

No. 2022-7409

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

**Date:** 07/28/2022

**Subject Considered:**

Tuan Tran

[REDACTED]  
Houston, Texas 77058-3281

Default Order  
SOAH Docket No. 454-22-04273  
TDI Enforcement File No. 28807

**General remarks and official action taken:**

This is a default order taken against Tuan Tran (Respondent) because he overcharged insurance premiums, misappropriated or converted premium payments, engaged in fraudulent or dishonest acts or practices, and failed to respond to an official inquiry. 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 June 29, 2022, 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.

## 2022-7409

Commissioner's Order

Tuan Tran

SOAH Docket No. 454-22-04273

Page 2 of 5

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], Houston, Texas 77058-3281.
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, 4005.101, 4005.102, 4051.051, 4054.051, 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. The department 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, the department is entitled to disposition by default under 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 under 28 TEX. ADMIN. CODE § 1.89.

# 2022-7409

Commissioner's Order

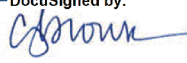
Tuan Tran

SOAH Docket No. 454-22-04273

Page 3 of 5

## Order

It is ordered that any licenses held by Tuan Tran 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:  
  
FC5D7EDDFB4F8...

---

Cassie Brown  
Commissioner of Insurance

Prepared and reviewed by:

/s/ Patrick Quigley  
Patrick Quigley, Staff Attorney  
Enforcement

# 2022-7409

Commissioner's Order

Tuan Tran

SOAH Docket No. 454-22-04273

Page 4 of 5

## 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 Tuan Tran. I have confirmed that:

- a. The last mailing address provided to the department in writing by Tuan Tran is [REDACTED], Houston, Texas 77058-3281.
- b. The file maintained by Enforcement contains a Notice of Hearing and Original Petition dated June 29, 2022, which were filed with the State Office of Administrative Hearings.
- c. On June 29, 2022, the Notice of Hearing and Original Petition addressed to Tuan Tran 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:

*David Moreno*

B7B61972B1A7467...

\_\_\_\_\_  
Affiant

# 2022-7409

Commissioner's Order

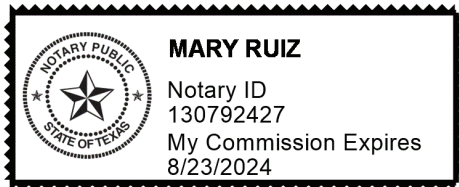
Tuan Tran

SOAH Docket No. 454-22-04273

Page 5 of 5

SWORN TO AND SUBSCRIBED before me by means of an interactive two-way audio and video communication on 7/22/2022. This notarial act was an online notarization.

## Notary Seal



## Digital Certificate

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

**2022-7409**

FILED  
454-22-04273  
6/29/2022 11:28 AM  
STATE OFFICE OF  
ADMINISTRATIVE HEARINGS  
Jessie Harbin, CLERK

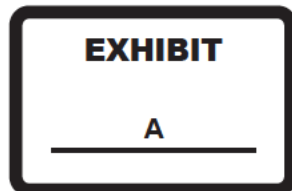
ACCEPTED  
454-22-04273  
6/29/2022 12:09 PM  
STATE OFFICE OF  
ADMINISTRATIVE HEARINGS  
Jessie Harbin, CLERK

**SOAH DOCKET NO. 454-22-04273  
TDI ENFORCEMENT FILE NO. 28807**

**TEXAS DEPARTMENT OF INSURANCE,**

**BEFORE THE STATE OFFICE**

**Petitioner**



**v.**

**OF**

**TUAN TRAN,**

**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, October 25, 2022, 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](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 UNDER 1 TEX. ADMIN. CODE § 155.501 AND 28 TEX. ADMIN. CODE §§ 1.88 AND 1.89.**

## 2022-7409

Notice of Hearing

Tuan Tran

SOAH Docket No. 454-22-04273

Page 2 of 4

**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, AND/OR IMPOSITION OF ADMINISTRATIVE PENALTIES, 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, AND/OR IMPOSITION OF ADMINISTRATIVE PENALTIES, 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](http://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](mailto:chiefclerk@tdi.texas.gov); and
  
- (3) *(by mail, fax, or email)*  
Patrick Quigley, Staff Attorney  
Texas Department of Insurance  
Enforcement, MC ENF

## 2022-7409

Notice of Hearing

Tuan Tran

SOAH Docket No. 454-22-04273

Page 3 of 4

P.O. Box 12030  
Austin, Texas 78711-2030  
(512) 490-1020 (Fax)  
patrick.quigley@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](http://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.**



**2022-7409**

Notice of Hearing

Tuan Tran

SOAH Docket No. 454-22-04273

Page 4 of 4

If you have any questions, please contact me at the address or telephone number shown below.

