

4481

No. _____

**OFFICIAL ORDER
of the
TEXAS COMMISSIONER OF INSURANCE**

Date: JUN 02 2016

Subject Considered:

ALICIA ZAMORA MAESE
P.O. Box 2562
San Elizario, Texas 79849

CONSENT ORDER
TDI ENFORCEMENT FILE NO. 7923

General remarks and official action taken:

The commissioner of insurance considers whether disciplinary action should be taken against Alicia Zamora Maese.

Waiver

Alicia Zamora Maese acknowledges that the Texas Insurance Code and other applicable law provide certain rights. Maese waives all of these rights, and any other applicable procedural rights, in consideration of the entry of this consent order. Pursuant to TEX. INS. CODE § 82.055(b), Maese agrees to this consent order with the express reservation that she does not admit to a violation of the insurance code or of a rule, and that the existence of a violation is in dispute.

Findings of Fact

1. Alicia Zamora Maese, individual identification no. 298884, holds a funeral prearrangement life license issued by the Texas Department of Insurance on June 2, 2000.
2. Maese was an appointed agent with Homesteaders Life Company on June 2, 2000.
3. In July 2004, Maese sold Homesteaders pre-need policies to C.R. and F.R. Maese accepted monthly, cash premium payments on these policies and provided C.R. and F.R. handwritten, signed receipts. Maese did not forward all of the premium payments she received to Homesteaders. When Homesteaders did not receive payments, the policies went into reduced paid up status.¹ For a period of over two years, cash receipts show Maese received a total of \$2,222.17 for these policies that was not forwarded to Homesteaders. Because C.R. and F.R.

¹ For this type of policy, missing payments does not cancel the policy, but instead puts it on reduced paid up status. If a claim is made on a pre-need policy that is in reduced paid up status, the beneficiary will only be eligible to receive an amount less than the full face value of the policy.

produced the receipts showing payment was received by Maese, Homesteaders credited the policies the \$2,222.17 without receiving the funds.

4. Maese maintains that the records to prove wrong these contentions are unavailable to her.

Conclusions of Law

1. The commissioner has jurisdiction over this matter pursuant to TEX. INS. CODE chs. 82, 84, 4005, and 4054; and TEX. GOV'T CODE §§ 2001.051-2001.178.
2. The commissioner has the authority to dispose of this case informally pursuant to TEX. GOV'T CODE § 2001.056, TEX. INS. CODE §§ 36.104 and 82.055, and 28 TEX. ADMIN. CODE § 1.47.
3. Pursuant to TEX. INS. CODE § 4005.101(b)(4), the commissioner may take disciplinary action against Maese because she has misappropriated, converted to her own use, or illegally withheld money belonging to an insurer.

The commissioner of insurance orders Alicia Zamora Maese to pay \$2,222.17 in restitution to Homesteaders Life Company within four months from the date of this order. The restitution must be paid by cashier's check or money order made payable to "Homesteaders Life Company." Mail the restitution payment to Homesteaders Life Company, Attn: Tracy Kelly-Whitaker, 5700 Westown Parkway, West Des Moines, Iowa 50266. Maese must send written proof of payment of restitution in full to the Texas Department of Insurance, Attn: Catherine Bell, or her successor, Enforcement Section, MC 110-1A, P.O. Box 149104, Austin, TX 78714-9104 within four months from the date of this order.

The commissioner of insurance also orders Alicia Zamora Maese to pay a \$500 administrative penalty within four months from the date of this order. The administrative penalty must be paid by cashier's check or money order made payable to the "State of Texas." Mail the administrative penalty to Texas Department of Insurance, Attn: Enforcement Section, Division 40111, MC 9999, P.O. Box 149104, Austin, Texas 78714-9104.



David C. Mattax
Commissioner of Insurance

APPROVED AS TO FORM AND CONTENT:



Erin Dinsmore, Staff Attorney
Compliance Division, Enforcement Section

Affidavit

STATE OF Texas

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COUNTY OF EL PASO

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Before me, the undersigned authority, personally appeared the affiant, who being by me duly sworn, deposed as follows:

"My name is Alicia Zamora Maese. I am of sound mind, capable of making this statement, and have personal knowledge of these facts which are true and correct.

I waive rights provided by the Texas Insurance Code and other applicable laws, and acknowledge the jurisdiction of the commissioner.

I have knowingly and voluntarily entered into this consent order and agree with and consent to the issuance and service of the same by the commissioner of insurance of the state of Texas."

Alicia Maese
Affiant

SWORN TO AND SUBSCRIBED before me on this 13 day of May, 2016.

(NOTARY SEAL)

[Signature]
Signature of Notary Public

