

No. 2022-7582

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

Date: 11/01/2022

Subject Considered:

Colton Julius Kuper
[REDACTED]
Dalhart, Texas 79022

Default Order
SOAH Docket No. 454-23-01889.C
TDI Enforcement File No. 29930

General remarks and official action taken:

This is a default order taken against Colton Julius Kuper (Respondent) because he collected premiums from insureds and failed to submit them to the insurer and because he failed to respond to a department 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 September 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.

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Commissioner's Order

Colton Julius Kuper

SOAH Docket No. 454-23-01889.C

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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], Dalhart, Texas 79022. The Notice of Hearing and Original Petition were also sent by electronic mail to 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

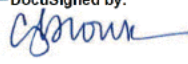
1. The commissioner has jurisdiction under Texas law, including TEX. INS. CODE §§ 82.051-82.055, 4001.002, 4001.102, 4001.105, 4005.101-4005.105, 4051.051, 4054.051 and 4101.051; TEX. OCC. CODE §§ 53.021-53.023; 28 TEX. ADMIN. CODE § 1.502; and TEX. GOV'T CODE §§ 2001.051-2001.178.
2. The commissioner has authority to dispose of this case informally 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.

2022-7582

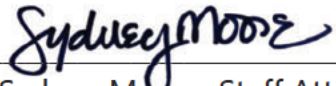
Commissioner's Order
Colton Julius Kuper
SOAH Docket No. 454-23-01889.C
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Order

It is ordered that any licenses held by Colton Julius Kuper are revoked. A copy of this order will be provided to law enforcement and other appropriate administrative agencies for further investigation as may be warranted.

DocuSigned by:

FC5D7EDDFFBB4F8... _____
Cassie Brown
Commissioner of Insurance

Prepared and reviewed by:



Sydney Moore, Staff Attorney
Enforcement

2022-7582

Commissioner's Order
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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 Colton Julius Kuper. I have confirmed that:

- a. The last mailing address provided to the department in writing by Colton Julius Kuper is [REDACTED], Dalhart, Texas 79022.
- b. The file maintained by Enforcement contains a Notice of Hearing and Original Petition dated September 29, 2022, which were filed with the State Office of Administrative Hearings.
- c. On September 29, 2022, the Notice of Hearing and Original Petition addressed to Colton Julius Kuper were mailed certified, return receipt requested, to his last known address.

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

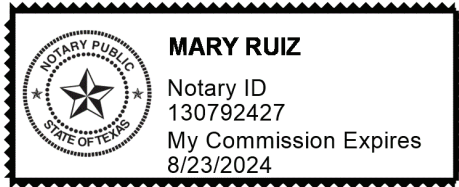
DocuSigned by:

89714D36F11341A... _____
Affiant

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Commissioner's Order
Colton Julius Kuper
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SWORN TO AND SUBSCRIBED before me by means of an interactive two-way audio and video communication on 10/21/2022. This notarial act was an online notarization.

Notary Seal

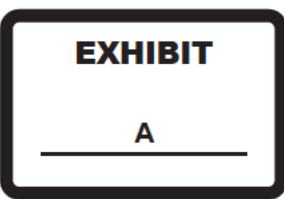


Digital Certificate

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

FILED
454-23-01889
9/29/2022 1:04 PM
STATE OFFICE OF
ADMINISTRATIVE HEARINGS
April Bermea , CLERK

2022-7582



ACCEPTED
454-23-01889
9/29/2022 1:59:44 pm
STATE OFFICE OF
ADMINISTRATIVE HEARINGS
April Bermea , CLERK

SOAH DOCKET NO. 454-23-01889.C
TDI ENFORCEMENT FILE NO. 29930

TEXAS DEPARTMENT OF INSURANCE,

Petitioner

v.

COLTON JULIUS KUPER,

Respondent

BEFORE THE STATE OFFICE

OF

ADMINISTRATIVE HEARINGS

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 **Thursday, January 12, 2023, at 9:30 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, 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.

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Notice of Hearing

Colton Julius Kuper

SOAH Docket No. 454-23-01889.C

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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) *(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
- (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; and
- (3) *(by mail, fax, or email)*
Sydney Moore, Staff Attorney

2022-7582

Notice of Hearing
Colton Julius Kuper
SOAH Docket No. 454-23-01889.C
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Texas Department of Insurance
Enforcement, MC ENF
P.O. Box 12030
Austin, Texas 78711-2030
(512) 490-1020 (Fax)
sydney.moore@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.

