

No. **4125**

OFFICIAL ORDER
of the
TEXAS COMMISSIONER OF INSURANCE

Date: SEP 23 2015

Subject Considered:

JESUS JAVIER LEOS
12538 Tierra Padre Lane
El Paso, Texas 79938

DEFAULT ORDER

SOAH DOCKET NO. 454-15-4589.C
ENFORCEMENT FILE NO. 8431

General Remarks and Official Action Taken:

The commissioner of insurance considers whether disciplinary action should be taken against Jesus J. Leos.

FINDINGS OF FACT

1. According to Texas Department of Insurance records, Jesus Javier Leos, individual identification number 616575, holds a general lines life, accident, and health license issued January 27, 2005.
2. TDI records show the last mailing address Leos provided to the department is 12538 Tierra Padre Lane, El Paso, Texas 79938.
3. TDI sent a notice of hearing to Leos' last known mailing address on July 21, 2015.
4. Leos failed to file a written response to the notice of hearing within 20 days of the date the notice of hearing was mailed.
5. The Reliable Life Insurance Company terminated Leos' employment on June 12, 2013 and cancelled all of his appointments with it and all affiliated companies on June 17, 2013.
6. Leos collected premiums in the amount of \$17,931.13 from dozens of policyholders, but failed to forward them to Reliable. Leos misappropriated, illegally withheld or converted the premiums to his own use.
7. TDI sent official letters of inquiry to Leos on October 14, 2014, and November 5, 2014, which notified him that he was required to provide documents and written responses to

these allegations. However, Leos failed to provide TDI with a response to any of its inquiries.

CONCLUSIONS OF LAW

1. The commissioner has jurisdiction over this matter pursuant to TEX. INS. CODE §§ 82.051 – 82.055, 84.021 – 84.022, 4001.002, 4005.101, 4005.102, and 4054.051; 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 § 82.055; and 28 TEX. ADMIN. CODE §§ 1.47, 1.88, and 1.89.
3. Based on 28 TEX. ADMIN. CODE § 19.906, Leos' last known address is presumed to be 12538 Tierra Padre Lane, El Paso, Texas 79938.
4. TDI mailed a notice of hearing to Leos' last known mailing address as required by 28 TEX. ADMIN. CODE §§ 1.28(c) and 1.88(c); 1 TEX. ADMIN. CODE § 155.401; and TEX. GOV'T CODE 2001.
5. TDI's allegations in the notice of hearing, as set out in findings of fact nos. 1 and 5–7, are deemed admitted as true pursuant to 28 TEX. ADMIN. CODE § 1.89.
6. Leos willfully violated an insurance law of the state of Texas according to TEX. INS. CODE § 4005.101(b)(1).
7. Leos misappropriated, converted to his own use, or illegally withheld money belonging to an insurer, as prohibited by TEX. INS. CODE § 4005.101(b)(4)(A).
8. Leos engaged in fraudulent or dishonest acts or practices, as contemplated in TEX. INS. CODE § 4005.101(b)(5).
9. Leos violated TEX. INS. CODE § 38.001(c) by failing to respond to written requests for information from the department;

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COMMISSIONER'S ORDER
JESUS LEOS
PAGE 3 OF 4

The commissioner of insurance orders that the general lines life, accident, and health license held by Jesus Javier Leos is revoked. The commissioner orders Leos to pay \$17,931.13 in restitution to Reliable within 30 days from the date of this order. Leos 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.



David C. Mattax
Commissioner of Insurance

STATE OF TEXAS §
 §
COUNTY OF TRAVIS §

Affidavit

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

“My name is Ginger Yocom 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 Jesus Leos and I have confirmed that:

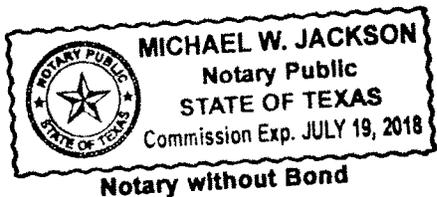
- (1) The last mailing address provided to the department by Jesus Leos in writing was 12538 Tierra Padre Ln., El Paso, TX 79938.
- (2) The file maintained by the Enforcement Section of the Compliance Division contains a notice of hearing dated July 21, 2015, filed with the State Office of Administrative Hearing.
- (3) A certified letter, return receipt requested, and a first class mailing, both containing a notice of hearing addressed to Jesus Leos’s last known address, were deposited in the United States mails.

