

No. 2021-7113

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

**Date:** 12/02/2021

**Subject Considered:**

Desiree Diaz

[REDACTED]  
Henderson, NV 89015

Default Order  
SOAH Docket No. 454-22-0305  
TDI Enforcement File No. 27883

**General remarks and official action taken:**

This is a default order taken against Desiree Diaz (Respondent) because her Nevada resident license was revoked. 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 30, 2021, 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.
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] Henderson, NV 89015. The Notice of Hearing and Original Petition were

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also sent by electronic mail and to two additional addresses associated with Respondent: [REDACTED] Las Vegas, NV 89183-6885 and [REDACTED] [REDACTED] Las Vegas, NV 89183-6308.

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, 84.021-84.022, 4001.002, 4001.252, 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 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.

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Commissioner's Order

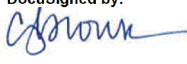
Desiree Diaz

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## Order

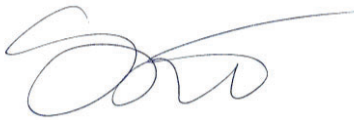
It is ordered that any licenses held by Desiree Diaz are revoked. A copy of this order will be provided to law enforcement or other appropriate administrative agencies for further investigation as may be warranted.

DocuSigned by:  
  
FC5D7EDDFFBB4F8...

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Cassie Brown  
Commissioner of Insurance

Prepared and reviewed by:



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Stephanie Daniels, Staff Attorney  
Enforcement Division

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Commissioner's Order

Desiree Diaz

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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 Desiree Diaz. I have confirmed that:

- a. The last mailing address provided to the department in writing by Desiree Diaz is [REDACTED] Henderson, NV 89015.
- b. The file maintained by the Enforcement Division contains a Notice of Hearing and Original Petition dated September 30, 2021, which were filed with the State Office of Administrative Hearings.
- c. On September 30, 2021, the Notice of Hearing and Original Petition addressed to Desiree Diaz were mailed certified, return receipt requested, to her last known address and two additional addresses: [REDACTED] Las Vegas, NV 89183-6885 and [REDACTED] Las Vegas, NV 89183-6308.

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

DocuSigned by:  
  
654D7D5E139D49E...  
Affiant

# 2021-7113

Commissioner's Order

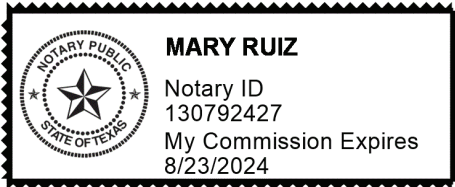
Desiree Diaz

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SWORN TO AND SUBSCRIBED before me by means of an interactive two-way audio and video communication on 11/12/2021. This notarial act was an online notarization.

## Notary Seal



## Digital Certificate

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

**2021-7113**

FILED  
454-22-0305  
9/30/2021 1:12 PM  
STATE OFFICE OF  
ADMINISTRATIVE HEARINGS  
Jessie Harbin, CLERK

**EXHIBIT**  
**A**

ACCEPTED  
454-22-0305  
9/30/2021 1:30 PM  
STATE OFFICE OF  
ADMINISTRATIVE HEARINGS  
Jessie Harbin, CLERK

**SOAH DOCKET NO. 454-22-0305  
TDI ENFORCEMENT FILE NO. 27883**

**TEXAS DEPARTMENT OF INSURANCE,**

**Petitioner**

**v.**

**DESIREE DIAZ,**

**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 **Wednesday, December 8, 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 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.**

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Notice of Hearing

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SOAH Docket No. 454-22-0305

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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/e-filing-soah](http://www.soah.texas.gov/e-filing-soah)
  
- (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

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Notice of Hearing

Desiree Diaz

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- (3) *(by mail, fax, or email)*  
Stephanie Daniels, Staff Attorney  
Texas Department of Insurance  
Enforcement Division, MC ENF  
P.O. Box 12030  
Austin, Texas 78711-2030  
(512) 490-1020 (Fax)  
Stephanie.Daniels@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 with SOAH. You may file documents with SOAH by mail, fax, or electronically. To file electronically, you must use eFileTexas. Instructions on using eFileTexas 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.**



