

No. 2021-7029

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

Date: 10/21/2021

Subject Considered:

Meagan Danielle Guerra



Houston, Texas 77017

Default Order
SOAH Docket No. 454-21-1448.C
TDI Enforcement File No. 26786

General remarks and official action taken:

This is a default order taken against Meagan Danielle Guerra (Respondent) because she allowed an unlicensed person to conduct the business of insurance at her agency and the unlicensed employee issued fraudulent certificates of insurance and misappropriated premiums. Respondent did not appear at the hearing on the merits. This order revokes Respondent's license.

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

Findings of Fact

Failure to Appear at Hearing on the Merits

1. On February 23, 2021, the Texas Department of Insurance 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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3. The department sent the Notice of Hearing and Original Petition to Respondent's last known address provided in writing to the department, [REDACTED] Houston, TX 77017.
4. On April 15, 2021, the department filed an agreed Motion for Continuance that was granted on April 21, 2021, and the hearing was reset to October 1, 2021.
5. After receiving proper notice of the date, time and location of the hearing on the merits, Respondent failed to appear for the hearing on October 1, 2021, as shown in the record in SOAH Docket No. 454-21-1448.C.

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, 4051.101 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 appear in person or by legal representative at the 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.

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Order


It is ordered that any licenses held by Meagan Danielle Guerra 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.

DocuSigned by:

FC5D7EDDFFBB4F8...

Cassie Brown
Commissioner of Insurance

Prepared and reviewed by:


Sydney Moore, 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 Meagan Danielle Guerra. I have confirmed that:

- a. The last mailing address provided to the department in writing by Meagan Danielle Guerra is [REDACTED] Houston, TX 77017.
- b. The file maintained by the Enforcement Division contains a Notice of Hearing and Original Petition dated February 23, 2021, which were filed with the State Office of Administrative Hearings.
- c. On February 23, 2021, the Notice of Hearing and Original Petition addressed to Meagan Danielle Guerra were mailed certified, return receipt requested, to her last known address.

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

DocuSigned by:

F080B237BAEC4C0...

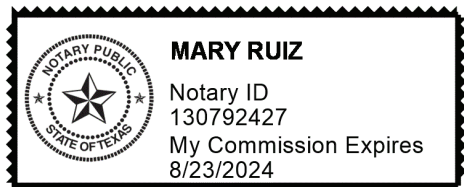
Affiant

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SWORN TO AND SUBSCRIBED before me by means of an interactive two-way audio and video communication on 10/5/2021. This notarial act was an online notarization.

Notary Seal



Digital Certificate

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

ACCEPTED **2021-7029**
454-21-1448
02/23/2021 1:47 PM
STATE OFFICE OF
ADMINISTRATIVE HEARINGS
Carol Hale, CLERK

FILED
454-21-1448
2/23/2021 1:38 PM
STATE OFFICE OF
ADMINISTRATIVE HEARINGS
Carol Hale, CLERK

SOAH DOCKET NO. 454-21-1448.C
TDI ENFORCEMENT FILE NO. 26786

TEXAS DEPARTMENT OF INSURANCE,

Petitioner

v.

MEAGAN DANIELLE GUERRA,

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 **Tuesday, April 27, 2021, 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, 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.

EXHIBIT
A

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Notice of Hearing

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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) 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 12030, MC112-2A
Austin, Texas 78711-2030
(512) 490-1064 (Fax)
chiefclerk@tdi.texas.gov; and
- (3) Sydney Moore, Staff Attorney
Texas Department of Insurance
Enforcement Division, MC110-1A
P.O. Box 12030
Austin, Texas 78711-2030

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Notice of Hearing

Meagan Danielle Guerra

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(512) 490-1020 (Fax)
sydney.moore@tdi.texas.gov

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 hyperlink "Request Service by Email (only for use by self-represented litigants)," 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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Respectfully Submitted,



Sydney Moore
State Bar No. 24056052
Texas Department of Insurance
Enforcement Division, MC110-1A
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, Enforcement Division, MC-110-1A
Whitney Fraser, Litigation Director, Enforcement Division, MC-110-1A
Administrative Review, MC107-1A

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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 certified mail, return receipt requested, on this 23rd day of February, 2021 to:

Meagan Danielle Guerra

[REDACTED]
Houston, TX 77017

Respondent Pro Se

Via CM/RRR No.: 9214 8901 9403 8332 8309 57



Sydney Moore

TEXAS DEPARTMENT OF INSURANCE,

Petitioner

v.