Respectfully Submitted,

/s/ Patrick Quigley

Patrick Quigley, Staff Attorney

State Bar No. 16430320

Texas Department of Insurance

Enforcement, MC ENF

P.O. Box 12030

Austin, Texas 78711-2030

(512) 676-6335 (Direct)

(512) 490-1020 (Fax)

patrick.quigley@tdi.texas.gov

ATTORNEY FOR THE PETITIONER

TEXAS DEPARTMENT OF INSURANCE

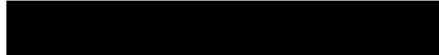
Enclosure: Original Petition

cc: Leah Gillum, Deputy Commissioner, Fraud and Enforcement Division, MC ENF  
Ginger Loeffler, Litigation Director, Enforcement, MC ENF  
Administrative Review, MC CO-AAL

**CERTIFICATE OF SERVICE**

I, Patrick Quigley, certify that a true and correct copy of the *Notice of Hearing and the Original Petition* were sent by first class mail and by certified mail, return receipt requested, on June 29, 2022 to:

Tuan Tran



Houston, TX 77058-3281

Via CM/RRR No.: 9214 8901 9403 8380 9805 81

/s/ Patrick Quigley

Patrick Quigley

**2022-7409**

SOAH DOCKET No. 454-22-04273

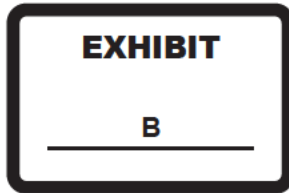
FILED  
454-22-04273  
6/21/2022 10:52 AM  
STATE OFFICE OF  
ADMINISTRATIVE HEARINGS  
Carol Hale, CLERK

**SOAH DOCKET NO. 454-\_\_\_\_\_**  
**TDI ENFORCEMENT FILE NO. 28807**

**TEXAS DEPARTMENT OF INSURANCE,**

**BEFORE THE STATE OFFICE**

**Petitioner**



ACCEPTED  
454-22-04273  
6/21/2022 4:32:41 pm  
STATE OFFICE OF  
ADMINISTRATIVE HEARINGS  
Carol Hale, CLERK

**v.**

**OF**

**TUAN TRAN,**

**ADMINISTRATIVE HEARINGS**

**Respondent**

**ORIGINAL PETITION**

The Texas Department of Insurance seeks to take disciplinary action against Tuan Tran (Tran). 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, 4051.051, and 4054.051, and TEX. GOV'T CODE §§ 2001.051-2001.178.

**Factual Allegations**

Licensure

1. Tran was issued a general lines agent license with a life, accident, and health qualification and a property and casualty qualification by the department on June 30, 2008.
2. Tran does not have any active appointments with any insurance company.

Overcharging Premiums and Conversion

3. On or about May 15, 2021, Renee Porter (Porter) of Higginbotham Insurance Agency, Inc. became the agent for P.P., a former client of Tran. P.P. is a Houston company that installs swimming pools. As Porter worked through the policies and

## 2022-7409

Original Petition

Tuan Tran

Page 2 of 4

contacted carriers to obtain information, she found inconsistencies and discovered that PDF documents had two sets of premium numbers.

4. On September 4, 2019, Tran invoiced P.P. for general liability insurance in the amount of \$44,925.25, along with other coverages for a total of \$61,307.40. P.P. paid the total invoiced premiums to Tran.
5. The general liability policy with AIX Specialty Insurance (AIX) was in place from May 16, 2019, to May 16, 2020. However, the carrier's actual premium was \$19,365.56, which included excess/umbrella liability coverage. P.P. paid Tran the overcharged premium of \$44,925.25, as well as an additional charge of \$4,195 for excess/umbrella liability coverage. Tran was paid \$29,754.69 for his inflated invoice.
6. In 2019, P.P. paid Tran \$3,200 for professional liability coverage which was only \$700 but was canceled and never in place. P.P. also paid Tran \$4,442 for windstorm coverage that was last effective 2016 to 2017. Tran was paid \$7,642 by P.P. for coverage that was canceled.
7. On April 13, 2020, Tran invoiced P.P. \$45,624.83 for general liability coverage and other coverages for a total of \$63,316.98. On April 24, 2020, P.P. paid Tran \$31,658.49 and on September 1, 2020, paid Tran \$25,906.40.
8. The general liability policy with AIX was in place from May 16, 2020, to May 16, 2021. AIX's actual premium was \$22,342.70. Tran overcharged P.P. \$23,281.55 for the general liability policy and overcharged \$4,195 for excess/umbrella coverage that was included in AIX's premium.
9. In 2020, P.P. paid Tran \$3,200 for professional liability, even though the actual premium was \$852. Tran was paid \$5,752 for building and windstorm coverage, but coverage was canceled July 24, 2020.
10. On April 4, 2022, TDI served Tran with an official inquiry pursuant to TEX. INS. CODE § 38.001 for documents and responses. The documents and responses were due on April 19, 2022, but Tran did not respond.