# 2021-7113

Notice of Hearing

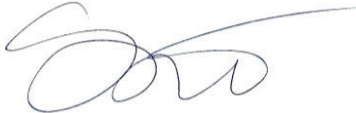
Desiree Diaz

SOAH Docket No. 454-22-0305

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

Respectfully Submitted,



---

Stephanie Daniels

State Bar No. 24107343

Texas Department of Insurance

Enforcement Division, MC ENF

P.O. Box 12030

Austin, Texas 78711-2030

(512) 676-6334 (Direct)

(512) 490-1020 (Fax)

Stephanie.Daniels@tdi.texas.gov

ATTORNEY FOR THE PETITIONER

TEXAS DEPARTMENT OF INSURANCE

Enclosure: Original Petition

cc: Leah Gillum, Deputy Commissioner, Enforcement Division, MC ENF

Ginger Loeffler, Litigation Director, Enforcement Division, MC ENF

Administrative Review, MC CO-AAL

# 2021-7113

Notice of Hearing

Desiree Diaz

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## CERTIFICATE OF SERVICE

I, Stephanie Daniels, 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 email on this 30th day of September 2021 to:

Desiree Diaz

[REDACTED]

Henderson, NV 89015

*Via CM/RRR No.:*

9214 8901 9403 8351 9215 68

[REDACTED]

Las Vegas, NV 89183-6885

*Via CM/RRR No.:*

9214 8901 9403 8351 9217 04

[REDACTED]

Las Vegas, NV 89183-6308

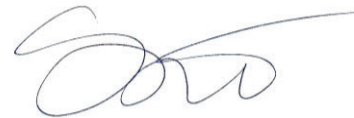
*Respondent Pro Se*

*Via CM/RRR No.:*

9214 8901 9403 8351 9218 41

*Via Email:*

[REDACTED]

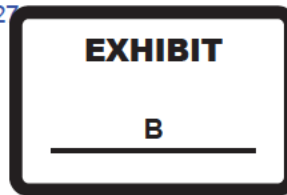


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Stephanie Daniels

**2021-7113**

FILED  
454-22-0305  
9/29/2021 1:27 PM  
STATE OFFICE OF  
ADMINISTRATIVE HEARINGS  
Carol Hale, CLERK



ACCEPTED  
454-22-0305  
9/29/2021 5:53:18 pm  
STATE OFFICE OF  
ADMINISTRATIVE HEARINGS  
Carol Hale, CLERK

**SOAH DOCKET NO. 454- 22-0305**  
**TDI ENFORCEMENT FILE NO. 27883**

**TEXAS DEPARTMENT OF INSURANCE,****Petitioner****v.****DESIREE DIAZ,****Respondent****BEFORE THE STATE OFFICE****OF****ADMINISTRATIVE HEARINGS****ORIGINAL PETITION**

The Texas Department of Insurance seeks to take disciplinary action against Desiree Diaz. 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, 84.021-84.022, 4001.002, 4001.252, 4005.101, 4005.102, 4054.301, and 4056.052; and TEX. GOV'T CODE §§ 2001.051-2001.178.

**Factual Allegations**Licensure

1. Desiree Diaz (Diaz) holds a non-resident life agent license, originally issued by the Texas Department of Insurance on April 7, 2021.
2. Diaz has a Texas non-resident license because she lives in Nevada. This license type requires that Diaz have a resident license in good standing in her home state.
3. On June 9, 2021, the Nevada Division of Insurance revoked Diaz's license. Diaz failed to notify TDI of her license revocation.

**Legal Allegations**

1. Diaz does not hold a license in good standing as an agent in her 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.

**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 Desiree Diaz's license and
2. imposing any other just and appropriate relief to which the department may be entitled to by law.

Respectfully Submitted,



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Stephanie Daniels  
State Bar No. 24107343  
Texas Department of Insurance  
Enforcement Division, MC ENF  
P.O. Box 12030  
Austin, Texas 78711-2030  
(512) 676-6334 (Direct)  
(512) 490-1020 (Fax)  
Stephanie.Daniels@tdi.texas.gov

ATTORNEY FOR THE PETITIONER  
TEXAS DEPARTMENT OF INSURANCE

2021-7113



EXHIBIT

C

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: 09/30/2021
Shipped From:
Name: MC 110-1A M RUIZ
Address: 333 GUADALUPE ST
City: AUSTIN
State: TX ZIP+4® 78701

Table with 2 columns: Type of Mail, Volume. Rows include Priority Mail Express, Priority Mail (0), First-Class Package Service, Returns, International, Other (3), and Total (3).

