

No. 2022-7287

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

**Date:** 4/5/2022

**Subject Considered:**

Ray F. Weaver

[REDACTED]  
San Antonio, Texas 78209-1839

Default Order  
SOAH Docket No. 454-22-1940  
TDI Enforcement File No. 25307

**General remarks and official action taken:**

This is a default order taken against Ray F. Weaver (Respondent) because he misappropriated insurance premiums and engaged in fraudulent and dishonest conduct. 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 1, 2022, 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].

█, San Antonio, Texas 78209-1839. The Notice of Hearing and Original Petition were also sent by electronic mail to an address associated with Respondent.

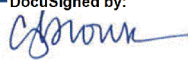
4. Respondent failed to file a written response to the Notice of Hearing within 20 days of the date the Notice of Hearing and Original Petition were mailed.

### **Conclusions of Law**

1. The commissioner has jurisdiction under Texas law, including TEX. INS. CODE §§ 82.051-82.055, 84.021-84.044, 4001.002, 4005.101, 4005.102, and 4101.051, 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.

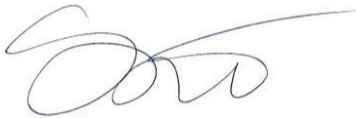
**Order**

It is ordered that any licenses held by Ray F. Weaver are revoked. 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:  
  
FC5D7EDDFB4F8...

\_\_\_\_\_  
Cassie Brown  
Commissioner of Insurance

Prepared and reviewed by:



\_\_\_\_\_  
Stephanie Daniels, Staff Attorney  
Enforcement Division

**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 Ray F. Weaver. I have confirmed that:

- a. The last mailing address provided to the department in writing by Ray F. Weaver is [REDACTED] San Antonio, Texas 78209-1839.
- b. The file maintained by the Enforcement Division contains a Notice of Hearing and Original Petition dated March 1, 2022, which were filed with the State Office of Administrative Hearings.
- c. On March 1, 2022, the Notice of Hearing and Original Petition addressed to Ray F. Weaver were mailed certified, return receipt requested, to his last known address and to an electronic mail address associated with Ray F. Weaver.

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

DocuSigned by:  
*David Moreno*  
AD1A2AB29D86420... \_\_\_\_\_  
Affiant

Commissioner's Order

Ray F. Weaver

Page 5 of 5

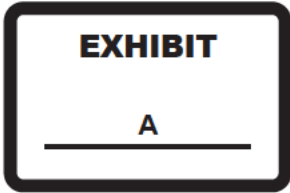
SWORN TO AND SUBSCRIBED before me by means of an interactive two-way audio and video communication on 3/17/2022. This notarial act was an online notarization.

**Notary Seal**



**Digital Certificate**

DocuSigned by:  
*Mary Ruiz*  
795DC4D59167489...  
Notary Public State of Texas



FILED  
454-22-1940  
3/1/2022 11:52 AM  
STATE OFFICE OF  
ADMINISTRATIVE HEARINGS  
Carol Hale, CLERK

**SOAH DOCKET NO. 454-22-1940  
TDI ENFORCEMENT FILE NO. 25307**

**TEXAS DEPARTMENT OF INSURANCE,**

**Petitioner**

**v.**

**RAY F. WEAVER,**

**Respondent**

**BEFORE THE STATE OFFICE**

ACCEPTED  
454-22-1940  
3/1/2022 3:10:45 pm  
STATE OFFICE OF  
ADMINISTRATIVE HEARINGS  
Carol Hale, CLERK

**OF**

**ADMINISTRATIVE HEARINGS**

**NOTICE OF HEARING**

The Texas Department of Insurance seeks to take disciplinary action against you. 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 **Tuesday, June 14, 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](http://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.**

**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) *(by mail, fax, or electronically)*  
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);  
[www.soah.texas.gov/e-filing-soah](http://www.soah.texas.gov/e-filing-soah)
  
- (2) *(by mail, fax, or email)*  
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](mailto:chiefclerk@tdi.texas.gov); and

- (3) *(by mail, fax, or email)*  
Stephanie Daniels, Staff Attorney  
Texas Department of Insurance  
Enforcement Division, MC ENF  
P.O. Box 12030  
Austin, Texas 78711-2030  
(512) 490-1020 (Fax)  
Stephanie.Daniels@tdi.texas.gov

### **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](http://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.

