

No. 2020-6554

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

**Date:** 11/12/2020

**Subject Considered:**

Serge Tindong

[REDACTED]  
Rockville, Maryland 20852

Default Order  
SOAH Docket No. 454-21-0204  
TDI Enforcement File No. 25172

**General remarks and official action taken:**

This is a default order taken against Serge Tindong (Respondent) because he no longer holds a license in good standing in his state of residence and is no longer eligible to hold a non-resident license in Texas, engaged in fraudulent and dishonest practices, willfully violated an insurance law of this state, failed to notify the Texas Department of Insurance of an administrative action taken against him by an insurance regulator of another state, and is not actively engaged in soliciting or writing insurance for the public. Respondent did not respond to a Notice of Hearing filed by the department. 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 September 24, 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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Serge Tindong

SOAH Docket No. 454-21-0204

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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] Rockville, Maryland 20852. 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 pursuant to Texas law, including TEX. INS. CODE §§ 82.051-82.055, 4001.002, 4005.101-4005.102, 4054.301, and 4056.052, 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.

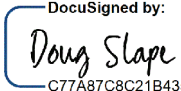
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## Order

It is ordered that any licenses held by Serge Tindong 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: \_\_\_\_\_  
Doug Slape  
Chief Deputy Commissioner  
TEX. GOV'T CODE § 601.002  
Commissioner's Order No. 2018-5528

Prepared and reviewed by:



\_\_\_\_\_  
Amanda Atkinson Cagle, 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 Serge Tindong. I have confirmed that:

- a. The last mailing address provided to the department in writing by Serge Tindong is [REDACTED], Rockville, Maryland 20852.
- b. The file maintained by the Enforcement Division contains a Notice of Hearing and Original Petition dated September 24, 2020, which were filed with the State Office of Administrative Hearings.
- c. On September 24, 2020, the Notice of Hearing and Original Petition addressed to Serge Tindong were emailed and also mailed certified, return receipt requested, to his last known address.

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

DocuSigned by:

*David Moreno*

901717B8597C4F5...

\_\_\_\_\_  
Affiant

# 2020-6554

Commissioner's Order

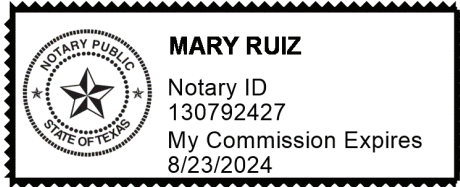
Serge Tindong

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SWORN TO AND SUBSCRIBED before me by means of an interactive two-way audio and video communication on 10/26/2020. This notarial act was an online notarization.

## Notary Seal



## Digital Certificate

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

**2020-6554**

ACCEPTED  
454-21-0204  
9/24/2020 1:44 PM  
STATE OFFICE OF  
ADMINISTRATIVE HEARINGS  
Donnie Roland, CLERK

FILED  
454-21-0204  
9/24/2020 1:36 PM  
STATE OFFICE OF  
ADMINISTRATIVE HEARINGS  
Donnie Roland, CLERK

**SOAH DOCKET NO. 454-21-0204.C  
TDI ENFORCEMENT FILE NO. 25172**

**TEXAS DEPARTMENT OF INSURANCE,**

**BEFORE THE STATE OFFICE**

**Petitioner**

**v.**

**OF**

**SERGE TINDONG,**

**ADMINISTRATIVE HEARINGS**

**Respondent**

**NOTICE OF HEARING**

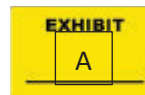
The Texas Department of Insurance seeks to take disciplinary action against you. This Notice of Hearing and the Original Petition, which is attached and incorporated for all purposes, states the allegations against you and the relief sought by the Department.

A public hearing will be held before an Administrative Law Judge on **December 8, 2020, 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](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

Serge Tindong

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

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Notice of Hearing

Serge Tindong

SOAH Docket No. 454-21-0204.C

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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 "Email Service" 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, please contact me at the address or telephone number shown below.



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Notice of Hearing

Serge Tindong

SOAH Docket No. 454-21-0204.C

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Respectfully Submitted,



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Amanda Atkinson Cagle  
State Bar No. 00783569  
Texas Department of Insurance  
Enforcement Division, MC110-1A  
P.O. Box 149104  
Austin, Texas 78714-9104  
(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, Enforcement Division, MC-110-1A  
Rachel Cloyd, Litigation Director, Enforcement Division, MC-110-1A  
Administrative Review, MC107-1A

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Notice of Hearing  
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**CERTIFICATE OF SERVICE**

I, Amanda Atkinson Cagle, 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 by email on this 24rd day of September, 2020 to:

Serge Tindong  
[REDACTED]  
Rockville, Maryland 20852

CM/RRR 9214 8901 9403 8321 7449 99  
& Via Email: [REDACTED]  
& Via Email: [REDACTED]



