

No. 2021-7061

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

Date: 11/10/2021

Subject Considered:

Theresa Irene Reyes
[REDACTED]
El Paso, TX 79930

Default Order
SOAH Docket No. 454-22-0247.C
TDI Enforcement File No. 26301

General remarks and official action taken:

The subject of this default order is whether an adjuster all lines license should be issued to Theresa Irene Reyes (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

1. On October 5, 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] El Paso, TX 79930, and to the electronic mail address on file with the department.

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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, 4001.002, 4001.102, 4001.105, 4005.101, and 4102.051; TEX. OCC. CODE §§ 53.021-53.023; 28 TEX. ADMIN. CODE § 1.502; TEX. ADMIN. CODE § 1.502(e); 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 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.

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Order

It is ordered that Theresa Irene Reyes's license application is denied. A copy of this order will be provided to law enforcement or other appropriate administrative agencies for further investigation as may be warranted.

DocuSigned by:

FC5D7EDDFFB4F8...

Cassie Brown
Commissioner of Insurance

Prepared and reviewed by:



Nancy Williams, 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 Theresa Irene Reyes. I have confirmed that:

- a. The last mailing address provided to the department in writing by Theresa Irene Reyes is [REDACTED] El Paso, TX 79930.
- b. The file maintained by the Enforcement Division contains a Notice of Hearing and Original Petition dated October 5, 2021, which were filed with the State Office of Administrative Hearings.
- c. On October 5, 2021, the Notice of Hearing and Original Petition addressed to Theresa Irene Reyes were sent by certified mail, return receipt requested, to her last known address.

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

DocuSigned by:

David Moreno

37E85645BB39463...

Affiant

2021-7061

Commissioner's Order

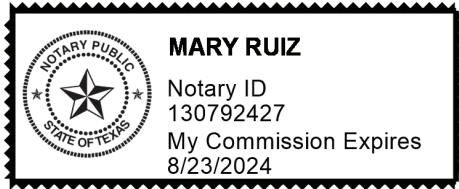
Theresa Irene Reyes

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SWORN TO AND SUBSCRIBED before me by means of an interactive two-way audio and video communication on 10/29/2021. This notarial act was an online notarization.

Notary Seal



Digital Certificate

DocuSigned by:
Mary Ruiz
795DC4D59167489...

Notary Public State of Texas

2021-7061

FILED
454-22-0247
10/5/2021 11:50 AM
STATE OFFICE OF
ADMINISTRATIVE HEARINGS
Carol Hale, CLERK

ACCEPTED
454-22-0247
10/5/2021 11:56:32 am
STATE OFFICE OF
ADMINISTRATIVE HEARINGS
Carol Hale, CLERK

SOAH DOCKET NO. 454-22-0247.C
TDI ENFORCEMENT FILE NO. 26301

TEXAS DEPARTMENT OF INSURANCE,

BEFORE THE STATE OFFICE

Petitioner

v.

OF

THERESA IRENE REYES,

ADMINISTRATIVE HEARINGS

Respondent

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 **January 18, 2022, 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 under 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 UNDER 1 TEX. ADMIN. CODE § 155.501 AND 28 TEX. ADMIN. CODE §§ 1.88 AND 1.89.

EXHIBIT
A

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Notice of Hearing

Theresa Irene Reyes

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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 12030, MC GC-CCO
Austin, Texas 78711-2030
(512) 490-1064 (Fax)
chiefclerk@tdi.texas.gov; and
- (3) Nancy Williams, Staff Attorney
Texas Department of Insurance
Enforcement Division, MC ENF
P.O. Box 12030
Austin, Texas 78711-2030
(512) 490-1020 (Fax)
Nancy.Williams@tdi.texas.gov

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Receiving Documents Electronically and Filing Documents with SOAH

The State Office of Administrative Hearings (SOAH) offers you the ability to electronically receive orders and other documents issued by SOAH by email instead of by mail. If you want to receive SOAH-issued documents by email, follow the instructions on SOAH's website: www.soah.texas.gov.

A request to receive SOAH-issued documents by email does not change the procedures you must follow to file documents with SOAH. You may file documents with SOAH by mail, fax, or electronically. To file electronically, you must use eFileTexas. Instructions on using eFileTexas are on SOAH's website. SOAH's website also includes guidance for representing yourself.

Important Security Notice (for In-Person Hearings ONLY)

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,



Nancy Williams

State Bar No. 24058175

Texas Department of Insurance

Enforcement Division, MC ENF

P.O. Box 12030

Austin, Texas 78711-2030

(512) 676-6338 (Direct)

(512) 490-1020 (Fax)

Nancy.Williams@tdi.texas.gov

ATTORNEY FOR THE PETITIONER

TEXAS DEPARTMENT OF INSURANCE

Enclosure: Original Petition

cc: Leah Gillum, Deputy Commissioner, Enforcement Division, MC ENF
Whitney Fraser, Litigation Director, Enforcement Division, MC ENF
Administrative Review, MC CO-AAL

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Notice of Hearing

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CERTIFICATE OF SERVICE

I, Nancy Williams, certify that a true and correct copy of the *Notice of Hearing and the Original Petition* were sent by electronic mail and by certified mail, return receipt requested, on this 5th day of October, 2021 to:

Theresa Irene Reyes

[REDACTED]

El Paso, TX 79930

Respondent Pro Se

Via Email: [REDACTED]

Via CM/RRR No.: 9214 8901 9403 8352 4178 31



Nancy Williams

2021-7061

FILED
454-22-0247
9/23/2021 4:37 PM
STATE OFFICE OF
ADMINISTRATIVE HEARINGS
Carol Hale, CLERK

ACCEPTED
454-22-0247
09/27/2021 12:50 PM
STATE OFFICE OF
ADMINISTRATIVE HEARINGS
Carol Hale, CLERK

SOAH DOCKET NO. 454-22-0247.C
TDI ENFORCEMENT FILE NO. 26301

TEXAS DEPARTMENT OF INSURANCE,

BEFORE THE STATE OFFICE

Petitioner

v.