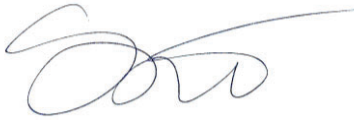
### **Important Security Notice** (for In-Person Hearings ONLY)

**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.**



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

Respectfully Submitted,



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Stephanie Daniels  
State Bar No. 24107343  
Texas Department of Insurance  
Enforcement Division, MC ENF  
P.O. Box 12030  
Austin, Texas 78711-2030  
(512) 676-6334 (Direct)  
(512) 490-1020 (Fax)  
Stephanie.Daniels@tdi.texas.gov

ATTORNEY FOR THE PETITIONER  
TEXAS DEPARTMENT OF INSURANCE

Enclosure: Original Petition

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

### CERTIFICATE OF SERVICE

I, Stephanie Daniels, certify that a true and correct copy of the *Notice of Hearing* and the *Original Petition* were sent by certified mail, return receipt requested, and by email on this 1st day of March, 2022 to:

Ray F. Weaver

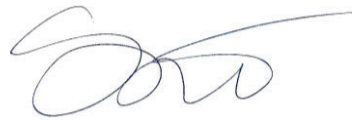
[REDACTED]  
San Antonio, TX 78209-1839

*Respondent Pro Se*

*Via CM/RRR No.:*

9214 8901 9403 8367 6459 46

*Via EMAIL:* [REDACTED]



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Stephanie Daniels

FILED  
454-22-1940  
2/28/2022 3:09 PM  
STATE OFFICE OF  
ADMINISTRATIVE HEARINGS  
Carol Hale, CLERK



**SOAH DOCKET NO. 454-22-1940**  
**TDI ENFORCEMENT FILE NO. 25307**

**TEXAS DEPARTMENT OF INSURANCE,**

**Petitioner**

**v.**

**RAY F. WEAVER,**

**Respondent**

**BEFORE THE STATE OFFICE**

**OF**

**ADMINISTRATIVE HEARINGS**

ACCEPTED  
454-22-1940  
2/28/2022 7:17:01 pm  
STATE OFFICE OF  
ADMINISTRATIVE HEARINGS  
Carol Hale, CLERK

**ORIGINAL PETITION**

The Texas Department of Insurance seeks to take disciplinary action against Ray F. Weaver. 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 under TEX. INS. CODE §§ 82.051-82.055, 84.021-84.044, 4001.002, 4005.101, 4005.102, and 4101.051, and TEX. GOV'T CODE §§ 2001.051-2001.178.

**Factual Allegations**

Licensure

1. Ray F. Weaver (Weaver), individual identification no. 192675, holds an adjuster license with a property & casualty qualification, originally issued by the Texas Department of Insurance on November 3, 2009.

Fraudulent and Dishonest Conduct

i. Background

2. USAA has a Direct Repair Network from which their member insureds may select a USAA approved Property Direct Repair Program (PDRP) contractor to repair their property after a loss. Should the member choose a contractor from the PDRP, then

USAA assumes responsibility for scheduling, management of the repair, and direct payments to the contractor.

3. USAA utilizes desk adjuster contracts to assign a portion of the responsibility for processing claims to vendors. The vendor reviews and approves invoices and estimates submitted by PDRP contractors and issues payment.
4. Weaver was an adjuster at AllCat. He worked as an independent contractor from approximately November 2018 to August 2019. AllCat is an authorized vendor of USAA with a contract to provide desk adjusters.
5. PDRP contractors must submit repair estimates and invoices by uploading them through the Contractor Connection XactAnalysis platform (XactAnalysis).
6. Brian S. Bento and William J. Bento are brothers and co-owners of Bento Construction, a contracting company in Alabama. Bento Construction was part of USAA's PDRP until July 2019.
7. Weaver and Brian S. Bento have been friends for approximately ten years.