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Amanda Atkinson Cagle

**SOAH DOCKET NO. 454-\_\_\_\_\_**  
**TDI ENFORCEMENT FILE NO. 25172**

**TEXAS DEPARTMENT OF INSURANCE,**

**Petitioner**

**v.**

**SERGE TINDONG,**

**Respondent**

**BEFORE THE STATE OFFICE**

**OF**

**ADMINISTRATIVE HEARINGS**

**ORIGINAL PETITION**

The Texas Department of Insurance (TDI) seeks to take disciplinary action against Serge Tindong. 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 §§ 82.051-82.055, 4001.002, 4005.101, 4005.102, and 4054.301, 4056.052, and TEX. GOV'T CODE §§ 2001.051-2001.178.

**Factual Allegations**

Licensure

1. Serge Tindong (Tindong) holds a non-resident life agent license, originally issued by TDI on January 22, 2019.
2. Tindong has a Texas non-resident license because he lives in Maryland. This license type requires that Tindong have a resident license in good standing in his home state.

Unreported Maryland Administrative Action and Lack of Appointments

3. On May 1, 2020, the Maryland Insurance Commissioner (Maryland), issued an Order against Tindong in case no. MIA-2020-05-002. The Maryland Order:



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Original Petition

Serge Tindong

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- a. found that Tindong was terminated for cause by Mutual of Omaha Life Insurance Company on September 23, 2019, for alleged fraudulent actions—specifically an advanced commission scheme;
  - b. revoked Tindong’s Maryland resident insurance agent license; and
  - c. assessed an administrative penalty of \$500 payable within 30 days of the date of the Maryland Order.
4. Tindong did not notify TDI of the revocation.
  5. Tindong has no active appointments in Texas.

### **Legal Allegations**

1. Tindong does not hold a license in good standing as an agent in his home state of residence, as required by TEX. INS. CODE § 4056.052, and is no longer eligible to hold a non-resident license in Texas.
2. Tindong has committed acts for which a license holder may be disciplined under Tex. Ins. Code §§ 4005.101 and 4005.102.
3. Tindong has willfully violated an insurance law of this state, in violation of TEX. INS. CODE § 4005.101(b)(1).
4. Tindong did not notify TDI of the administrative action(s) taken against him by an insurance regulator of another state, in violation of TEX. INS. CODE § 4001.252(a)(3).
5. Tindong engaged in fraudulent or dishonest acts or practices, in violation of TEX. INS. CODE § 4005.101(b)(5).
6. Tindong is not actively engaged in soliciting or writing insurance for the public generally as required by TEX. INS. CODE § 4001.104(a), in violation of TEX. INS. CODE § 4005.101(b)(10).

**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 Tindong's license, and
2. imposing any other just and appropriate relief to which TDI may be entitled to by law, including any combination of the above actions.

Respectfully Submitted,



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Amanda Atkinson Cagle  
State Bar No. 00783569  
Texas Department of Insurance  
Enforcement Division, MC110-1A  
P.O. Box 149104  
Austin, Texas 78714-9104  
(512) 676-6342 (Direct)  
(512) 490-1020 (Fax)  
amanda.cagle@tdi.texas.gov

ATTORNEY FOR THE PETITIONER  
TEXAS DEPARTMENT OF INSURANCE

2020-6554



# 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: 09/24/2020

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 0024 3319 43

cagle/25172










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## Tracking History

Tracking #: 9214890194038321744999

Recipient: SERGE TINDONG  
[REDACTED]  
ROCKVILLE MD 20852

Date & Time	Event Type	Event	Event Location
09/24/2020 13:17		PRE-SHIPMENT INFO SENT USPS AWAITS ITEM	AUSTIN,TX, 78701
09/25/2020 15:58		PICKED UP	AUSTIN,TX, 78744
09/25/2020 22:07		PROCESSED THROUGH USPS FACILITY	AUSTIN,TX, 78710
09/25/2020 22:58		DEPART USPS FACILITY	AUSTIN,TX, 78710
09/30/2020 18:19		PROCESSED THROUGH USPS FACILITY	GAITHERSBURG,MD, 20898
09/30/2020 19:35		DEPART USPS FACILITY	GAITHERSBURG,MD, 20898
10/01/2020 07:09		PROCESSED THROUGH USPS FACILITY	GAITHERSBURG,MD, 20898
10/01/2020 08:46		ARRIVAL AT UNIT	ROCKVILLE,MD, 20852
10/01/2020 08:57		OUT FOR DELIVERY	ROCKVILLE,MD, 20852
10/01/2020 17:11		DELIVERED LEFT WITH INDIVIDUAL	ROCKVILLE,MD, 20852