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.

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Notice of Hearing
Colton Julius Kuper
SOAH Docket No. 454-23-01889.C
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If you have any questions, please contact me at the address or telephone number shown below.

Respectfully Submitted,



Sydney Moore
State Bar No. 24056052
Texas Department of Insurance
Enforcement, MC ENF
P.O. Box 12030
Austin, Texas 78711-2030
(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, Fraud and Enforcement Division, MC ENF
Whitney Fraser, Litigation Director, Enforcement, MC ENF
Administrative Review, MC CO-AAL

2022-7582

Notice of Hearing
Colton Julius Kuper
SOAH Docket No. 454-23-01889.C
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CERTIFICATE OF SERVICE

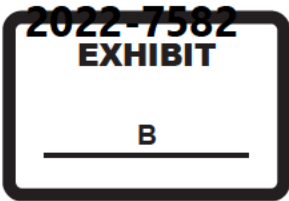
I, Sydney Moore, certify that a true and correct copy of the *Notice of Hearing and the Original Petition* were sent by electronic mail and by certified mail, return receipt requested, on this 29th day of September, 2022 to:

Colton Julius Kuper
[REDACTED]
Dalhart, TX 79022
Respondent Pro Se

Via CM/RRR No.: 9214 8901 9403 8391 2069 15
Via Email: [REDACTED]



Sydney Moore



SOAH DOCKET No. 454-23-01889

FILED
454-23-01889
9/26/2022 12:27 PM
STATE OFFICE OF
ADMINISTRATIVE HEARINGS
Carol Hale, CLERK

SOAH DOCKET NO. 454-_____
TDI ENFORCEMENT FILE NO. 29930

TEXAS DEPARTMENT OF INSURANCE,

Petitioner

v.

COLTON JULIUS KUPER,

Respondent

BEFORE THE STATE OFFICE

OF

ADMINISTRATIVE HEARINGS

ACCEPTED
454-23-01889
9/26/2022 12:49:57 pm
STATE OFFICE OF
ADMINISTRATIVE HEARINGS
Carol Hale, CLERK

ORIGINAL PETITION

The Texas Department of Insurance seeks to take disciplinary action against Colton Julius Kuper. 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 under 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

1. Colton Julius Kuper (Kuper), individual identification number 2229779, holds a general lines license with property and casualty and life, accident, health, and HMO qualifications issued by the department on September 4, 2020.
2. Kuper was an agent appointed with Farmers Insurance companies from August 27, 2020, until May 12, 2022.
3. Between August 2021 and February 2022, Kuper collected \$6,727 in premiums in check or cash from insureds and failed to deposit them with Farmers Insurance.
4. Kuper endorsed and deposited a premium payment check from Education Credit Union in the amount of \$4,253.23 into an unknown bank account.

5. The department sent Kuper a request for information pursuant to TEX. INS. CODE § 38.001 on June 24, 2022, and he failed to respond within 15 days of receiving the request.

Legal Allegations

1. Kuper misappropriated, converted to his own use or illegally withheld money belonging to an insurer, HMO, insured, enrollee or beneficiary as contemplated by TEX. INS. CODE § 4005.101(b)(4).
2. Kuper engaged in fraudulent or dishonest acts or practices, as contemplated by TEX. INS. CODE § 4005.101(b)(5).
3. Kuper violated TEX. INS. CODE § 38.001 by failing to respond to a department inquiry in writing not later than the 15th day after the date the inquiry was received.

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 Kuper'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,



Sydney Moore
State Bar No. 24056052
Texas Department of Insurance
Enforcement, MC ENF
P.O. Box 12030
Austin, Texas 78711-2030

2022-7582

Original Petition
Colton Julius Kuper
Page 3 of 3

(512) 676-6339(Direct)
(512) 490-1020 (Fax)
Sydney.moore@tdi.texas.gov

ATTORNEY FOR THE PETITIONER
TEXAS DEPARTMENT OF INSURANCE

2022-7582

Automated Certificate of eService

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Mary Ruiz on behalf of Sydney Moore

Bar No. 24056052

Enforcementgeneral@tdi.texas.gov

Envelope ID: 68605069

Status as of 9/26/2022 12:55 PM CST

Associated Case Party: Chief Clerk

Name	BarNumber	Email	TimestampSubmitted	Status
Chief Clerk		ChiefClerk@tdi.texas.gov	9/26/2022 12:27:15 PM	SENT

2022-7582

Automated Certificate of eService

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Mary Ruiz on behalf of Sydney Moore

