

No. 2023-8294

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

Date: 10/19/2023

Subject Considered:

Jose Manuel Rodriguez Jr

[REDACTED]
California 92373

Default Order
SOAH Docket No. 454-24-00637
TDI Enforcement File No. 31397

General remarks and official action taken:

This is a default order taken against Jose Manuel Rodriguez Jr (Respondent) because he submitted fraudulent withdrawal request forms on life insurance policies without the authorization of the policyholders. Respondent did not respond to a Notice of Hearing filed by the Texas Department of Insurance (TDI). 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 September 12, 2023, TDI 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. TDI's factual allegations set out in the attached Notice of Hearing and Original Petition are incorporated in this order as findings of fact.
3. TDI sent the Notice of Hearing and Original Petition to Respondent's last known address provided in writing to the department, [REDACTED] Redlands,

2023-8294

Commissioner's Order

Jose Manuel Rodriguez Jr

SOAH Docket No. 454-24-00637

Page 2 of 5

CA 92373. 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, 4054.201 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. TDI 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, TDI is entitled to disposition by default under 28 TEX. ADMIN. CODE §§ 1.88 and 1.89.
5. TDI'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.

2023-8294

Commissioner's Order
Jose Manuel Rodriguez Jr
SOAH Docket No. 454-24-00637
Page 3 of 5

Order

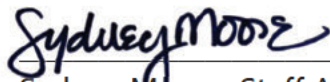
It is ordered that any licenses held by Jose Manuel Rodriguez Jr are revoked. A copy of this order will be provided to law enforcement or other appropriate administrative agencies for further investigation as may be warranted.

DocuSigned by:

FC5D7EDDFFB4F8...

Cassie Brown
Commissioner of Insurance

Prepared and reviewed by:



Sydney Moore, Staff Attorney
Enforcement

2023-8294

Commissioner's Order
Jose Manuel Rodriguez Jr
SOAH Docket No. 454-24-00637
Page 4 of 5

Affidavit

STATE OF TEXAS §

§

COUNTY OF TRAVIS §

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

"My name is Roxanne Rodriguez 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 Jose Manuel Rodriguez Jr. I have confirmed that:

- a. The last mailing address provided to the department in writing by Jose Manuel Rodriguez Jr is [REDACTED], CA 92373.
- b. The file maintained by Enforcement contains a Notice of Hearing and Original Petition dated September 12, 2023, which were filed with the State Office of Administrative Hearings.
- c. On September 12, 2023, the Notice of Hearing and Original Petition addressed to Jose Manuel Rodriguez Jr were mailed certified, return receipt requested, to his last known address.

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

DocuSigned by:

Roxanne Rodriguez

3947255FEBE5424...

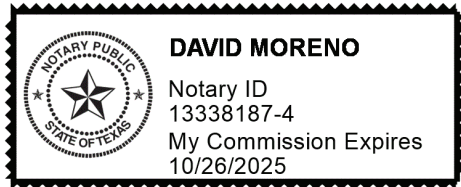
Affiant

2023-8294

Commissioner's Order
Jose Manuel Rodriguez Jr
SOAH Docket No. 454-24-00637
Page 5 of 5

SWORN TO AND SUBSCRIBED before me by means of an interactive two-way audio and video communication on 10/9/2023. This notarial act was an online notarization.

Notary Seal



Digital Certificate

DocuSigned by:
David Moreno
455E4109E15D4CD...
Notary Public State of Texas

FILED **2023-8294**
454-24-00637
9/12/2023 8:12 AM
STATE OFFICE OF
ADMINISTRATIVE HEARINGS
Amy Robles, CLERK

ACCEPTED
454-24-00637
9/12/2023 8:23:27 am
STATE OFFICE OF
ADMINISTRATIVE HEARINGS
Amy Robles, CLERK

SOAH DOCKET NO. 454-24-00637
TDI ENFORCEMENT FILE NO. 31397

TEXAS DEPARTMENT OF INSURANCE,

Petitioner

v.

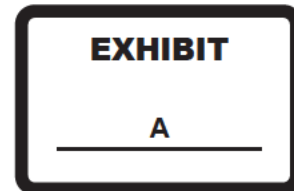
JOSE MANUEL RODRIGUEZ JR,

Respondent

BEFORE THE STATE OFFICE

OF

ADMINISTRATIVE HEARINGS



NOTICE OF HEARING

The Texas Department of Insurance (TDI) 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 TDI.

