

No. 2021-6660

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

**Date:** 01/21/2021

**Subject Considered:**

Juan Enrique Rodriguez-Perez  
[REDACTED]

Eules, Texas 76039

Juan Enrique Rodriguez-Perez  
[REDACTED]

Fort Worth, Texas 76110

Default Order  
SOAH Docket No. 454-21-0559  
TDI Enforcement File No. 17469

**General remarks and official action taken:**

The subject of this default order is whether a General Lines Life, Accident and Health License should be issued to Juan Enrique Rodriguez-Perez (Respondent). Respondent did not respond to a Notice of Hearing filed by the Texas Department of Insurance or appear at the hearing on the merits. 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 November 4, 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.

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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], [REDACTED], Euless, Texas 76039. The Notice of Hearing and Original Petition were also sent by electronic mail and to an additional address associated with Respondent: [REDACTED], Fort Worth, Texas 76110.
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.

### Failure to Appear at Hearing on the Merits

5. After receiving proper notice of the date, time, and location of the hearing on the merits, Respondent failed to appear for the hearing on January 6, 2021, as shown in the record in SOAH Docket No. 454-21-0559.

### **Conclusions of Law**

1. The commissioner has jurisdiction pursuant to Texas law, including TEX. INS. CODE §§ 4054.051 and 4005.101–4005.104; TEX. OCC. CODE § 53.021; 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 and failure to appear in person or by legal representative at the hearing, the department is entitled to disposition by default pursuant to 28 TEX. ADMIN. CODE §§ 1.88 and 1.89.

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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.

## Order

It is ordered that Juan Enrique Rodriguez-Perez's application is denied. 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

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

Prepared and reviewed by:

/s Casey Seeboth  
Casey Seeboth, Staff Attorney  
Enforcement Division

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Juan Enrique Rodriguez-Perez  
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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 Juan Enrique Rodriguez-Perez. I have confirmed that:

- a. The last mailing address provided to the department in writing by Juan Enrique Rodriguez-Perez is [REDACTED], Euless, Texas 76039.
- b. The file maintained by the Enforcement Division contains a Notice of Hearing and Original Petition dated November 4, 2020, which were filed with the State Office of Administrative Hearings.
- c. On November 4, 2020, the Notice of Hearing and Original Petition addressed to Juan Enrique Rodriguez-Perez were mailed certified, return receipt requested, to his last known address and an additional address: [REDACTED], Fort Worth, Texas 76110.

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

DocuSigned by:  
  
7ED06D476FB54F2... \_\_\_\_\_  
Affiant

# 2021-6660

Commissioner's Order

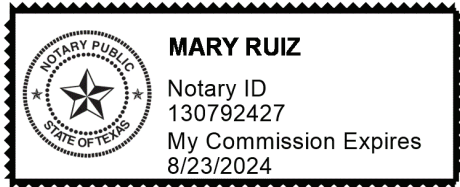
Juan Enrique Rodriguez-Perez

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SWORN TO AND SUBSCRIBED before me by means of an interactive two-way audio and video communication on 1/6/2021. This notarial act was an online notarization.

## Notary Seal



## Digital Certificate

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

**2021-6660**

ACCEPTED  
454-21-0559  
11/04/2020 2:04 PM  
STATE OFFICE OF  
ADMINISTRATIVE HEARINGS  
Donnie Roland, CLERK

FILED  
454-21-0559  
11/4/2020 2:00 PM  
STATE OFFICE OF  
ADMINISTRATIVE HEARINGS  
Donnie Roland, CLERK

**SOAH DOCKET NO. 454-21-0559  
TDI ENFORCEMENT FILE NO. 17469**

**TEXAS DEPARTMENT OF INSURANCE,**

**Petitioner**

**v.**

**JUAN ENRIQUE RODRIGUEZ-PEREZ,**

**Respondent**

**BEFORE THE STATE OFFICE**

**OF**

**ADMINISTRATIVE HEARINGS**

**NOTICE OF HEARING**

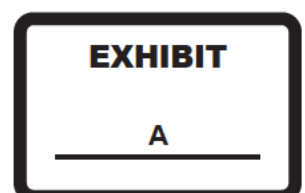
The Texas Department of Insurance seeks to deny your license application. This Notice of Hearing and the Original Petition, which is attached and incorporated for all purposes, states the allegations against you and the relief sought by TDI.

A public hearing will be held before an Administrative Law Judge on **Wednesday, January 6, 2021, at 9:00 a.m.** The hearing will take place by telephone at the direction of 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](http://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 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) 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) Casey Seeboth, Staff Attorney  
Texas Department of Insurance  
Enforcement Division, MC110-1A  
P.O. Box 149104  
Austin, Texas 78714-9104  
(512) 490-1020 (fax)  
Casey.Seeboth@tdi.texas.gov

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### 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](http://www.soah.texas.gov), click on the "E-Services" tab, then click the "eFiling" hyperlink, 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, contact me at the address or telephone number shown below.

