

No. 2023-8145

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

Date: 8/22/2023

Subject Considered:

Sarafina Uliana James
[REDACTED]
San Antonio, TX 78218-6066

Default Order
SOAH Docket No. 454-23-19091.C
TDI Enforcement File No. 31212

General remarks and official action taken:

This is a default order taken against Sarafina Uliana James (Respondent) because she engaged in fraudulent or dishonest practices by submitting false information and by effectuating insurance policies without the consent of the policyholders in order to receive bonus compensation. 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 May 15, 2023, 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.

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Commissioner's Order

Sarafina Uliana James

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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, TX 78218-6066.
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, 4005.101-4005.105, 4051.051, and 4054.051; 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.

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Commissioner's Order

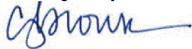
Sarafina Uliana James

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Order

It is ordered that any licenses held by Sarafina Uliana James are revoked. A copy of this order will be provided to law enforcement and other appropriate administrative agencies for further investigation as may be warranted.

DocuSigned by:

FC5D7EDDFFBB4F8... _____
Cassie Brown
Commissioner of Insurance

Prepared and reviewed by:



Nancy Williams, Staff Attorney
Enforcement

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Commissioner's Order
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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 Sarafina Uliana James. I have confirmed that:

- a. The last mailing address provided to the department in writing by Sarafina Uliana James is [REDACTED] San Antonio, TX 78218-6066.
- b. The file maintained by Enforcement contains a Notice of Hearing and Original Petition dated May 15, 2023, which were filed with the State Office of Administrative Hearings.
- c. On May 15, 2023, the Notice of Hearing and Original Petition addressed to Sarafina Uliana James were mailed first-class and certified, return receipt requested, to her last known address.

Copies of the first-class mail log and certified mail log maintained by Enforcement are attached as Exhibit C and Exhibit D, respectively."

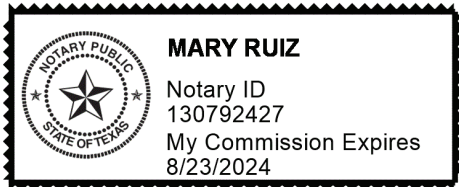
DocuSigned by:

AFD48FE21B91458...
Affiant

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SWORN TO AND SUBSCRIBED before me by means of an interactive two-way audio and video communication on 8/10/2023. This notarial act was an online notarization.

Notary Seal



Digital Certificate

DocuSigned by:
Mary Ruiz
795DC4D59167489...

Notary Public State of Texas

2023-8145

FILED
454-23-19091
5/15/2023 9:33 AM
STATE OFFICE OF
ADMINISTRATIVE HEARINGS
April Bermea , CLERK

ACCEPTED
454-23-19091
5/15/2023 9:35:13 am
STATE OFFICE OF
ADMINISTRATIVE HEARINGS
April Bermea , CLERK

**SOAH DOCKET NO. 454-23-19091.C
TDI ENFORCEMENT FILE NO. 31212**

TEXAS DEPARTMENT OF INSURANCE,

Petitioner

v.

SARAFINA ULIANA JAMES,

Respondent

BEFORE THE STATE OFFICE

OF

ADMINISTRATIVE HEARINGS

AMENDED NOTICE OF HEARING

The Texas Department of Insurance seeks to take disciplinary action against you. This Amended Notice of Hearing and the Amended 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 **December 12, 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.

EXHIBIT

A

2023-8145

Amended Notice of Hearing
Sarafina Uliana James
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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 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)*

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Amended Notice of Hearing
Sarafina Uliana James
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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

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.

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Amended Notice of Hearing
Sarafina Uliana James
SOAH Docket No. 454-23-19091.C
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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: Amended Petition

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

2023-8145

Amended Notice of Hearing
Sarafina Uliana James
SOAH Docket No. 454-23-19091.C
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CERTIFICATE OF SERVICE

I, Nancy Williams, certify that a true and correct copy of the *Amended Notice of Hearing and the Amended Petition* were sent by regular, first-class mail and by certified mail, return receipt requested, on this 15th day of May, 2023 to:

Sarafina Uliana James
[REDACTED]
San Antonio, TX 78218-6066
Self-Represented

Via CM/RRR No.:
9214 8901 9403 8315 0656 35



Nancy Williams

2023-8145

SOAH DOCKET No. 454-23-19091

FILED
454-23-19091
5/11/2023 4:58 PM
STATE OFFICE OF
ADMINISTRATIVE HEARINGS
Carol Hale, CLERK

**SOAH DOCKET NO. 454-23-
TDI ENFORCEMENT FILE NO. 31212**

TEXAS DEPARTMENT OF INSURANCE,

Petitioner

v.

SARAFINA ULIANA JAMES,

Respondent

BEFORE THE STATE OFFICE

ACCEPTED
454-23-19091
5/11/2023 5:03:47 pm
STATE OFFICE OF
ADMINISTRATIVE HEARINGS
Carol Hale, CLERK

OF

ADMINISTRATIVE HEARINGS

ORIGINAL PETITION

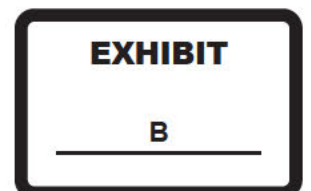
The Texas Department of Insurance seeks to take disciplinary action against Sarafina Uliana James. In support of this petition, the department makes the following allegations upon information and belief:

Jurisdiction

The Commissioner of Insurance has jurisdiction over this matter under TEX. INS. CODE §§ 82.051-82.055, 4001.002, 4005.101, 4005.102, 4051.051, 4054.051, and TEX. GOV'T CODE §§ 2001.051-2001.178.

