a true and correct copy of the *Notice of Hearing and the Original Petition* were sent by certified mail, return receipt requested, on this 30<sup>th</sup> day of March, 2021 to:

Erasto Ureste, Jr.

[REDACTED]

Los Fresnos, TX 78566-2104

*Respondent Pro Se*

Via CM/RRR No.: 9214 8901 9403 8336 1182 11

Via email:

[REDACTED]



Sydney Moore

**2021-6823**

ACCEPTED  
454-21-1828  
03/29/2021 4:56 PM  
STATE OFFICE OF  
ADMINISTRATIVE HEARINGS  
Carol Hale, CLERK

**SOAH DOCKET NO. 454-\_\_\_\_\_454-21-1828**  
**TDI ENFORCEMENT FILE NO. 24681**

FILED  
454-21-1828  
3/29/2021 4:47 PM  
STATE OFFICE OF  
ADMINISTRATIVE HEARINGS  
Carol Hale, CLERK

**TEXAS DEPARTMENT OF INSURANCE,**

**Petitioner**

**v.**

**ERASTO URESTE, JR.,**

**Respondent**

**BEFORE THE STATE OFFICE**

**OF**

**ADMINISTRATIVE HEARINGS**

**ORIGINAL PETITION**

The Texas Department of Insurance (the Department) seeks to take disciplinary action against Erasto Ureste, Jr. 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, 4001.002, 4005.101, 4005.102, 4051.051 and 4054.051, and TEX. GOV'T CODE §§ 2001.051-2001.178.

**Factual Allegations**

1. Erasto Ureste, Jr. (Ureste) holds a general lines license with life, accident, health, and HMO qualification issued by the Department on May 29, 2014, and property and casualty qualification issued by the Department on February 26, 2015.
2. Ureste submitted numerous applications for insurance to Colonial Life on behalf of employer groups without authorization from the insureds.
3. The Department sent a request for information pursuant to TEX. INS. CODE § 38.001 on January 11, 2021, and March 5, 2021, and Ureste failed to respond.

**EXHIBIT**

**B**

**Legal Allegations**

1. Ureste has engaged in fraudulent or dishonest acts or practices, as contemplated by TEX. INS. CODE § 4005.101(b)(5).
2. Ureste violated TEX. INS. CODE § 38.001 by failing to respond to a Department inquiry in writing not later than the 15<sup>th</sup> day after the date the inquiry was received.

**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 Ureste's license and
2. 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,



Sydney Moore  
State Bar No. 24056052  
Texas Department of Insurance  
Enforcement Division, MC110-1A  
P.O. Box 149104  
Austin, Texas 78714-9104  
(512) 676-6339 (Direct)  
(512) 490-1020 (Fax)  
Sydney.moore@tdi.texas.gov











ATTORNEY FOR THE PETITIONER  
TEXAS DEPARTMENT OF INSURANCE

# 2021-6823

Tracking #: 9214890194038336118211

Recipient: ERASTO URESTE, JR.  
[REDACTED]

LOS FRESNOS, TX 78566-2104

Date & Time	Event Type	Event	Event Location
03/30/2021 09:21		PRE-SHIPMENT INFO SENT USPS AWAITS ITEM	AUSTIN, TX, 78701
03/30/2021 15:45		PICKED UP	AUSTIN, TX, 78744
03/30/2021 22:01		PROCESSED THROUGH USPS FACILITY	AUSTIN, TX, 78710
03/30/2021 22:26		DEPART USPS FACILITY	AUSTIN, TX, 78710
03/31/2021 15:35		PROCESSED THROUGH USPS FACILITY	MCALLEN, TX, 78501
04/01/2021 00:17		PROCESSED THROUGH USPS FACILITY	MCALLEN, TX, 78501
04/01/2021 04:30		DEPART USPS FACILITY	MCALLEN, TX, 78501
04/01/2021 05:46		ARRIVAL AT UNIT	SAN BENITO, TX, 78586
04/01/2021 06:10		OUT FOR DELIVERY	LOS FRESNOS, TX, 78566
04/01/2021 09:38		DELIVERED LEFT WITH INDIVIDUAL	LOS FRESNOS, TX, 78566

**EXHIBIT**  
    C

2021-6823



# 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: 03/30/2021

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	1
Total	1

\*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 9151 33

moore/24681



Firm Mailing Book For Accountable Mail

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

USPS Tracking/Article Number

1. 9214 8901 9403 8336 1182 11

moore/24681

Addressee (Name, Street, City, State, & ZIP Code TM)

ERASTO URESTE, JR
78566-2104
LOS FRESNOS, TX

Affix Stamp Here

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

2021-6823

Table with columns: 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

Total Number of Pieces Listed by Sender: 1

Total Number of Pieces Received at Post Office: 1

Postmaster, Per (Name of receiving employee)