

No. **2021-6648**

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

Date: 01/13/2021

Subject Considered:

Brio Insurance Brokers Inc.
719 E. Parker Rd.
Houston, TX 77076-3412

Default Order
SOAH Docket No. 454-21-0844.C
TDI Enforcement File No. 25997

General remarks and official action taken:

This is a default order taken against Brio Insurance Brokers Inc. (Respondent) because Respondent failed to properly notify insured of agent fees and failed to obtain a signature on the required written disclosure. 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 December 11, 2020, 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, 719 E. Parker Rd.,

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Commissioner's Order

Brio Insurance Brokers Inc.

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Houston, TX 77076-3412. The Notice of Hearing and Original Petition were also sent to Respondent 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 pursuant to Texas law, including TEX. INS. CODE §§ 82.051-82.055, 4001.002, 4001.102, 4001.105, 4005.101-4005.105, 4051.051 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 pursuant to 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 pursuant to 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 pursuant to 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 pursuant to 28 TEX. ADMIN. CODE § 1.89.

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Order


It is ordered that any licenses held by Brio Insurance Brokers Inc. are revoked. A copy of this order will be provided to law enforcement and/or other appropriate administrative agencies for further investigation as may be warranted.

Commissioner of Insurance

DocuSigned by:

By: C77A87C8C21B435...
Doug Slape
Chief Deputy Commissioner
TEX. GOV'T CODE § 601.002
Commissioner's Order No. 2018-5528

Prepared and reviewed by:


Sydney Moore, Staff Attorney
Enforcement Division

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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 Brio Insurance Brokers Inc. I have confirmed that:

- a. The last mailing address provided to the department in writing by Brio Insurance Brokers Inc. is 719 E. Parker Rd., Houston, TX 77076-3412.
- b. The file maintained by the Enforcement Division contains a Notice of Hearing and Original Petition dated December 11, 2020, which were filed with the State Office of Administrative Hearings.
- c. On December 11, 2020, the Notice of Hearing and Original Petition addressed to Brio Insurance Brokers Inc. were mailed certified, return receipt requested, to their last known address and by electronic mail.

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

DocuSigned by:

David Moreno

4C47B8208A754AA...

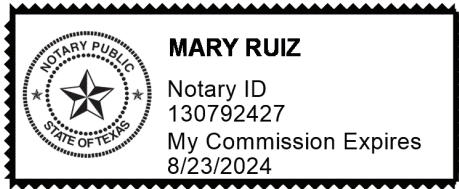
Affiant

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SWORN TO AND SUBSCRIBED before me by means of an interactive two-way audio and video communication on 1/4/2021. This notarial act was an online notarization.

Notary Seal



Digital Certificate

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

ACCEPTED **2021-6648**
454-21-0844
12/11/2020 12:50 PM
STATE OFFICE OF
ADMINISTRATIVE HEARINGS
Donnie Roland, CLERK

FILED
454-21-0844
12/11/2020 12:01 PM
STATE OFFICE OF
ADMINISTRATIVE HEARINGS
Donnie Roland, CLERK

SOAH DOCKET NO. 454-21-0844.C
TDI ENFORCEMENT FILE NO. 25997

TEXAS DEPARTMENT OF INSURANCE,

BEFORE THE STATE OFFICE

Petitioner

v.

OF

BRIO INSURANCE BROKERS INC,

ADMINISTRATIVE HEARINGS

Respondent

NOTICE OF HEARING

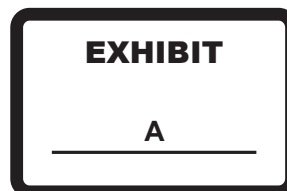
The Texas Department of Insurance seeks to take disciplinary action against Brio Insurance Brokers Inc. This Notice of Hearing and the Original Petition, which is attached and incorporated for all purposes, states the allegations against Brio Insurance Brokers Inc and the relief sought by the Department.

A public hearing will be held before an Administrative Law Judge on **Tuesday, March 9, 2021, 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 pursuant to 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 PURSUANT TO 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 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) 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);
- (2) Chief Clerk
Texas Department of Insurance
P.O. Box 149104, MC112-2A
Austin, Texas 78714-9104
(512) 490-1064 (Fax)
chiefclerk@tdi.texas.gov; and
- (3) Sydney Moore, Staff Attorney
Texas Department of Insurance
Enforcement Division, MC110-1A
P.O. Box 149104

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Austin, Texas 78714-9104
(512) 490-1020 (Fax)
sydney.moore@tdi.texas.gov

Receiving Documents

The State Office of Administrative Hearings (SOAH) offers you the ability to receive service of orders and other documents issued by SOAH through email instead of by mail or fax. If you want to receive SOAH-issued documents by email, go to SOAH's website, www.soah.texas.gov, click on the "E-Services" tab, then click the hyperlink "Request Service by Email (only for use by self-represented litigants)," and follow the instructions.

NOTE: A request to receive SOAH-issued documents by email does not change the procedures you must follow to file documents with SOAH. The rules for filing documents and providing copies to all other parties in the case are described in SOAH's Procedural Rules, which are available on SOAH's website. Click the "Agency" tab, then click "Administrative Rules and Laws" to view SOAH's Procedural Rules.

Important Security Notice

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.

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Notice of Hearing
Brio Insurance Brokers Inc
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Respectfully Submitted,

A handwritten signature in blue ink that reads "Sydney Moore". The signature is written in a cursive style and is positioned above a horizontal line.

