

No. 2023-8406

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

Date: 12/14/2023

Subject Considered:

Luis F Barbaresco Garcia

[REDACTED]
Lewisville, Texas 75067

Default Order
SOAH Docket No. 454-24-03558.C
TDI Enforcement File No. 31412

General remarks and official action taken:

This is a default order taken against Luis F Barbaresco Garcia (Respondent) because he submitted applications for life insurance policies with invalid personal identifiable information which were paid for with his bank account. 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 October 23, 2023, TDI filed a Notice of Hearing, attached as Exhibit A, together with 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.

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Commissioner's Order

Luis F Barbaresco Garcia

SOAH Docket No. 454-24-03558

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3. TDI sent the Notice of Hearing and Original Petition together to Respondent's last known address provided in writing to TDI, [REDACTED], Lewisville, Texas 75067. 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

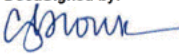
1. The commissioner has jurisdiction under Texas law, including TEX. INS. CODE §§ 82.051-82.055, 4001.002, 4001.102, 4001.105, 4005.101-4005.105, 4054.051, and 4101.051; TEX. OCC. CODE §§ 53.021-53.023; 28 TEX. ADMIN. CODE § 1.502; and TEX. GOV'T CODE §§ 2001.051-2001.178.
2. The commissioner has authority 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.

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Commissioner's Order
Luis F Barbaresco Garcia
SOAH Docket No. 454-24-03558
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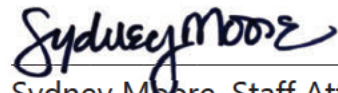
Order

It is ordered that any licenses held by Luis F Barbaresco Garcia 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:

FC5D7E0DDFFB84F8...

Cassie Brown
Commissioner of Insurance

Prepared and reviewed by:



Sydney Moore, Staff Attorney
Enforcement

2023 8406

Commissioner's Order
Luis F Barbaresco Garcia
SOAH Docket No. 454-24-03558
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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 Luis F Barbaresco Garcia. I have confirmed that:

- a. The last mailing address provided to the department in writing by Luis F Barbaresco Garcia is [REDACTED], Lewisville, Texas 75067.
- b. The file maintained by Enforcement contains a Notice of Hearing, dated October 23, 2023, and an Original Petition dated October 19, 2023, which were filed together with the State Office of Administrative Hearings on October 23, 2023.
- c. On October 23, 2023, the Notice of Hearing and Original Petition addressed to Luis F Barbaresco Garcia were mailed first-class and certified, return receipt requested, to his 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."

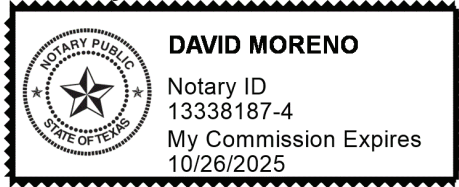
DocuSigned by:

6F934A41D8C44BE...
Affiant

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Commissioner's Order
Luis F Barbaresco Garcia
SOAH Docket No. 454-24-03558
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SWORN TO AND SUBSCRIBED before me by means of an interactive two-way audio and video communication on 11/27/2023. This notarial act was an online notarization.

Notary Seal



Digital Certificate

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

2023-8406

ACCEPTED
454-24-03558
10/23/2023 11:19:25 am
STATE OFFICE OF
ADMINISTRATIVE HEARINGS
Kevin Garza, CLERK

FILED
454-24-03558
10/23/2023 10:53 AM
STATE OFFICE OF
ADMINISTRATIVE HEARINGS
Kevin Garza, CLERK

**SOAH DOCKET NO. 454-24-03558.C
TDI ENFORCEMENT FILE NO. 31412**

TEXAS DEPARTMENT OF INSURANCE,

Petitioner

v.

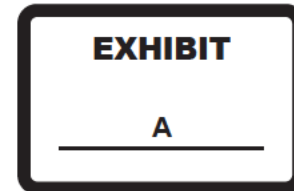
LUIS F BARBARESCO GARCIA,

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, March 5, 2024 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

Luis F Barbaresco Garcia

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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)*
Sydney Moore, Staff Attorney

2023 8406

Notice of Hearing

Luis F Barbaresco Garcia

SOAH Docket No. 454-24-03558.C

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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)

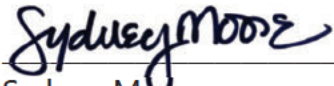
ALL VISITORS TO THE WILLIAM P. CLEMENTS BUILDING WITHOUT AN AGENCY OR DPS ISSUED ID CARD MUST PROVIDE THE BUILDING SECURITY OFFICER WITH THE STATE OFFICE OF ADMINISTRATIVE HEARINGS DOCKET NUMBER AND RECEIVE A VISITOR'S PASS IN ORDER TO BE ALLOWED ACCESS TO THE HEARING ROOM. INDIVIDUALS SHOULD ALLOW ADDITIONAL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

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Notice of Hearing
Luis F Barbaresco Garcia
SOAH Docket No. 454-24-03558.C
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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

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Notice of Hearing

Luis F Barbaresco Garcia

SOAH Docket No. 454-24-03558.C

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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 23rd day of October, 2023 to:

Luis F Barbaresco Garcia

[REDACTED]

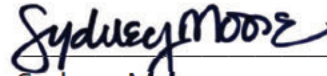
Lewisville, Texas 75067

Respondent Pro Se

Via CM/RRR No.:

9214 8901 9403 8334 8950 53

Via email: [REDACTED]



Sydney Moore

2023-8406

SOAH Docket No. 454-24-03558

FILED
454-24-03558
10/19/2023 11:51 AM
STATE OFFICE OF
ADMINISTRATIVE HEARINGS
April Bermea , CLERK

SOAH DOCKET NO. 454-_____
TDI ENFORCEMENT FILE NO. 31412

ACCEPTED
454-24-03558
10/19/2023 2:30:34 pm
STATE OFFICE OF
ADMINISTRATIVE HEARINGS
April Bermea , CLERK

TEXAS DEPARTMENT OF INSURANCE,

Petitioner

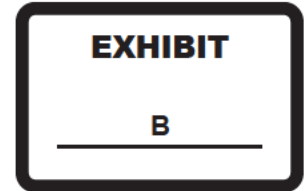
v.

