

No. 2020-6508

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

Date: 10/15/2020

Subject Considered:

Yessica E. Ruiz


Waco, TX 76708-2551

Default Order
SOAH Docket No. 454-20-4610
TDI Enforcement File No. 24388

General remarks and official action taken:

This is a default order taken against Yessica E. Ruiz (Respondent) because Respondent misappropriated, converted to her own use, or illegally withheld money belonging to an insured, insurer, or beneficiary, in violation of TEX. INS. CODE § 4005.101(b)(4). Respondent did not respond to a Notice of Hearing filed by the Texas Department of Insurance. This order revokes Respondent's licenses.

The following findings of fact and conclusions of law are adopted:

Findings of Fact

Failure to Respond to Notice of Hearing

1. On August 21, 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.

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Commissioner's Order

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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], Waco, TX 76708-2551. The Notice of Hearing and Original Petition were also sent to [REDACTED], Waco, TX 76708. In addition, these documents were sent electronically to two email addresses associated with the Respondent.
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, 4005.101, 4005.102, 4054.051; 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 Yessica E. Ruiz 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:
Doug Slape
C77A87C8C21B435...

By: _____

Doug Slape

Chief Deputy Commissioner

TEX. GOV'T CODE § 601.002

Commissioner's Order No. 2018-5528

Prepared and reviewed by:



Nancy Williams, 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 Yessica E. Ruiz. I have confirmed that:

- a. The last mailing address provided to the department in writing by Yessica E. Ruiz is [REDACTED], Waco, Texas 76708-2551.
- b. The file maintained by the Enforcement Division contains a Notice of Hearing and Original Petition dated August 21, 2020, which were filed with the State Office of Administrative Hearings.
- c. On August 21, 2020, the Notice of Hearing and Original Petition addressed to Yessica E. Ruiz were mailed certified, return receipt requested, to her last known address and one additional address: [REDACTED] Waco, TX 76708. In addition, these documents were sent electronically to two email addresses associated with Yessica E. Ruiz.

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Commissioner's Order

Yessica E. Ruiz

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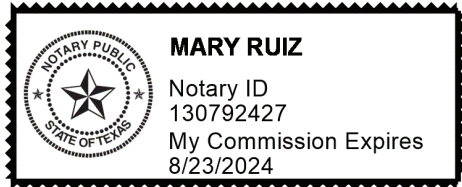
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Copies of the certified mail log maintained by the Enforcement Division is attached as Exhibit C.

DocuSigned by:
David Moreno _____
C0BB3E2CC672404...
A111d111

SWORN TO AND SUBSCRIBED before me by means of an interactive two-way audio and video communication on 9/30/2020. This notarial act was an online notarization.

Notary Seal



Digital Certificate

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

2020-6508

ACCEPTED
454-20-4610
8/21/2020 11:08 AM
STATE OFFICE OF
ADMINISTRATIVE HEARINGS
Donnie Roland, CLERK

FILED
454-20-4610
8/21/2020 9:48 AM
STATE OFFICE OF
ADMINISTRATIVE HEARINGS
Donnie Roland, CLERK

**SOAH DOCKET NO. 454-20-4610
TDI ENFORCEMENT FILE NO. 24388**

TEXAS DEPARTMENT OF INSURANCE,

BEFORE THE STATE OFFICE

Petitioner

v.

OF

YESICA E. RUIZ,

ADMINISTRATIVE HEARINGS

Respondent

NOTICE OF HEARING

The Texas Department of Insurance 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 the Department.

A public hearing will be held before an Administrative Law Judge on **Tuesday, December 15, 2020, at 9:00 a.m.** The hearing will take place at the State Office of Administrative Hearings, located in the William P. Clements Building, 300 W. 15th Street, 4th Floor, Austin, Texas 78701.

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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Yesica E. Ruiz

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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, 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, 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) Nancy Williams, Staff Attorney
Texas Department of Insurance
Enforcement Division, MC110-1A
P.O. Box 149104
Austin, Texas 78714-9104
(512) 490-1020 (Fax)
Nancy.Williams@tdi.texas.gov

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Yesica E. Ruiz

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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, 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.

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Yesica E. Ruiz

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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, MC110-1A
P.O. Box 149104
Austin, Texas 78714-9104
(512) 676-6338 (Direct)
(512) 490-1020 (Fax)
Nancy.Williams@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

Yesica E. Ruiz

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CERTIFICATE OF SERVICE

I, Nancy Williams, certify that a true and correct copy of the *Notice of Hearing and the Original Petition* were sent by certified mail, return receipt requested, on this 21st day of August, 2020 to:

Yesica E. Ruiz
Respondent Pro Se

Via Email:

[REDACTED]

[REDACTED]
Waco, TX 76708-2551

Via CM/RRR No.: 9214 8901 9403 8319 3023 61

[REDACTED]
Waco, TX 76708

Via CM/RRR No.: 9214 8901 9403 8319 3024 91



Nancy Williams

454-20-4610

**SOAH DOCKET NO. 454-20-
TDI ENFORCEMENT FILE NO. 24388**

TEXAS DEPARTMENT OF INSURANCE,

Petitioner

v.