A public hearing will be held before an Administrative Law Judge on **Tuesday, December 5, 2023, 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.

2023-8294

Notice of Hearing

Jose Manuel Rodriguez Jr

SOAH Docket No. 454-24-00637

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) *(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
- (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)*
Sydney Moore, Staff Attorney

2023-8294

Notice of Hearing

Jose Manuel Rodriguez Jr

SOAH Docket No. 454-24-00637

Page 3 of 5

Texas Department of Insurance
Enforcement, MC ENF
P.O. Box 12030
Austin, Texas 78711-2030
(512) 490-1020 (Fax)
Sydney.moore@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)

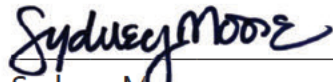
ALL VISITORS TO THE WILLIAM P. CLEMENTS BUILDING WITHOUT AN AGENCY OR DPS ISSUED ID CARD MUST PROVIDE THE BUILDING SECURITY OFFICER WITH THE STATE OFFICE OF ADMINISTRATIVE HEARINGS DOCKET NUMBER AND RECEIVE A VISITOR'S PASS IN ORDER TO BE ALLOWED ACCESS TO THE HEARING ROOM. INDIVIDUALS SHOULD ALLOW ADDITIONAL TIME TO GO THROUGH THE SECURITY PROCESS.

2023-8294

Notice of Hearing
Jose Manuel Rodriguez Jr
SOAH Docket No. 454-24-00637
Page 4 of 5

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

Respectfully Submitted,



Sydney Moore
State Bar No. 24056052
Texas Department of Insurance
Enforcement, MC ENF
P.O. Box 12030
Austin, Texas 78711-2030
(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, Fraud and Enforcement Division, MC ENF
Whitney Fraser, Litigation Director, Enforcement, MC ENF
Administrative Review, MC CO-AAL

2023-8294

Notice of Hearing

Jose Manuel Rodriguez Jr

SOAH Docket No. 454-24-00637

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 regular, first-class mail and by certified mail, return receipt requested, on this 12th day of September, 2023 to:

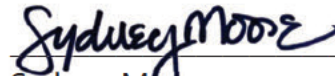
Jose Manuel Rodriguez

[REDACTED]

Redlands, CA 92373

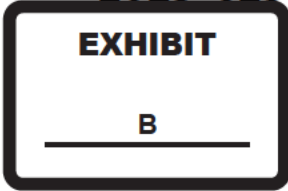
Respondent Pro Se

Via CM/RRR No.: 9214890194038329669805



Sydney Moore

2023-8294



SOAH DOCKET No. 454-24-00637

FILED
454-24-00637
9/11/2023 9:39 AM
STATE OFFICE OF
ADMINISTRATIVE HEARINGS
Carol Hale, CLERK

SOAH DOCKET NO. 454-_____
TDI ENFORCEMENT FILE NO. 31397

TEXAS DEPARTMENT OF INSURANCE,

Petitioner

v.

JOSE MANUEL RODRIGUEZ JR,

Respondent

BEFORE THE STATE OFFICE

ACCEPTED
454-24-00637
9/11/2023 10:06:20 am
STATE OFFICE OF
ADMINISTRATIVE HEARINGS
Carol Hale, CLERK

OF

ADMINISTRATIVE HEARINGS

ORIGINAL PETITION

The Texas Department of Insurance (TDI) seeks to take disciplinary action against Jose Manuel Rodriguez Jr. In support of this petition, TDI 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 4054.201; and TEX. GOV'T CODE §§ 2001.051-2001.178.

Factual Allegations

1. Jose Manuel Rodriguez Jr (Rodriguez) holds a life agent license issued by TDI on April 4, 2016.
2. Between November 1, 2022, and December 30, 2022, Rodriguez submitted five fraudulent withdrawal request forms without the authorization of the policyholders to the Life Insurance Company of the Southwest.
3. Rodriguez submitted the withdrawal request forms to the Life Insurance Company of the Southwest with forged and unauthorized signatures.
4. Rodriguez altered checks for three bank accounts intended to receive the disbursed funds from the policy withdrawals.

2023-8294

Original Petition

Jose Manuel Rodriguez Jr

Page 2 of 3

5. TDI sent a request for information to Rodriguez on March 16, 2023, pursuant to TEX. INS. CODE § 38.001, and Rodriguez failed to respond in writing not later than the 15th day after the date the inquiry was received.

