

No. 2023-8009

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

Date: 06/07/2023

Subject Considered:

Mario Santana

[REDACTED]
Vero Beach, FL 32968-4038

Default Order
SOAH Docket No. 454-23-17629
TDI Enforcement File No. 26708

General remarks and official action taken:

The subject of this default order is whether a non-resident general lines agent license should be issued to Mario Santana (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 April 28, 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.
3. The department sent the Notice of Hearing and Original Petition to Respondent's last known address provided in writing to the department [REDACTED],

2023-8009

Commissioner's Order

Mario Santana

SOAH Docket No. 454-23-17629

Page 2 of 5

Vero Beach, FL 32968-4038. The Notice of Hearing and Original Petition were also sent by electronic mail and to one additional address associated with Respondent: [REDACTED] Vero Beach, FL 32967.

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, 4054.051, and 4056.052; 28 TEX. ADMIN. CODE § 1.502; TEX. OCC. CODE §§ 53.021-53.023; 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.

2023-8009

Commissioner's Order

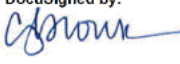
Mario Santana

SOAH Docket No. 454-23-17629

Page 3 of 5


Order

It is ordered that Mario Santana'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:

FC5D7EDDFFB84F8...

Cassie Brown
Commissioner of Insurance

Prepared and reviewed by:



Rachel A. Cloyd, Litigation Director
Enforcement

2023-8009

Commissioner's Order

Mario Santana

SOAH Docket No. 454-23-17629

Page 4 of 5

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 Mario Santana. I have confirmed that:

- a. The last mailing address provided to the department in writing by Mario Santana is [REDACTED], Vero Beach, FL 32968-4038.
- b. The file maintained by Enforcement contains a Notice of Hearing dated April 28, 2023, and Original Petition dated April 24, 2023, which were filed together with the State Office of Administrative Hearings on April 28, 2023.
- c. On April 28, 2023, the Notice of Hearing and Original Petition addressed to Mario Santana were mailed first-class and certified, return receipt requested, to his last known address and one additional address [REDACTED] Vero Beach, FL 32967.

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:

David Moreno

1BF4DC26D433447...

Affiant

2023-8009

Commissioner's Order

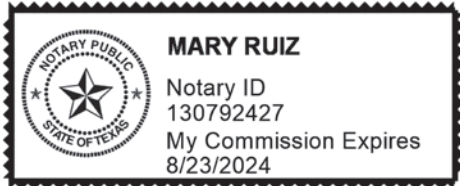
Mario Santana

SOAH Docket No. 454-23-17629

Page 5 of 5

SWORN TO AND SUBSCRIBED before me by means of an interactive two-way audio and video communication on 5/25/2023. This notarial act was an online notarization.

Notary Seal



Digital Certificate

DocuSigned by:
Mary Ruiz
795DC4D59167489...

Notary Public State of Texas

2023-8009

FILED
454-23-17629
4/28/2023 2:14 PM
STATE OFFICE OF
ADMINISTRATIVE HEARINGS
Pegah Nasrollahzadeh, CLERK

**SOAH DOCKET NO. 454-23-17629
TDI ENFORCEMENT FILE NO. 26708**

ACCEPTED
454-23-17629
4/28/2023 2:38:43 pm
STATE OFFICE OF
ADMINISTRATIVE HEARINGS
Pegah Nasrollahzadeh, CLERK

TEXAS DEPARTMENT OF INSURANCE,

BEFORE THE STATE OFFICE

Petitioner

v.

OF

MARIO SANTANA,

ADMINISTRATIVE HEARINGS

Respondent

NOTICE OF HEARING

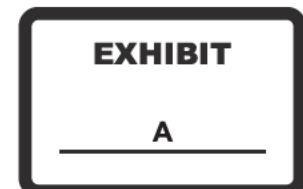
The Texas Department of Insurance seeks to deny your license application. This Notice of Hearing and the Original Petition, which is attached and incorporated for all purposes, states the allegations against you and the relief sought by the Department.

A public hearing will be held before an Administrative Law Judge on **Friday, October 20, 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.