\*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 0032 0289 03

S.DANIELS/ 27883



Firm Mailing Book For Accountable Mail

2021-7113

Name and Address of Sender

MC 110-1A M RUIZ
TEXAS DEPARTMENT OF INSURANCE
333 GUADALUPE ST
AUSTIN TX 78701

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

- 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

Table with columns: USPS Tracking/Article Number, Addressee (Name, Street, City, State, & ZIP Code), Postage, (Extra Service) Fee, Handling Charge, Actual Value, Insured Value, Due Sender if COD, ASR Fee, ASRD Fee, RD Fee, RR Fee, SC Fee, SCRD Fee, ST Fee.

Total Number of Pieces Listed by Sender: 3









Total Number of Pieces Received at Post Office: 3

Postmaster, Per (Name of receiving employee)

### Tracking History

Tracking #: 9214890194038351921568

Recipient: DESIREE DIAZ  
[REDACTED]  
HENDERSON, NV 89015

Date & Time	Event Type	Event	Event Location
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09/30/2021 20:55		ACCEPTED AT USPS FACILITY 10	AUSTIN TX DISTRIBUTION CENTER, 78710
09/30/2021 21:55		PROCESSED THROUGH USPS FACILITY	AUSTIN TX DISTRIBUTION CENTER, 78710
09/30/2021 22:39		DEPART USPS FACILITY	AUSTIN TX DISTRIBUTION CENTER, 78710
10/01/2021 08:28		PRE-SHIPMENT INFO SENT USPS AWAITS ITEM	AUSTIN, TX, 78701
10/02/2021 11:46		PROCESSED THROUGH USPS FACILITY	LAS VEGAS NV DISTRIBUTION CENTE, 89199
10/04/2021 03:01		PROCESSED THROUGH USPS FACILITY	LAS VEGAS NV DISTRIBUTION CENTE, 89199
10/05/2021 08:43		DEPART USPS FACILITY	LAS VEGAS NV DISTRIBUTION CENTE, 89199

Close










Windows taskbar showing various application icons (Edge, Word, Outlook, Excel, PowerPoint, Teams, Chrome, Firefox, etc.) and system tray information: 12:30 PM, 11/9/2021.

## Tracking History

Tracking #: 9214890194038351921704

Recipient: DESIREE DIAZ

LAS VEGAS, NV 89183-6885

Date & Time	Event Type	Event	Event Location
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09/30/2021 22:39		DEPART USPS FACILITY	AUSTIN TX DISTRIBUTION CENTER, 78710
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10/05/2021 08:43		DEPART USPS FACILITY	LAS VEGAS NV DISTRIBUTION CENTE, 89199

for...

Mary Ruiz

A A ↺ ≡

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M

Chat with us  
12:31 PM  
11/9/2021














## Tracking History

Tracking #: 9214890194038351921841




Recipient: DESIREE DIAZ  
[REDACTED]  
LAS VEGAS, NV 89183-6308

Date & Time	Event Type	Event	Event Location
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09/30/2021 21:55		PROCESSED THROUGH USPS FACILITY	AUSTIN TX DISTRIBUTION CENTER, 78710
09/30/2021 22:39		DEPART USPS FACILITY	AUSTIN TX DISTRIBUTION CENTER, 78710
10/01/2021 08:28		PRE-SHIPMENT INFO SENT USPS AWAITS ITEM	AUSTIN, TX, 78701
10/02/2021 11:46		PROCESSED THROUGH USPS FACILITY	LAS VEGAS NV DISTRIBUTION CENTE, 89199
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10/05/2021 08:43		DEPART USPS FACILITY	LAS VEGAS NV DISTRIBUTION CENTE, 89199

for...

Mary Ruiz

A A ↺ ≡

1 - 1 of 1 items

Chat with us