Respectfully Submitted,

/s Casey Seeboth

Casey Seeboth

State Bar No. 24070584

Texas Department of Insurance

Enforcement Division, MC110-1A

P.O. Box 149104

Austin, Texas 78714-9104

(512) 676-6337 (direct)

(512) 490-1020 (fax)

Casey.Seeboth@tdi.texas.gov



**2021-6660**

Notice of Hearing  
Juan Enrique Rodriguez-Perez  
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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

**CERTIFICATE OF SERVICE**

I, Casey Seeboth, certify that a true and correct copy of the *Notice of Hearing and the Original Petition* were sent by certified mail, return receipt requested, and email on this 4th day of November, 2020 to:

Juan Enrique Rodriguez-Perez  
[Redacted]  
Eules, Texas 76039

via CM/RRR no.:  
9214 8901 9403 8324 4147 21

Juan Enrique Rodriguez-Perez  
[Redacted]  
Fort Worth, Texas 76110

via CM/RRR no.:  
9214 8901 9403 8324 4148 75

[Redacted]

/s Casey Seeboth  
Casey Seeboth

**SOAH DOCKET NO. 454-\_\_\_\_\_**  
**TDI ENFORCEMENT FILE NO. 17469**

**TEXAS DEPARTMENT OF INSURANCE,**

**BEFORE THE STATE OFFICE**

**Petitioner**

**v.**

**OF**

**JUAN ENRIQUE RODRIGUEZ-PEREZ,**

**ADMINISTRATIVE HEARINGS**

**Respondent**

**ORIGINAL PETITION**

The Texas Department of Insurance seeks to deny Juan Enrique Rodriguez-Perez's license application. In support of this petition, TDI makes the following allegations upon information and belief:

**Jurisdiction**

The Commissioner of Insurance has jurisdiction over this matter pursuant to TEX. INS. CODE §§ 4054.051 and 4005.101–4005.104; TEX. OCC. CODE § 53.021; 28 TEX. ADMIN. CODE § 1.502; and TEX. GOV'T CODE §§ 2001.051–2001.178.

**Factual Allegations**

1. Juan Enrique Rodriguez-Perez submitted to TDI an application for a General Lines Life, Accident, and Health License.
2. In his application, Mr. Rodriguez-Perez intentionally answered "no" to this question: "Have you ever been convicted of a felony, had a judgment withheld or deferred, or are you currently charged with committing a felony?" Mr. Rodriguez-Perez's negative answer to this question was false.
3. In April 2010, Mr. Rodriguez-Perez pleaded guilty to felony burglary of a habitation. Adjudication was deferred, and Mr. Rodriguez-Perez was placed on community supervision and ordered to pay a fine and court costs.
4. In June 2015, Mr. Rodriguez-Perez was released from community supervision.

**EXHIBIT**

**B**

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Original Petition

Juan Enrique Rodriguez-Perez

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5. Burglary of a habitation is an offense that directly relates to the duties and responsibilities of an insurance agent.
6. Mr. Rodriguez-Perez may be considered to have been convicted of a felony in accord with TEX. OCC. CODE § 53.021(d).
7. TDI informed Mr. Rodriguez-Perez that it had denied the license, and he requested a hearing to contest the denial.

### **Legal Allegations**

1. The Commissioner is authorized to deny Mr. Rodriguez-Perez a General Lines Life, Accident, and Health License because he has committed a felony, as contemplated by TEX. INS. CODE § 4005.101(b)(8).
2. The Commissioner is authorized to deny Mr. Rodriguez-Perez a General Lines Life, Accident, and Health License because he has intentionally made a material misstatement in the license application, as contemplated by TEX. INS. CODE § 4005.101(b)(2).
3. The Commissioner is authorized to deny Mr. Rodriguez-Perez a General Lines Life, Accident, and Health License because he has obtained or attempted to obtain a license by fraud or misrepresentation, as contemplated by TEX. INS. CODE § 4005.101(b)(3).
4. The Commissioner is authorized to deny Mr. Rodriguez-Perez a General Lines Life, Accident, and Health License because he has been convicted of an offense that directly relates to the duties and responsibilities of the licensed occupation, as contemplated by TEX. OCC. CODE § 53.021(a)(1).
5. The Commissioner is authorized to deny Mr. Rodriguez-Perez a General Lines Life, Accident, and Health License because he has committed a felony that directly relates to the duties and responsibilities of an insurance agent, as contemplated by 28 TEX. ADMIN. CODE § 1.502(d).

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Original Petition

Juan Enrique Rodriguez-Perez

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## 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. denying Juan Enrique Rodriguez-Perez's license application, and
2. imposing any other just and appropriate relief to which TDI may be entitled by law.

Respectfully Submitted,

/s/ Casey Seeboth

Casey Seeboth

State Bar No. 24070584

Texas Department of Insurance

Enforcement Division, MC110-1A

P.O. Box 149104

Austin, Texas 78714-9104

(512) 676-6337 (direct)

(512) 490-1020 (fax)

Casey.Seeboth@tdi.texas.gov

ATTORNEY FOR THE PETITIONER

TEXAS DEPARTMENT OF INSURANCE



# 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: 11/04/2020

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	2
Total	2

\*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 1308 35

seeboth/17469



**EXHIBIT**

**c**



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.

USPS Tracking/Article Number	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 8324 4147 21	1.20	3.55	Handling Charge - if Registered and over \$50,000 in value							1.70			
JUAN ENRIQUE RODRIGUEZ PEREZ EULESS, TEXAS 76039													
2. 9214 8901 9403 8324 4148 75	1.20	3.55								1.70			
JUAN ENRIQUE RODRIGUEZ PEREZ FORT WORTH, TEXAS 76110													
seeboth/17469													



RECEIVED  
 NOV 09 2020

TDI - ENFORCEMENT

2021-6660

Total Number of Pieces Listed by Sender: 2  
 Total Number of Pieces Received at Post Office: 2

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

Complete in Ink

Privacy Notice: For more information on USPS privacy policies, visit [usps.com/privacypolicy](https://usps.com/privacypolicy).