YESICA E. RUIZ,

Respondent

BEFORE THE STATE OFFICE

OF

ADMINISTRATIVE HEARINGS

ORIGINAL PETITION

The Texas Department of Insurance seeks to take disciplinary action against Yesica E. Ruiz (Ruiz). 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, 4001.002, 4005.101, 4005.102, and TEX. GOV'T CODE §§ 2001.051-2001.178.

Factual Allegations

1. Ruiz holds a general lines agent license with a life, accident and health qualification, issued by the department on February 25, 2013, and a county mutual agent license issued by the department on March 29, 2019.
2. Ruiz was appointed by American National Insurance Company (ANIC) on March 29, 2016, through May 18, 2018.
3. An ANIC audit revealed that Ruiz collected over \$2,000 in cash premium payments from policyholders between August 2017 and May 2018, which Ruiz failed to remit to ANIC.
4. Ruiz's relationship with ANIC was terminated effective May 18, 2018.

EXHIBIT

B

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Original Petition

Yessica E. Ruiz

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5. On June 13, 2019, the department's complaints processing division sent a request for information to the last email of record provided by Ruiz, pursuant to TEX. INS. CODE § 38.001, which required a response in writing not later than the 15th day after receipt of the request. Ruiz failed to respond.
6. On February 5 and 10, 2020, the department's complaints processing division left messages for Ruiz at the last phone number of record provided by Ruiz. Ruiz failed to respond.
7. On June 10, 2020, the department sent Ruiz a request for information pursuant to TEX. INS. CODE § 38.001, which required a response in writing not later than the 15th day after receipt, via certified mail to the address Ruiz specified. The department received notification that delivery was made on June 15, 2020. Ruiz failed to respond.

Legal Allegations

1. Ruiz 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. Ruiz willfully violated an insurance law of this state, pursuant to TEX. INS. CODE § 4005.101(b)(1).
3. Ruiz misappropriated, converted to her own use, or illegally withheld money belonging to an insured, insurer, or beneficiary, in violation of TEX. INS. CODE § 4005.101(b)(4).
4. Ruiz engaged in fraudulent or dishonest acts or practices, in violation of TEX. INS. CODE § 4005.101(b)(5).
5. Ruiz failed to respond to a department inquiry in writing not later than the 15th day after the date the inquiry was received, in violation of TEX. INS. CODE § 38.001.

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 Ruiz'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 Division, MC110-1A
P.O. Box 149104
Austin, Texas 78714-9104
(512) 676-6338 (Direct)
(512) 490-1020 (Fax)
Nancy.Williams@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: 08/21/2020
 Shipped From:
 Name: MC 110-1A M RUIZ
 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 0023 7009 86

williams/24388





Name and Address of Sender

MC 110-1A M RUIZ
Texas Department of Insurance
333 Guadalupe St
Austin Tx 78701

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

2020-6508

- 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 8319 3023 61

williams/24388

2. 9214 8901 9403 8319 3024 91

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

YESICA E RUIZ
WACO TX 76708-2551

YESICA E RUIZ
WACO TX 78708

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 Fee.

Total Number of Pieces Listed by Sender: 2

Postmaster, Per (Name of receiving employee)

Tracking History



Tracking #: 9214890194038319302361

Recipient: YESICA E RUIZ
[REDACTED]
WACO TX 76708-2551

Date & Time	Event Type	Event	Event Location
08/21/2020 09:41		PRE-SHIPMENT INFO SENT USPS AWAITS ITEM	AUSTIN, TX, 78701
08/23/2020 10:58		PROCESSED THROUGH USPS FACILITY	FORT WORTH, TX, 76161
08/24/2020 16:32		DELIVERED LEFT WITH INDIVIDUAL	WACO, TX, 76708

Tracking History



Tracking #: 9214890194038319302491

Recipient: YESICA E RUIZ
[REDACTED]
WACO TX 76708

Date & Time	Event Type	Event	Event Location
08/21/2020 09:41		PRE-SHIPMENT INFO SENT USPS AWAITS ITEM	AUSTIN,TX, 78701
08/22/2020 19:29		ORIGIN ACCEPTANCE	AUSTIN,TX, 78701
08/22/2020 20:44		PROCESSED THROUGH USPS FACILITY	AUSTIN,TX, 78710
08/23/2020 10:56		PROCESSED THROUGH USPS FACILITY	FORT WORTH,TX, 76161
08/24/2020 01:54		PROCESSED THROUGH USPS FACILITY	FORT WORTH,TX, 76161
08/24/2020 13:57		NO AUTHORIZED RECIPIENT AVAILABLE	WACO,TX, 76708
08/29/2020 03:05		REMINDER TO SCHEDULE REDELIVERY	WACO,TX, 76708
09/08/2020 03:56		PACKAGE RETURN NOTICE GENERATED	WACO,TX, 76708
09/18/2020 09:54		UNCLAIMED/BEING RETURNED TO SENDER	WACO,TX, 76708
09/23/2020 12:05		PROCESSED THROUGH USPS FACILITY	COPPELL,TX, 75099
09/24/2020 10:16		PROCESSED THROUGH USPS FACILITY	AUSTIN,TX, 78710
09/24/2020 20:54		DEPART USPS FACILITY	AUSTIN,TX, 78710
09/25/2020 11:38		DELIVERED TO ORIGINAL SENDER	AUSTIN,TX, 78701