ii. Misconduct

8. While working at AllCat, Weaver's duties included issuing payments for authorized repairs on his assigned claims using his USAA system access. In August 2019, Weaver's manager at AllCat discovered he was working claims and issuing payments which were not assigned to him. Upon further inquiry, she discovered the checks issued on those claims were all to the same company, Bento Construction. She notified J.L., Vice President of Claims at AllCat, and they spoke with Weaver about the discrepancies.
9. Weaver told J.L. and his manager that he knew one of the owners of the company, Brian Bento, and that he had instructed Mr. Bento to contact him directly if he needed payments issued. J.L. instructed Weaver to not come into work while AllCat looked into the situation.
10. After review of the impacted claims, AllCat reported the conduct to USAA in August 2019. USAA assigned Investigator K.K.

11. K.K.'s investigation revealed Weaver and Bento Construction had a scheme to fraudulently obtain payments from USAA. This scheme resulted in the issuance of unwarranted payments on 47 claims.
12. The payments on these 47 claims followed the same basic format:
  - a. First, Bento Construction would correctly upload initial repair estimates through XactAnalysis, payments were issued based on these estimates, and Bento Construction would repair the insured's property as contracted.
  - b. The property was repaired, and the USAA claim was closed.
  - c. Then, Bento Construction would submit supplemental estimates to Weaver via email. Submitting estimates in this manner bypassed the internal auditing of XactAnalysis. This was necessary because the supplemental estimates did not follow required estimating guidelines, did not match the initial scope of loss, and contained inflated labor hours.
  - d. Finally, Weaver would authorize payment and issue a check to Bento Construction. This check did not meet USAA requirements that the USAA member and, if applicable, the mortgage company be included on the check as payees. The illegitimately issued checks were made out directly to Bento Construction.
13. In all but two instances, Weaver accessed the claim files between one minute and 1 ½ hours prior to receiving the supplemental estimates from Bento Construction. Weaver was not accessing these accounts for the purpose of reviewing the accuracy of the submissions, but was in the accounts to ensure prompt payment to his friend, Mr. Brian Bento of Bento Construction.
14. The total amount of payments issued to Bento Construction for the 47 identified claims was \$162,212.58. This amount includes all checks, including those that were stopped, rejected, or cancelled. The total amount of cleared checks was \$148,196.94.
15. Weaver was able to issue payments for claims processing due to his USAA system access. He was removed from USAA system access on September 16, 2019.

16. USAA confirmed the submission of the inflated supplemental estimates was done without the knowledge or consent of the insureds.

### **Legal Allegations**


1. Weaver committed acts for which a license holder may be disciplined under TEX. INS. CODE § 4005.101, as contemplated in TEX. INS. CODE § 4005.102 and § 4101.201.
2. Weaver willfully violated an insurance law of this state, pursuant to TEX. INS. CODE § 4005.101(b)(1).
3. Weaver misappropriated, converted to his own use, or illegally withheld money belonging to an insurer or an insured, pursuant to TEX. INS. CODE § 4005.101(b)(4).
4. Weaver engaged in fraudulent or dishonest acts or practices, as contemplated by TEX. INS. CODE § 4005.101(b)(5).

### **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 Ray F. Weaver's license;
2. directing Ray F. Weaver to pay an administrative penalty under TEX. INS. CODE §§ 84.021 – 84.022; 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,

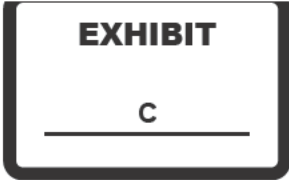


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Stephanie Daniels  
State Bar No. 24107343  
Texas Department of Insurance

Enforcement Division, MC ENF  
P.O. Box 12030  
Austin, Texas 78711-2030  
(512) 676-6334 (Direct)  
(512) 490-1020 (Fax)  
Stephanie.Daniels@tdi.texas.gov

ATTORNEY FOR THE PETITIONER  
TEXAS DEPARTMENT OF INSURANCE



# 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: 03/01/2022

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 0035 0699 34

S. DANIELS/25307