**Legal Allegations**

1. Tran 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. Tran willfully violated an insurance law of this state, as contemplated by TEX. INS. CODE § 4005.101(b)(1).
3. Tran has misappropriated, converted to the applicant's or license holder's own use, or illegally withheld money belonging to an insured, enrollee, or beneficiary, TEX. INS. CODE § 4005.101(b)(4).
4. Tran engaged in fraudulent or dishonest acts or practices, TEX. INS. CODE § 4005.101(b)(5).
5. Tran failed to respond to an official inquiry from the department, 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 Tran's general lines agent license;
2. directing Tran to pay an administrative penalty under TEX. INS. CODE §§ 84.02-84.022; and
3. 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,

/s/ Patrick Quigley

Patrick Quigley

State Bar No. 16430320

Texas Department of Insurance

Enforcement, MC ENF

P.O. Box 12030

**2022-7409**

Original Petition

Tuan Tran

Page 4 of 4

Austin, Texas 78711-2030

(512) 676-6335 (Direct)

(512) 490-1020 (Fax)

Patrick.quigley@tdi.texas.gov

ATTORNEY FOR THE PETITIONER  
TEXAS DEPARTMENT OF INSURANCE

**Name and Address of Sender**

Texas Dept of Insurance  
 Mail Code 110-1A  
 333 Guadalupe St  
 Austin TX 78701  
**Mary Ruiz**  
 June 29, 2022

Check type of mail or service

Adult Signature Required       Priority Mail Express  
 Adult Signature Restricted Delivery       Registered Mail  
 Certified Mail       Return Receipt for Merchandise  
 Certified Mail Restricted Delivery       Signature Confirmation  
 Collect on Delivery (COD)       Signature Confirmation Restricted Delivery  
 Insured Mail  
 Priority Mail

**Firm Mailing Book For Accountable Mail**

Affix Stamp Here  
 (if issued as an international certificate of mailing or for additional copies of this receipt). Postmark with Date of Receipt

**2022-7409**

USPS Tracking/Article Number	Address (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	SR Fee
QUIGLEY/28807	<b>TUAN TRAN</b> <div style="background-color: black; width: 200px; height: 20px; margin: 5px 0;"></div> <b>HOUSTON, TX 77058-3281</b>													
	<b>EXHIBIT</b> _____													
				<b>Handling Charge-if Registered and over \$50,000 in value</b>										
								<b>Adult Signature Required</b>						
								<b>Adult Signature Restricted Delivery</b>						
								<b>Restricted Delivery</b>						
								<b>Return Receipt</b>						
								<b>Signature Confirmation</b>						
								<b>Signature Confirmation Restricted Delivery</b>						
								<b>Special Handling</b>						

2022-7409



# 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: 06/29/2022

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	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 0037 6932 12

QUIGLEY/28807



2022-7409

Name and Address of Sender  
 MC 110-1A M RUIZ  
 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	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	SF Fee	
1. 9214 8901 9403 8380 9805 81	TUAN TRAN <div style="background-color: black; height: 15px; width: 100%;"></div> HOUSTON, TX 77058-3281	0.73	3.75	Handling Charge - if Registered and over \$50,000 in value							1.85				
QUIGLEY/28807															
									Adult Signature Required						
									Adult Signature Restricted Delivery						
										Restricted Delivery					
											Return Receipt				
												Signature Confirmation			
													Signature Confirmation Restricted Delivery		
														Signature Confirmation Restricted Delivery	Special Handling

Total Number of Pieces Listed by Sender: **1**  
 Total Number of Pieces Received at Post Office: **1**

Postmaster, Per (Name of receiving employee)