2023-8009

Notice of Hearing

Mario Santana

SOAH Docket No. 454-23-17629

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 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
- (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)*
Amanda Cagle, Staff Attorney
Texas Department of Insurance
Enforcement, MC ENF

2023-8009

Notice of Hearing

Mario Santana

SOAH Docket No. 454-23-17629

Page 3 of 5

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

2023-8009

Notice of Hearing

Mario Santana

SOAH Docket No. 454-23-17629

Page 4 of 5

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

Respectfully Submitted,



Amanda Cagle
State Bar No. 00783569
Texas Department of Insurance
Enforcement, MC ENF
P.O. Box 12030
Austin, Texas 78711-2030
(512) 676-6342 (Direct)
(512) 490-1020 (Fax)
Amanda.Cagle@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
Rachel Cloyd, Litigation Director, Enforcement, MC ENF
Administrative Review, MC CO-AAL

2023-8009

Notice of Hearing
Mario Santana
SOAH Docket No. 454-23-17629
Page 5 of 5

CERTIFICATE OF SERVICE

I, Amanda Cagle, certify that a true and correct copy of the *Notice of Hearing and the Original Petition* were sent by the indicated methods on this 28th day of April, 2023 to:

Mario Santana
[REDACTED]
Vero Beach, FL 32968-4038

Via First Class U.S. Mail
& *Via CMRRR* 9214 8901 9403 8312 8570 35
& *Via Ema* [REDACTED]

Mario Santana
[REDACTED]
Vero Beach, FL 32967

Via First Class U.S. Mail
& *Via CMRRR* 9214 8901 9403 8312 8571 27



Amanda Cagle

2023-8009

SOAH DOCKET No. 454-23-17629

FILED
454-23-17629
4/24/2023 9:01 AM
STATE OFFICE OF
ADMINISTRATIVE HEARINGS
Carol Hale, CLERK

SOAH DOCKET NO. 454-_____
TDI ENFORCEMENT FILE NO. 26708

TEXAS DEPARTMENT OF INSURANCE,

Petitioner

v.

MARIO SANTANA,

Respondent

BEFORE THE STATE OFFICE

ACCEPTED
454-23-17629
4/24/2023 9:44:58 am
STATE OFFICE OF
ADMINISTRATIVE HEARINGS
Carol Hale, CLERK

OF

ADMINISTRATIVE HEARINGS

ORIGINAL PETITION

The Texas Department of Insurance seeks to deny Mario Santana’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, 4054.051, and 4056.052, 28 TEX. ADMIN. CODE § 1.502, TEX. OCC. CODE §§ 53.021–53.023, and TEX. GOV’T CODE §§ 2001.051-2001.178.

Factual Allegations

License Application and Background

1. On October 26, 2020, Mario Santana (Santana) applied for a non-resident general lines agent license with a life, accident, health, and HMO qualification to be issued by the department. He previously held a non-resident general lines agent license with a life, accident, health and HMO qualification issued by the department on November 9, 2017, and which expired on August 31, 2019, because he failed to renew it.
2. Santana resides in Florida and according to the records of the Florida Department of Financial Services, Division of Insurance Agent and Agency Services (FDIFS), he holds a Florida insurance license, but has no active appointments in Florida.

EXHIBIT
B

2023-8009

Original Petition

Mario Santana

Page 2 of 4

3. On December 9, 2020, the department proposed to deny Santana's application because he had been the subject of administrative disciplinary proceedings by insurance regulators in other states and because of his criminal history.
4. Santana appealed that decision and made a written request for a hearing.

Disciplinary Actions Taken by Insurance Regulators in Florida, Louisiana, Delaware, and Virginia

5. On January 9, 2018, the Chief Financial Officer of Florida, who oversees the FDFS, entered a Consent Order in Case No. 179565-17-AG. The order found that Santana had knowingly submitted insurance applications with false information to an insurer, fined him \$5,000 and ordered Santana to cease and desist from that conduct.
6. On July 12, 2018, the Louisiana Commissioner of Insurance entered a default order revoking Santana's insurance license for failing to report the Florida order to Louisiana, failing to respond to Louisiana's inquiry, and failing to respond to Louisiana's Notice of Proposed Regulatory Action.
7. On December 17, 2018, in Case No. 167005, the Delaware Insurance Commissioner entered a default order revoking Santana's insurance license for failing to report the Florida order to Delaware, and failing to respond to Delaware's Complaint and Notice of Hearing against him.
8. On July 3, 2020, in Case No. INS-2020-00109, the Virginia State Corporation Commission (SCC) entered a default order revoking Santana's insurance license for failing to report the Florida, Louisiana, and Delaware administrative actions to the Virginia SCC, and failing to respond to the Virginia SCC's notification of his right to hearing regarding his failure to report.
9. The orders from the insurance regulators in the states of Florida, Louisiana, Delaware, Virginia, and Ohio (discussed below) demonstrate that Santana has committed numerous fraudulent or dishonest acts.