Bar No. 24056052

Enforcementgeneral@tdi.texas.gov

Envelope ID: 68605069

Status as of 9/26/2022 12:55 PM CST

Associated Case Party: Texas Department of Insurance

Name	BarNumber	Email	TimestampSubmitted	Status
Sydney Moore		Sydney.Moore@tdi.texas.gov	9/26/2022 12:27:15 PM	SENT
Whitney Fraser		Whitney.Fraser@tdi.texas.gov	9/26/2022 12:27:15 PM	SENT
Texas Department of Insurance		Enforcementgeneral@tdi.texas.gov	9/26/2022 12:27:15 PM	SENT

2022-7582

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Mary Ruiz on behalf of Sydney Moore

Bar No. 24056052

Enforcementgeneral@tdi.texas.gov

Envelope ID: 68605069

Status as of 9/26/2022 12:55 PM CST

Associated Case Party: Colton Julius Kuper

Name	BarNumber	Email	TimestampSubmitted	Status
Colton Julius Kuper		[REDACTED]	9/26/2022 12:27:15 PM	SENT

2022-7582

Automated Certificate of eService

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Mary Ruiz on behalf of Sydney Moore

Bar No. 24056052

Enforcementgeneral@tdi.texas.gov

Envelope ID: 68742609

Status as of 9/29/2022 2:00 PM CST

Associated Case Party: Texas Department of Insurance

Name	BarNumber	Email	TimestampSubmitted	Status
Whitney Fraser		Whitney.Fraser@tdi.texas.gov	9/29/2022 1:04:43 PM	SENT
Texas Department of Insurance		Enforcementgeneral@tdi.texas.gov	9/29/2022 1:04:43 PM	SENT
Sydney Moore		Sydney.Moore@tdi.texas.gov	9/29/2022 1:04:43 PM	SENT
Leah Gillum		Leah.Gillum@tdi.texas.gov	9/29/2022 1:04:43 PM	SENT
Catarina Tapia		Catarina.Tapia@tdi.texas.gov	9/29/2022 1:04:43 PM	SENT

2022-7582

Automated Certificate of eService

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Mary Ruiz on behalf of Sydney Moore

Bar No. 24056052

Enforcementgeneral@tdi.texas.gov

Envelope ID: 68742609

Status as of 9/29/2022 2:00 PM CST

Associated Case Party: Chief Clerk

Name	BarNumber	Email	TimestampSubmitted	Status
Chief Clerk		ChiefClerk@tdi.texas.gov	9/29/2022 1:04:43 PM	SENT

2022-7582

Automated Certificate of eService

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Mary Ruiz on behalf of Sydney Moore

Bar No. 24056052

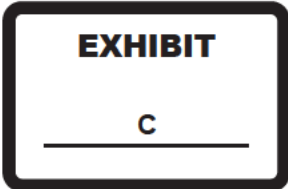
Enforcementgeneral@tdi.texas.gov

Envelope ID: 68742609

Status as of 9/29/2022 2:00 PM CST

Associated Case Party: Colton Julius Kuper

Name	BarNumber	Email	TimestampSubmitted	Status
Colton Julius Kuper		[REDACTED]	9/29/2022 1:04:43 PM	SENT



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: 09/29/2022
Shipped From:
Name: MC ENF M RUIZ
Address: 1601 CONGRESS AVENUE SUITE 6 900
City: AUSTIN
State: TX ZIP+4® 78711

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 0039 6165 16



moore/29930



Firm Mailing Book For Accountable Mail

2022-7582

Name and Address of Sender

MC ENF M RUIZ
TEXAS DEPARTMENT OF INSURANCE
1601 CONGRESS AVENUE, SUITE 6.900
AUSTIN TX 78711

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

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

USPS Tracking/Article Number

1. 9214 8501 9403 8391 2069 15

moore/29930

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

COLTON JULIUS KUPER
[REDACTED]
DALHART, TX 79022

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
0.81	4.00	Handling Charge - If Registered and over \$50,000 in value							2.00			
						Adult Signature Required	Adult Signature Restricted Delivery	Restricted Delivery	Return Receipt	Signature Confirmation	Signature Confirmation Restricted Delivery	Special Handling

RECEIVED
SEP 30 2022
TDI - ENFORCEMENT



Postmaster, Per (Name of receiving employee)

[Signature]

Total Number of Pieces Listed by Sender: 1

Total Number of Pieces Received at Post Office: 1