Sydney Moore
State Bar No. 24056052
Texas Department of Insurance
Enforcement Division, MC110-1A
P.O. Box 149104
Austin, Texas 78714-9104
(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, Enforcement Division, MC-110-1A
Whitney Fraser, Litigation Director, Enforcement Division, MC-110-1A
Administrative Review, MC107-1A

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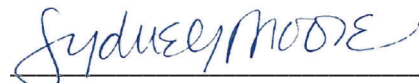
Notice of Hearing
Brio Insurance Brokers Inc
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CERTIFICATE OF SERVICE

I, Sydney Moore, certify that a true and correct copy of the *Notice of Hearing and the Original Petition* were sent by electronic mail and certified mail, return receipt requested, on this 11th day of December, 2020 to:

Brio Insurance Brokers Inc
719 E Parker Rd
Houston, TX 77076-3412
Respondent Pro Se

Via CM/RRR No.: 9214 8901 9403 8327 4004 86
Via email: southtexinsurance@gmail.com



Sydney Moore

SOAH DOCKET NO. 454-_____
TDI ENFORCEMENT FILE NO. 25997

TEXAS DEPARTMENT OF INSURANCE,

Petitioner

v.

BRIO INSURANCE BROKERS INC,

Respondent

BEFORE THE STATE OFFICE

OF

ADMINISTRATIVE HEARINGS

ORIGINAL PETITION

The Texas Department of Insurance seeks to take disciplinary action against Brio Insurance Brokers Inc. 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 pursuant to TEX. INS. CODE §§ 82.051-82.055, 84.021-84.044 4001.002, 4005.101, 4005.102, and 4051.051, and TEX. GOV'T CODE §§ 2001.051-2001.178.

Factual Allegations

1. Brio Insurance Brokers Inc (Brio), organization identification number 147510, holds a general lines agency license with a property and casualty qualification issued by the Texas Department of Insurance (TDI) on September 4, 2018.
2. Brio charged and collected \$1,387.75 from S.S., an insured, for Atlantic Casualty Insurance Company policy number xxxxxx9722.
3. The total premium including taxes and fees for Atlantic Casualty Insurance Company policy number xxxxxx9722 was \$687.75.
4. Brio charged and collected \$700.00 in agent fees from S.S., an insured, and failed to properly notify her they were charging the fee and failed to obtain her signature on a written disclosure regarding the agent fee prior to providing the service.

EXHIBIT

B

Legal Allegations

1. Brio materially misrepresented the terms and conditions of insurance policies or contracts, as contemplated by TEX. INS. CODE § 4005.101(b)(6).
2. Brio engaged in fraudulent or dishonest acts or practices, as contemplated by TEX. INS. CODE § 4005.101(b)(5).
3. Brio did not properly notify a client, as required by 28 TEX. ADMIN. CODE § 19.1503, that it was charging a policy fee, agent fee, service fee, inspection fee, and/or reimbursement fee pursuant to TEX. INS. CODE §§ 4005.003 and/or § 550.001.
4. Brio failed to comply with 28 TEX. ADMIN. CODE § 19.1503 which states that an agent must obtain the client's signature on a written disclosure form which:
 - a. Notifies the client, prior to incurring the expense or providing the service, of the fee charged by the agent;
 - b. Contains the toll-free telephone number of the Texas Department of Insurance and the required bold-face statement; and
 - c. Contains a complete itemized list of the fees being charged and, if a service fee is charged, a complete itemized listing of the services provided and the corresponding charge for each item under the service fee.

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 Brio Insurance Brokers Inc's license;
2. ordering Brio Insurance Brokers Inc to cease and desist from certain activity or conduct;
3. directing Brio Insurance Brokers Inc to pay an administrative penalty under TEX. INS. CODE §§ 84.021 – 84.022;
4. directing Brio Insurance Brokers Inc to make restitution to victim under TEX. INS. CODE § 82.053; and
5. imposing any other just and appropriate relief to which the department may be entitled to by law, including any combination of the above actions.

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Original Petition
Brio Insurance Brokers Inc
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Respectfully Submitted,

A handwritten signature in blue ink that reads "Sydney Moore". The signature is written in a cursive style with a large initial 'S' and a long horizontal stroke at the end.

Sydney Moore
State Bar No. 24056052
Texas Department of Insurance
Enforcement Division, MC110-1A
P.O. Box 149104
Austin, Texas 78714-9104
(512) 676-6339 (Direct)
(512) 490-1020 (Fax)
sydney.moore@tdi.texas.gov

ATTORNEY FOR THE PETITIONER
TEXAS DEPARTMENT OF INSURANCE

2021-6648



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: 12/11/2020

Shipped From:

Name: MC 110-1A D MORENO

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	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 0025 7862 47

EXHIBIT

C

moore/25997



Firm Mailing Book For Accountable Mail

Name and Address of Sender

MC 110-1A D Moreno
Texas Department of Insurance
333 Guadalupe St
Austin TX 78701

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.

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Table with columns: 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, S Fee. Includes row 1 for BRIO INSURANCE BROKERS INC and a summary row for Total Number of Pieces.






Total Number of Pieces Listed by Sender: 1
Total Number of Pieces Received at Post Office: 1
Postmaster, Per (Name of receiving employee)

Tracking History



Tracking #: 9214890194038327400486

Recipient: BRIO INSURANCE BROKERS INC
719 E PARKER RD
HOUSTON, TX 77076-3412

Date & Time	Event Type	Event	Event Location
12/11/2020 11:56		PRE-SHIPMENT INFO SENT USPS AWAITS ITEM	AUSTIN,TX, 78701
12/14/2020 22:40		ORIGIN ACCEPTANCE	AUSTIN,TX, 78701
12/14/2020 23:55		PROCESSED THROUGH USPS FACILITY	AUSTIN,TX, 78710
12/15/2020 09:29		PROCESSED THROUGH USPS FACILITY	NORTH HOUSTON,TX, 77315
12/16/2020 10:01		DELIVERED LEFT WITH INDIVIDUAL	HOUSTON,TX, 77076