OF

THERESA IRENE REYES,

ADMINISTRATIVE HEARINGS

Respondent

ORIGINAL PETITION

The Texas Department of Insurance seeks to deny Theresa Irene Reyes’s license application. In support of this petition, the department makes the following allegations upon information and belief:

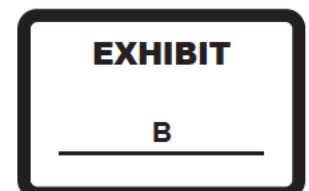
Jurisdiction

The Commissioner of Insurance has jurisdiction over this matter pursuant to TEX. INS. CODE §§ 82.051-82.055, 4001.002, 4005.101, 4005.102, 4101.051, and TEX. GOV’T CODE §§ 2001.051-2001.178.

Factual Allegations

Application

1. Theresa Irene Reyes (Reyes) applied for an adjuster all lines license with the Texas Department of Insurance (TDI) on September 22, 2020.
2. On September 30, 2020, TDI proposed to deny the license based on Reyes’s prior conduct in the banking industry and subsequent Financial Industry Regulatory Authority (FINRA) disciplinary action.
3. On October 21, 2020, TDI received Reyes’s request for a hearing on this matter.



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Original Petition
Theresa Irene Reyes
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FINRA Disciplinary Action

4. On February 20, 2013, Reyes was permanently barred from the securities industry in FINRA disciplinary proceeding no. 2011030672401, under Order No. 5544722.
5. Order No. 5544722 included the following "Findings and Conclusions":
 - Between August 2011 and October 2011, Reyes repeatedly used her capacity as a private banker at JPMorgan to use a customer's business credit card without the customer's knowledge or authorization.
 - On August 4, 2011, Reyes arranged for her husband to be added as an authorized user on the customer's credit card account and requested a card be issued in her husband's name and sent to her address.
 - On September 12, 2011, Reyes requested and received a credit increase on the customer's credit card account through JPMorgan customer service.
 - On October 19, 2011, Reyes discovered her husband's name was removed from the account after the card was declined and added his name again as an authorized user, as well as requesting another card to be issued in her husband's name, this time to be sent to her branch location.
 - Between August 4, 2011, and October 22, 2011, Reyes and her husband used the cards over 200 times to incur personal charges totaling over \$15,000 without the customer's authorization.
 - Reyes violated FINRA rules to appear for testimony following multiple notices that were received by Reyes.

Legal Allegation

1. Reyes committed acts that allow the department to deny a license application under TEX. INS. CODE § 4005.101(b)(5).

Relief Sought

If the above allegation 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 Theresa Irene Reyes's license application and
2. imposing any other just and appropriate relief to which the department may be entitled to by law.

Respectfully Submitted,



Nancy Williams
State Bar No. 24058175
Texas Department of Insurance
Enforcement Division, MC ENF
P.O. Box 12030
Austin, Texas 78711-2030
(512) 676-6338 (Direct)
(512) 490-1020 (Fax)
Nancy.Williams@tdi.texas.gov

ATTORNEY FOR THE PETITIONER
TEXAS DEPARTMENT OF INSURANCE

2021-7061



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: 10/05/2021
Shipped From:
Name: MC 110-1A M RUIZ
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 0032 1182 15

EXHIBIT

C

WILLIAMS/26301



Firm Mailing Book For Accountable Mail

Name and Address of Sender

MC 110-1A M RUIZ
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 8352 4178 31

WILLIAMS/26301

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

THERESA IRENE REYES
EL PASO, TX 79930

Affix Stamp Here

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

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Table with columns: Postage, (Extra Service) Fee, Handling Charge, Actual Value, Insured Value, Due Sender if COD, ASR Fee, ASRD Fee, RD Fee, RR Fee, SC Fee, SCRD Fee, SPS Fee

Total Number of Pieces Listed by Sender: 1

Total Number of Pieces Received at Post Office: 1

Postmaster, Per (Name of receiving employee)

2021-7061

Tracking #: 9214890194038352417831

Recipient: THERESA IRENE REYES
[REDACTED]
EL PASO, TX 79930

Date & Time	Event Type	Event	Event Location
10/05/2021 11:46		PRE-SHIPMENT INFO SENT USPS AWAITS ITEM	AUSTIN, TX, 78701
10/06/2021 22:58		ORIGIN ACCEPTANCE	AUSTIN, TX, 78701
10/07/2021 00:13		PROCESSED THROUGH USPS FACILITY	AUSTIN TX DISTRIBUTION CENTER, 78710
10/07/2021 08:23		DEPART USPS FACILITY	AUSTIN TX DISTRIBUTION CENTER, 78710
10/08/2021 02:44		PROCESSED THROUGH USPS FACILITY	EL PASO TX DISTRIBUTION CENTER, 79910
10/09/2021 13:41		NO AUTHORIZED RECIPIENT AVAILABLE	EL PASO, TX, 79930
10/12/2021 07:53		ARRIVAL AT UNIT	EL PASO, TX, 79930
10/12/2021 07:57		AVAILABLE FOR PICKUP	EL PASO, TX, 79930
10/20/2021 10:32		AVAILABLE FOR PICKUP	EL PASO, TX, 79930
10/24/2021 03:26		PACKAGE RETURN NOTICE GENERATED	EL PASO, TX, 79930