Post-Application Disciplinary History and Failure to Respond to TDI

10. On May 12, 2021, the department requested additional information about his application from Santana, but he failed to respond to the request.
11. On October 19, 2021, the Superintendent of the Ohio Department of Insurance (Ohio DOI) issued a default order revoking Santana's insurance license because Santana submitted a renewal application in which he falsely answered "No" to the question "Have you ever been named or involved as a party in an administrative proceeding . . . regarding any professional . . . license," when he had, at that time, been the subject of such proceedings by both Louisiana and Delaware. Santana failed to respond to the Ohio DOI's Notice of Intent to Suspend, Revoke, or Refuse to Renew his Nonresident Agent License.
12. On March 20 and March 21, 2023, the department requested additional information about his application from Santana, but he failed to respond to any of the requests.

Legal Allegations

1. Santana has committed multiple acts for which a license may be denied pursuant to TEX. INS. CODE §§ 4005.101-4005.102 because he 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. denying Mario Santana'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,



Amanda Atkinson Cagle

State Bar No. 00783569

Texas Department of Insurance

Enforcement, MC ENF

P.O. Box 12030

Austin, Texas 78711-2030

(512) 676-6342 (Direct)

(512) 490-1020 (Fax)

Amanda.Cagle@tdi.texas.gov

ATTORNEY FOR THE PETITIONER

TEXAS DEPARTMENT OF INSURANCE

2023-8009

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 Amanda Cagle
Bar No. 783569
Enforcementgeneral@tdi.texas.gov
Envelope ID: 74930072
Filing Code Description: Request to Docket
Filing Description: Request to Docket
Status as of 4/24/2023 9:48 AM CST

Associated Case Party: Chief Clerk

Name	BarNumber	Email	TimestampSubmitted	Status
Chief Clerk		ChiefClerk@tdi.texas.gov	4/24/2023 9:01:47 AM	SENT

Associated Case Party: Texas Department of Insurance

Name	BarNumber	Email	TimestampSubmitted	Status
Amanda Cagle		Amanda.Cagle@tdi.texas.gov	4/24/2023 9:01:47 AM	SENT
Rachel Cloyd		Rachel.Cloyd@tdi.texas.gov	4/24/2023 9:01:47 AM	SENT
Texas Department of Insurance		Enforcementgeneral@tdi.texas.gov	4/24/2023 9:01:47 AM	SENT

Associated Case Party: Mario Santana

Name	BarNumber	Email	TimestampSubmitted	Status
Mario Santana		[REDACTED]	4/24/2023 9:01:47 AM	SENT
Mario Santana		[REDACTED]	4/24/2023 9:01:47 AM	ERROR

2023-8009

Automated Certificate of eService

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Mary Ruiz on behalf of Amanda Cagle
Bar No. 783569
Enforcementgeneral@tdi.texas.gov
Envelope ID: 75136958
Filing Code Description: Notice of Hearing
Filing Description: Notice of Hearing and Original Petition
Status as of 4/28/2023 2:39 PM CST

Associated Case Party: Texas Department of Insurance

Name	BarNumber	Email	TimestampSubmitted	Status
Amanda Cagle		Amanda.Cagle@tdi.texas.gov	4/28/2023 2:14:27 PM	SENT
Rachel Cloyd		Rachel.Cloyd@tdi.texas.gov	4/28/2023 2:14:27 PM	SENT
Texas Department of Insurance		Enforcementgeneral@tdi.texas.gov	4/28/2023 2:14:27 PM	SENT
Leah Gillum		Leah.Gillum@tdi.texas.gov	4/28/2023 2:14:27 PM	SENT
Catarina Tapia		Catarina.Tapia@tdi.texas.gov	4/28/2023 2:14:27 PM	SENT

Associated Case Party: Chief Clerk

Name	BarNumber	Email	TimestampSubmitted	Status
Chief Clerk		ChiefClerk@tdi.texas.gov	4/28/2023 2:14:27 PM	SENT

Associated Case Party: Mario Santana

Name	BarNumber	Email	TimestampSubmitted	Status
Mario Santana		[REDACTED]	4/28/2023 2:14:27 PM	SENT



Firm Mailing Book For Accountable Mail

2023-8009

Name and Address of Sender
 MC ENF MRUIZ
 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 Restricted Delivery

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

USPS Tracking/Article Number	Addressee (Name, Street, City, State, & ZIP Code™)	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
1 9214 8901 9403 8312 8570 35	MARIO SANTANA [REDACTED] VERO BEACH, FL 32968-4038	1.74	4.15								2.10			
CAGLE/26708														
2 9214 8901 9403 8312 8571 27	MARIO SANTANA [REDACTED] VERO BEACH, FL 32967	1.74	4.15	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

RECEIVED
 MAY 01 2023
 TDI - ENFORCEMENT



EXHIBIT
 D

Total Number of Pieces
 Total Number of Pieces Received at Post Office
 2

Postmaster, Per (Name of receiving employee)
 [Signature]

PS Form 3877, January 2017 (Page 1 of 1)
 N 7530-02-000-9098 JobId: 4161170

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