

4424

No. _____

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

Date: APR 28 2016

Subject Considered:

MICHAEL ANTHONY AGUILAR, SR.
1908 37th Street
Lubbock, TX 79412

DEFAULT ORDER
SOAH DOCKET NO. 454-16-1480.C
TDI ENFORCEMENT FILE NO. 8434

General remarks and official action taken:

The commissioner of insurance considers whether disciplinary action should be taken against Michael Anthony Aguilar, Sr.

Findings of Fact

1. Michael Anthony Aguilar, Sr., individual identification number 262484, holds a county mutual license issued on May 11, 2010, and a general lines life, accident, and health license issued on May 20, 2010.
2. TDI records show the last mailing address Aguilar provided in writing is 1908 37th Street, Lubbock, Texas 79412.
3. On January 6, 2016, TDI sent a notice of hearing to Aguilar's last known mailing address and his business location address, 902 Avenue Q, Lubbock, Texas 79401.
4. Aguilar failed to file a written response to the notice of hearing within 20 days of the date the notice of hearing was mailed.
5. Reliable Life Insurance Company conducted an audit of Aguilar's book of business and found that Aguilar collected premiums in the amount of \$6,619.68 from policyholders but failed to remit those premiums to Reliable.
6. Reliable cancelled all of its appointments with Aguilar on May 29, 2014. After applying his cash bond to the amount owed, Aguilar owes Reliable \$4,443.88.

7. Aguilar has also not complied with the continuing education requirements necessary to maintain his license. Aguilar failed to complete 15 hours of general continuing education requirements for the reporting period of May 20, 2012, to May 19, 2014.

Conclusions of Law

1. The commissioner of insurance has jurisdiction over this matter pursuant to TEX. INS. CODE §§ 82.051-82.055, 4001.002, 4005.101, 4005.102, 4004.001, 4054.051, and 4051.201, 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, Aguilar's last known address is presumed to be 1908 37th Street, Lubbock, Texas 79412.
4. TDI mailed a notice of hearing to Aguilar's last known 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 Ch. 2001.
5. The allegations in the notice of hearing, set out herein as findings of fact nos. 5-7, are deemed admitted as true pursuant to 28 TEX. ADMIN. CODE § 1.89.
6. Aguilar willfully violated an insurance law of the State of Texas according to TEX. INS. CODE § 4005.101(b)(1).
7. Aguilar misappropriated, converted to his own use, and illegally withheld money belonging to an insurer, as prohibited by TEX. INS. CODE § 4005.101(b)(4).
8. Aguilar engaged in fraudulent and dishonest acts or practices, as contemplated in TEX. INS. CODE § 4005.101(b)(5).
9. Aguilar failed to complete his continuing education requirements as mandated by TEX. INS. CODE §§ 4004.051 and 4004.053.

The commissioner of insurance revokes Michael Anthony Aguilar Sr.'s county mutual license and general lines life, accident, and health license.

The commissioner orders Michael Anthony Aguilar, Sr. to pay \$4,443.88 in restitution to the Reliable Life Insurance Company within 30 days from the date of this order. Aguilar 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.

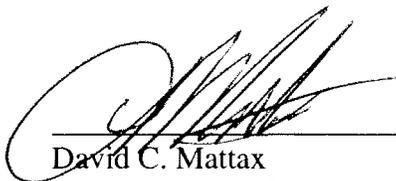
4424

COMMISSIONER'S ORDER

Michael Anthony Aguilar, Sr.

Page 3 of 4

The commissioner further orders Michael Anthony Aguilar, Sr. to pay a \$750 administrative penalty within 30 days 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 the 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

Affidavit

STATE OF TEXAS

§

§

COUNTY OF TRAVIS

§

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 Michael Anthony Aguilar, Sr. and I have confirmed that:

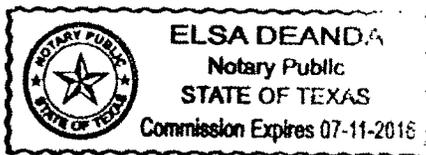
- (1) The last mailing address provided to the department by Michael Anthony Aguilar, Sr. in writing was 1908 37th Street, Lubbock, Texas 79412.
- (2) The file maintained by the Enforcement Section of the Compliance Division contains a notice of hearing dated January 6, 2016, filed with the State Office of Administrative Hearings.
- (3) A certified letter, return receipt requested, and a first class mailing, both containing a notice of hearing were sent to Aguilar’s last known address and his business location address, 902 Avenue Q, Lubbock, Texas 79401, by depositing them in the United States mail.

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 this 21st day of April, 2016.

Elsa De Anda
Notary Public



Notary without Bond