Factual Allegations

1. Sarafina Uliana James (James), individual identification number 2093581, holds a general lines agent license with a qualification in life, accident, health, and HMO issued on August 7, 2019 and a qualification in personal lines property and casualty issued on October 19, 2020.
2. A complaint was submitted to Allstate Insurance Company (Allstate) that James may have falsified customer information or issued policies without the insured's knowledge to increase her bonus compensation.
3. Allstate conducted an audit to review all 75 policies James issued from her start date on March 10, 2022, through November 17, 2022, and discovered 56 of the 75 policies had been terminated.



4. Allstate spoke with some of the terminated policy holders from the audit and discovered the following information:
 - a. On May 11, 2022, an auto policy ending in 7604 was issued for A.W., effective on June 17, 2022, and was terminated for non-payment after no payments were made. A.W. stated that she never requested a policy and was only trying to help James with her quota after James told her she had to get a certain number of quotes.
 - b. On September 29, 2022, an auto policy ending in 6165 was issued to T.B., effective on November 18, 2022, that was canceled by James on October 14, 2022, indicating that T.B. had requested cancellation. T.B. stated that she never requested a policy and had no knowledge of the policy. When Allstate asked T.B. if she told James she was with Geico Insurance, as indicated on the application, T.B. stated she would not have said that because she was with State Farm Insurance.
 - c. On October 31, 2022, an auto policy ending in 4588 was issued to S.D., effective on December 30, 2022, and was canceled by James on November 8, 2022, indicating S.D. requested cancellation due to dissatisfaction with rates. S.D. stated that she called James to ask why a policy had been issued when she only agreed to a quote and that James told her that it was a mistake and she would cancel it.
5. James received financial bonuses that she would not have received without the unauthorized policies.
6. On January 4, 2023, Allstate terminated James's appointments with all Allstate companies.

Legal Allegations

1. James committed acts for which a license holder may be disciplined under TEX. INS. CODE § 4005.101, as contemplated by TEX. INS. CODE § 4005.102.
2. James 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. revoking Sarafina Uliana James'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,



Nancy Williams
State Bar No. 24058175
Texas Department of Insurance
Enforcement, 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

2023-8145

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 Nancy Williams
Bar No. 24058175
Enforcementgeneral@tdi.texas.gov
Envelope ID: 75564793
Filing Code Description: Request to Docket
Filing Description: Request to Docket 31212
Status as of 5/11/2023 5:05 PM CST

Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
Whitney Fraser		Whitney.Fraser@tdi.texas.gov	5/11/2023 4:58:39 PM	SENT
Nancy Williams		Nancy.Williams@tdi.texas.gov	5/11/2023 4:58:39 PM	SENT
Texas Department of Insurance		Enforcementgeneral@tdi.texas.gov	5/11/2023 4:58:39 PM	SENT
Chief Clerk		ChiefClerk@tdi.texas.gov	5/11/2023 4:58:39 PM	SENT
Sarafina UlianaJames		[REDACTED]	5/11/2023 4:58:39 PM	SENT

2023-8145

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 Nancy Williams
Bar No. 24058175
Enforcementgeneral@tdi.texas.gov
Envelope ID: 75622088
Filing Code Description: Notice of Hearing
Filing Description: Notice of Hearing and Original Petition
Status as of 5/15/2023 9:36 AM CST

Associated Case Party: chief clerk

Name	BarNumber	Email	TimestampSubmitted	Status
Chief Clerk		ChiefClerk@tdi.texas.gov	5/15/2023 9:33:19 AM	SENT

Associated Case Party: TDI

Name	BarNumber	Email	TimestampSubmitted	Status
Nancy Williams		Nancy.Williams@tdi.texas.gov	5/15/2023 9:33:19 AM	SENT
Whitney Fraser		Whitney.Fraser@tdi.texas.gov	5/15/2023 9:33:19 AM	SENT
Leah Gillum		Leah.Gillum@tdi.texas.gov	5/15/2023 9:33:19 AM	SENT
Catarina Tapia		Catarina.Tapia@tdi.texas.gov	5/15/2023 9:33:19 AM	SENT
Texas Department of Insurance		Enforcementgeneral@tdi.texas.gov	5/15/2023 9:33:19 AM	SENT

2023-8145



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: 05/15/2023

Shipped From:

Name: MC ENF M RUIZ

Address: 1601 CONGRESS AVENUE SUITE 6 900

City: AUSTIN

State: TX ZIP+4® 78711

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 0044 4278 31

WILLIAMS/31212

EXHIBIT

D



Name and Address of Sender

MC ENF M RUIZ
TEXAS DEPARTMENT OF INSURANCE
1601 CONGRESS AVENUE, SUITE 6.900
AUSTIN TX 78711

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

Affix Stamp Here

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

2023-8145

Table with columns: USPS Tracking/Article Number, 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, Special Handling. Includes address for WILLIAMS/31212 and various fee entries.

Total Number of Pieces Listed by Sender: 1

Total Number of Pieces Received at Post Office: 1

Postmaster, Per (Name of receiving employee)