

No. 2022-7431

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

Date: 08/11/2022

Subject Considered:

Margarita Escapita

[REDACTED]
El Paso, Texas 79915

Default Order
SOAH Docket No. 454-22-01009
TDI Enforcement File No. 16877

General remarks and official action taken:

The subject of this default order is whether a general lines agent license with a life, accident, and health qualification should be issued to Margarita Escapita (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 June 24, 2022, the department filed a *Notice of Hearing* together with an *Original Petition*, attached as Exhibit A, 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

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Commissioner's Order

Margarita Escapita

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Paso, Texas 79915. The *Notice of Hearing* and *Original Petition* were also sent by electronic mail and to an additional address associated with Respondent: [REDACTED], El Paso, Texas 79902.

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, 4005.101, 4005.102, and 4054.051; 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.

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Order

It is ordered that Margarita Escapita's 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:


FC5D7EDDFB4F8...

Cassie Brown
Commissioner of Insurance

Prepared and reviewed by:



Stephanie Andrews, Staff Attorney
Enforcement

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 Margarita Escapita. I have confirmed that:

- a. The last mailing address provided to the department in writing by Margarita Escapita is [REDACTED], El Paso, Texas 79915.
- b. The file maintained by Enforcement contains a *Notice of Hearing* and *Original Petition* dated June 24, 2022, which were filed with the State Office of Administrative Hearings.
- c. On June 24, 2022, the *Notice of Hearing* and *Original Petition* addressed to Margarita Escapita was mailed certified, return receipt requested, to her last known address and to one additional address: [REDACTED], El Paso, Texas 79902.

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

DocuSigned by:

 DDF121D3F58B482... _____
 Affiant

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SWORN TO AND SUBSCRIBED before me by means of an interactive two-way audio and video communication on 7/26/2022. This notarial act was an online notarization.

Notary Seal



Digital Certificate

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

2022-7431

ACCEPTED
454-22-01009
6/24/2022 12:27:00 pm
STATE OFFICE OF
ADMINISTRATIVE HEARINGS
Kyle Norrell, CLERK

FILED
454-22-01009
6/24/2022 12:00 PM
STATE OFFICE OF
ADMINISTRATIVE HEARINGS
Kyle Norrell, CLERK

**SOAH DOCKET NO. 454-22-01009
TDI ENFORCEMENT FILE NO. 16877**

TEXAS DEPARTMENT OF INSURANCE,

BEFORE THE STATE OFFICE

Petitioner

EXHIBIT

v.

A

OF

MARGARITA ESCAPITA,

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 **Thursday, August 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.

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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) *(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
- (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; and
- (3) *(by mail, fax, or email)*
Stephanie Andrews, Staff Attorney
Texas Department of Insurance
Enforcement Division, MC ENF

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P.O. Box 12030
Austin, Texas 78711-2030
(512) 490-1020 (Fax)
Stephanie.Andrews@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.

A request to receive SOAH-issued documents by email does not change the procedures you must follow to file documents or exhibits with SOAH. Instructions on how to file documents and exhibits 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,



Stephanie Andrews
State Bar No. 24063672
Texas Department of Insurance

2022-7431

Notice of Hearing

Margarita Escapita

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Enforcement Division, MC ENF

P.O. Box 12030

Austin, Texas 78711-2030

(512) 676-6346 (Direct)

(512) 490-1020 (Fax)

Stephanie.Andrews@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

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CERTIFICATE OF SERVICE

I, Stephanie Andrews, certify that a true and correct copy of the *Notice of Hearing* and the *Original Petition* were sent by electronic mail and certified mail, return receipt requested, on this 24th day of June, 2022 to:

Margarita Escapita

[REDACTED]

El Paso, TX 79915

Respondent Pro Se

Via CM/RRR No.: 9214 8901 9403 8380 5958 77

Margarita Escapita

[REDACTED]

El Paso, TX 79902

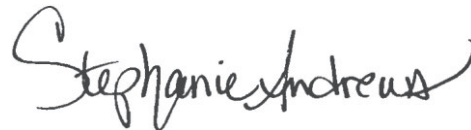
Respondent Pro Se

Via CM/RRR No.: 9214 8901 9403 8380 5959 38

Margarita Escapita

[REDACTED]

Via Email



Stephanie Andrews

2022-7431

SOAH DOCKET No. 454-22-01009

FILED
454-22-01009
6/1/2022 8:52 AM
STATE OFFICE OF
ADMINISTRATIVE HEARINGS
Carol Hale, CLERK

SOAH DOCKET NO. 454-_____
TDI ENFORCEMENT FILE NO. 16877

TEXAS DEPARTMENT OF INSURANCE,

Petitioner

v.

MARGARITA ESCAPITA,

Respondent

BEFORE THE STATE OFFICE

ACCEPTED
454-22-01009
6/3/2022 4:23:14 pm
STATE OFFICE OF
ADMINISTRATIVE HEARINGS
Carol Hale, CLERK

OF

ADMINISTRATIVE HEARINGS

ORIGINAL PETITION

The Texas Department of Insurance seeks to deny Margarita Escapita’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 under TEX. INS. CODE §§ 82.051-82.055, 4001.002, 4005.101, 4005.102, and 4054.051; TEX. OCC. CODE §§ 53.021-53.023; TEX. GOV’T CODE §§ 2001.051-2001.178; and 28 TEX. ADMIN. CODE § 1.502.

Factual Allegations

License Application

1. On June 4, 2018, Margarita Escapita (Escapita) submitted an application for a general lines agent license with a life, accident, and health qualification to the Texas Department of Insurance.
2. The department proposed to deny Escapita’s application on August 1, 2018, based on her criminal history. Escapita appealed that decision and made a written request for a hearing.

Criminal History

3. On or about October 7, 2017, Escapita was indicted for Misapplication of Fiduciary Property or Property of Financial Institution greater than or equal to \$200,000 (Aggregated), a felony, in case number 20170D04090 in the [REDACTED] Court of El Paso County, Texas.

Failure to Respond

4. On December 6, 2018, the department made a written request for information to Escapita. However, Escapita failed to respond to the request.
5. On January 29, 2019, the department made a second written request for information to Escapita. However, Escapita failed to respond to the request as well.

Misrepresentation on License Application

6. In her application, Escapita falsely answered "No" to the following question:

Have you ever been convicted of a felony, had a judgment withheld or deferred, or are you currently charged with committing a felony?

7. At the time of her application, Escapita was charged with the felony offense of Misapplication of Fiduciary Property or Property of Financial Institution greater than or equal to \$200,000.

Legal Allegations

1. Escapita willfully violated an insurance law of this state, in violation of TEX. INS. CODE § 4005.101(b)(1).
2. Escapita intentionally made a material misstatement in the license application, in violation of TEX. INS. CODE § 4005.101(b)(2).
3. Escapita has attempted to obtain a license by fraud or misrepresentation, in violation of TEX. INS. CODE § 4005.101(b)(3).

4. Escapita engaged in fraudulent or dishonest acts or practices, in violation of 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. denying Margarita Escapita's license application; 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,



Stephanie Andrews
State Bar No. 24063672
Texas Department of Insurance
Enforcement Division, MC ENF
P.O. Box 12030
Austin, Texas 78711-2030
(512) 676-6346 (Direct)
(512) 490-1020 (Fax)
Stephanie.Andrews@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: 06/24/2022

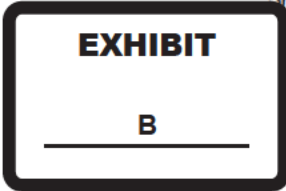
Shipped From:

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	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 0037 6066 70



ANDREWS/16877