MEAGAN DANIELLE GUERRA,

Respondent

BEFORE THE STATE OFFICE

OF

ADMINISTRATIVE HEARINGS

ORIGINAL PETITION

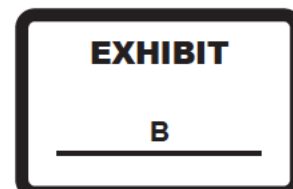
The Texas Department of Insurance seeks to take disciplinary action against Meagan Danielle Guerra. In support of this petition, the department makes the following allegations upon information and belief:

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 4051.101, and TEX. GOV'T CODE §§ 2001.051-2001.178.

Factual Allegations

1. Meagan Danielle Guerra (Guerra), individual identification number 1534188, holds a limited lines agent license issued by the Department on January 4, 2016.
2. Guerra is the owner and operator of Guerra & Associates Insurance Agency (Guerra & Associates).
3. Guerra & Associates does not have a valid insurance license or other authorization issued by the Texas Department of Insurance.
4. Guerra, or an employee of Guerra, issued fraudulent certificates of insurance to S.M. purporting to provide coverage for auto insurance.



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5. Guerra, or an employee of Guerra, accepted premiums from S.M. for auto policies and failed to place the coverage.
6. Guerra allowed M.G., an unlicensed employee, to issue insurance policies and collect premiums.
7. The Department sent Guerra a request for information pursuant to TEX. INS. CODE § 38.001 on August 15, 2019, and Guerra failed to respond.

Legal Allegations

1. Guerra misappropriated, converted to her 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. Guerra engaged in fraudulent or dishonest acts or practices, as contemplated by TEX. INS. CODE § 4405.101(B)(5).
3. Guerra's unlicensed employees have solicited or received applications for insurance and/or added in the transaction of the business of insurance in violation of TEX. INS. CODE § 4001.101.
4. Guerra 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 Guerra'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.

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Respectfully Submitted,

A handwritten signature in blue ink that reads "Sydney Moore". The signature is written in a cursive style and is positioned above a horizontal line.









Sydney Moore
State Bar No. 24056052
Texas Department of Insurance
Enforcement Division, MC110-1A
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

2021-7029

Tracking #: 9214890194038332830957

Recipient: MEAGAN DANIELLE GUERRA
[REDACTED]
HOUSTON, TX 77017

Date & Time	Event Type	Event	Event Location
02/23/2021 13:31		PRE-SHIPMENT INFO SENT USPS AWAITS ITEM	AUSTIN, TX, 78701
02/25/2021 16:47		PICKED UP	AUSTIN, TX, 78744
02/26/2021 21:56		PROCESSED THROUGH USPS FACILITY	AUSTIN, TX, 78710
02/27/2021 10:08		DEPART USPS FACILITY	AUSTIN, TX, 78710
02/27/2021 12:58		PROCESSED THROUGH USPS FACILITY	NORTH HOUSTON, TX, 77315
03/01/2021 07:30		ARRIVAL AT UNIT	HOUSTON, TX, 77017
03/01/2021 07:41		OUT FOR DELIVERY	HOUSTON, TX, 77017
03/01/2021 12:51		DELIVERED FRONT DESK/RECEPTION/MAIL ROOM	HOUSTON, TX, 77017

EXHIBIT

C

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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: 02/23/2021

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 0027 1488 52

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