Legal Allegations

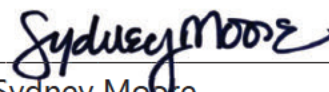
1. Rodriguez has willfully violated an insurance law of this state, as contemplated in TEX. INS. CODE § 4005.101(b)(1).
2. Rodriguez engaged in fraudulent or dishonest acts or practices, as contemplated by TEX. INS. CODE § 4005.101(b)(4).
3. Rodriguez violated TEX. INS. CODE § 38.001 by failing to respond to a department inquiry in writing no later than the 15th day after the date the inquiry was received.

Relief Sought

If one or more of the above allegations is found to be true, TDI asks the Administrative Law Judge to enter a Proposal for Decision recommending that the commissioner of insurance issue an order:

1. revoking Rodriguez'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, MC ENF

P.O. Box 12030

Austin, Texas 78711-2030

(512) 676-6339 (Direct)

(512) 490-1020 (Fax)

2023-8294

Original Petition

Jose Manuel Rodriguez Jr

Page 3 of 3

Sydney.moore@tdi.texas.gov

ATTORNEY FOR THE PETITIONER
TEXAS DEPARTMENT OF INSURANCE

2023-8294

Automated Certificate of eService

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Mary Ruiz on behalf of Sydney Moore
Bar No. 24056052
Enforcementgeneral@tdi.texas.gov
Envelope ID: 79391293
Filing Code Description: Request to Docket
Filing Description: Rodriguez Request to Docket
Status as of 9/11/2023 10:09 AM CST

Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
Whitney Fraser		Whitney.Fraser@tdi.texas.gov	9/11/2023 9:39:43 AM	SENT
Sydney Moore		Sydney.Moore@tdi.texas.gov	9/11/2023 9:39:43 AM	SENT
Chief Clerk		ChiefClerk@tdi.texas.gov	9/11/2023 9:39:43 AM	SENT
Texas Department of Insurance		Enforcementgeneral@tdi.texas.gov	9/11/2023 9:39:43 AM	SENT
Jose ManualRodriguez		[REDACTED]	9/11/2023 9:39:43 AM	SENT

2023-8294

Automated Certificate of eService

This automated certificate of service was created by the e filing system. The filer served this document via email generated by the e filing system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Mary Ruiz on behalf of Sydney Moore
Bar No. 24056052
Enforcementgeneral@tdi.texas.gov
Envelope ID: 79435579
Filing Code Description: Notice of Hearing
Filing Description: NOH_OP
Status as of 9/12/2023 8:24 AM CST

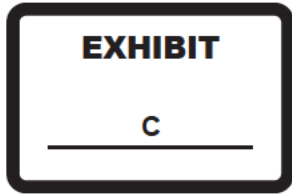
Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
Whitney Fraser		Whitney.Fraser@tdi.texas.gov	9/12/2023 8:12:04 AM	SENT
Chief Clerk		ChiefClerk@tdi.texas.gov	9/12/2023 8:12:04 AM	SENT
Texas Department of Insurance		Enforcementgeneral@tdi.texas.gov	9/12/2023 8:12:04 AM	SENT
Sydney Moore		Sydney.Moore@tdi.texas.gov	9/12/2023 8:12:04 AM	SENT
Jose ManualRodriguez		[REDACTED]	9/12/2023 8:12:04 AM	SENT

Associated Case Party: TDI

Name	BarNumber	Email	TimestampSubmitted	Status
Leah Gillum		Leah.Gillum@tdi.texas.gov	9/12/2023 8:12:04 AM	SENT
Jodie Delgado		jodie.delgado@tdi.texas.gov	9/12/2023 8:12:04 AM	SENT

2023-8294



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: 09/12/2023

Shipped From:

Name: ENF R RODRIGUEZ

Address: 1601 CONGRESS AVE

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 0047 0418 36

MOORE/31397





Firm Mailing Book For Accountable Mail

2023-8294

Name and Address of Sender

ENF R. RODRIGUEZ
1601 CONGRESS AVE
STE 6.900
AUSTIN TX 78701

ENF

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 8329 6698 05

MOORE/31397

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

JOSE MANUEL RODRIGUEZ
[REDACTED]
REDLANDS, CA 92373

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

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
0.87	4.35	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: 1
Total Number of Pieces Received at Post Office: 1

Postmaster, Per (Name of receiving employee)