Copies of the certified and first class mail logs are attached as exhibits A and B.”

Ginger Yocom
Affiant

SWORN TO AND SUBSCRIBED before me on 21 September, 2015.

(NOTARY STAMP)



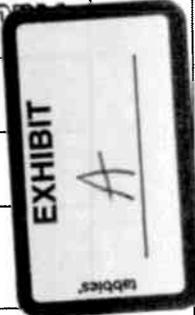
M. Jackson
Notary Public, State of Texas

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Firm Mailing Book For Accountable Mail

Name and Address of Sender Texas Dept of Insurance Mail Code 110-1A 333 Guadalupe St Austin TX 78701 July 21, 2015 Judy Lopez	USPS Tracking/Article Number	Address (Name, Street, City, State, & Zip Code)	Postage	Date of Receipt	Actual Value if Registered	Insured Value	Due Sender if COD	ASR Fee	ASRD Fee	RD Fee	RR Fee	SC Fee	SCRD Fee	SH Fee	Affix Stamp Here (If issued as an international certificate of mailing or for additional copies of this receipt), Postmark with Date of Receipt
Winograd	7010 1820 0000 4515 3117 ✓	Jesus J. Leos 12538 Tierra Padre Ln. El Paso, Texas 79938	2.05	3.45							2.00				
	7010 1870 0003 4283 4541 ✓	Rae Lene Kennedy 2301 W. White Avenue, No. 1216 McKinney, TX 75071	1.42	3.45							2.00				
	7010 1870 0003 4283 4565 ✓	Rae Lene Kennedy 108 Avalon Drive Princeton, TX 75407	1.42	3.45							2.00				
					Handling Charge - If Registered and over \$50,000 in value										
									Adult Signature Restricted Delivery	Restricted Delivery	Return Receipt	Signature Confirmation	Signature Confirmation Restricted Delivery	Special Handling	



JUL 21 2015

Privacy Note: For more information on USPS privacy policies, visit usps.com/privacy policy.

Completed in Ink

PS Form 3877, June 2015

Total Number of Pieces Listed by Sender

Postmaster, Per (name of receiving employee)

Firm Mailing Book For Accountable Mail

4125

Name and Address of Sender
 Texas Dept of Insurance
 Mail Code 110-1A
 333 Guadalupe St
 Austin TX 78701
 July 21, 2015
 Judy Lopez

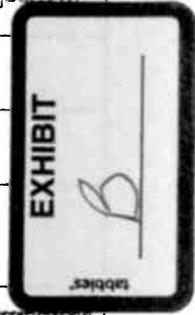
- Check type of mail or service
- Adult Signature Required
 - Certified Mail
 - Certified Mail Restricted
 - Collect on Delivery (COD)
 - Insured Mail
 - Priority Mail
 - Priority Mail Express
 - Registered Mail
 - Return Receipt for Merchandise
 - Signature Confirmation
 - Signature Confirmation Restricted

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

USPS Tracking/Article Number	Address (Name, Street, City, State, & Zip Code)	Postage	(Extra Services) 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
	Jesus J. Leos 12538 Tierra Padre Ln. El Paso, Texas 79938													
				Handling Charge - If Registered and over \$50,000 in value									Adult Signature Required	Signature Confirmation Restricted Delivery
													Adult Signature Required	Signature Confirmation Restricted Delivery
													Return Receipt	Signature Confirmation
													Restricted Delivery	Signature Confirmation Restricted Delivery
													Restricted Delivery	Signature Confirmation Restricted Delivery
													Special Handling	Signature Confirmation Restricted Delivery

request # 07/21/2015
 US POSTAGE \$001.350
 ZIP 78701
 04/112203074

OFFICIAL BUSINESS
 STATE OF TEXAS
 PENALTY FOR PRIVATE USE



Postmaster: Per (Name of receiving employee)

Total Number of Pieces Listed by Sender

JUL 21 2015