LUIS F BARBARESCO GARCIA,

Respondent

BEFORE THE STATE OFFICE

OF



ADMINISTRATIVE HEARINGS

ORIGINAL PETITION

The Texas Department of Insurance (TDI) seeks to take disciplinary action against Luis F Barbaresco Garcia. 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 4054.051; and TEX. GOV'T CODE §§ 2001.051-2001.178.

Factual Allegations

1. Luis F Barbaresco Garcia (Garcia) holds a general lines agent license with life, accident, health, and HMO qualification issued by TDI on October 29, 2021.
2. Between December 6, 2022, and January 4, 2023, Garcia submitted seven applications to John Hancock Life Insurance Company for term policies which resulted in policies being issued on five individuals.
3. Garcia entered invalid personal identifiable information on three of the insured individuals.
4. All five of the policies issued were paid for by a bank account owned by Garcia.

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Original Petition
Luis F Barbaresco Garcia
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5. Garcia received \$11,992.42 in commissions for the above issued policies and has a remaining commission debt balance of \$2,910.58 owed to John Hancock Life Insurance Company.
6. Garcia failed to timely respond to a request for information sent by TDI pursuant to TEX. INS. CODE § 38.001 on March 21, 2023.

Legal Allegations

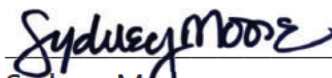
1. Garcia has willfully violated an insurance law of this state, as contemplated in TEX. INS. CODE § 4005.101(b)(1).
2. Garcia has engaged in fraudulent or dishonest acts or practices, as contemplated by TEX. INS. CODE § 4005.101(b)(5).
3. Garcia violated TEX. INS. CODE § 38.001 by failing to respond to a TDI inquiry in writing not 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 Luis F Barbaresco Garcia'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

2023 8406

Original Petition
Luis F Barbaresco Garcia
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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

2023-8406

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: 80763985
Filing Code Description: Request to Docket
Filing Description: Barbaresco Garcia Request to Docket
Status as of 10/19/2023 2:35 PM CST

Associated Case Party: Chief Clerk

Name	BarNumber	Email	TimestampSubmitted	Status
Chief Clerk		ChiefClerk@tdi.texas.gov	10/19/2023 11:51:16 AM	SENT

Associated Case Party: TDI

Name	BarNumber	Email	TimestampSubmitted	Status
Sydney Moore		Sydney.Moore@tdi.texas.gov	10/19/2023 11:51:16 AM	SENT
Whitney Fraser		Whitney.Fraser@tdi.texas.gov	10/19/2023 11:51:16 AM	SENT
Texas Department of Insurance		Enforcementgeneral@tdi.texas.gov	10/19/2023 11:51:16 AM	SENT

Associated Case Party: Luis F Barbaresco Garcia

Name	BarNumber	Email	TimestampSubmitted	Status
Luis FBarbaresco Garcia		[REDACTED]	10/19/2023 11:51:16 AM	SENT

2023-8406

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: 80853656
Filing Code Description: Notice of Hearing
Filing Description: Notice of Hearing and Original Petition
Status as of 10/23/2023 11:20 AM CST

Associated Case Party: TDI

Name	BarNumber	Email	TimestampSubmitted	Status
Whitney Fraser		Whitney.Fraser@tdi.texas.gov	10/23/2023 10:53:12 AM	SENT
Leah Gillum		Leah.Gillum@tdi.texas.gov	10/23/2023 10:53:12 AM	SENT
Texas Department of Insurance		Enforcementgeneral@tdi.texas.gov	10/23/2023 10:53:12 AM	SENT
Sydney Moore		Sydney.Moore@tdi.texas.gov	10/23/2023 10:53:12 AM	SENT
Jodie Delgado		jodie.delgado@tdi.texas.gov	10/23/2023 10:53:12 AM	SENT

Associated Case Party: Chief Clerk

Name	BarNumber	Email	TimestampSubmitted	Status
Chief Clerk		ChiefClerk@tdi.texas.gov	10/23/2023 10:53:12 AM	SENT

Associated Case Party: Luis F Barbaresco Garcia

Name	BarNumber	Email	TimestampSubmitted	Status
Luis FBarbaresco Garcia		[REDACTED]	10/23/2023 10:53:12 AM	SENT

2023-8406



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: 10/23/2023

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 0048 0053 63

MOORE/31412



Firm Mailing Book For Accountable Mail

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

USPS Tracking/Article Number

1. 9214 8901 9403 8334 8950 53

MOORE/31412

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

LUIS F BARBARESCO GARCIA

LEWISVILLE, TEXAS 75067

Affix Stamp Here

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

2023-8406

Table with columns: 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, Special Handling. Includes a large 'Handling Charge - if Registered and over \$50,000 in value' entry.

Total Number of Pieces Listed by Sender: 1

Total Number of Pieces Received at Post Office: 1

Postmaster, Per (Name of receiving employee)

