

No. **2020-6400**

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

Date: 07/21/2020

Subject Considered:

George Ruben Saenz, Jr.
1132 Geronimo Dr
El Paso, TX 79925-3417

Consent Order
TDI Enforcement File No. 17367

General remarks and official action taken:

This is a consent order with George Ruben Saenz, Jr. (Saenz) that suspends Saenz's general lines life, accident, health and HMO, and property and casualty licenses for two years. The suspension is probated pursuant to the terms and conditions stated in this order. Further, the order grants an agency license to CVIA Insurance Agency, LLC (CVIA), subject to a concurrent two-year suspended probation period under the same terms and conditions.

Waiver

Saenz acknowledges that the Texas Insurance Code and other applicable law provide certain rights. Saenz waives all of these rights, and any other applicable procedural rights, in consideration of the entry of this consent order.

Findings of Fact

1. George Ruben Saenz, Jr., individual identification number 322651, holds a general lines property and casualty license issued by the department on January 23, 2003, and a general lines life, accident, health, and HMO license issued on January 20, 2013.
2. Saenz previously operated his insurance activities under another licensed agency name, however on August 10, 2018, and again on January 27, 2020, applied to

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- operate as CVIA. The license was denied due to a pending investigation into a consumer complaint filed against Saenz.
3. Saenz represents that he is the sole owner and maintains the exclusive right and ability to control the insurance activities at CVIA, firm identification number 146396, and all persons working at or on behalf of CVIA at the business address of record.
 4. The department's investigation into a consumer complaint led to the discovery that at least one employee of Saenz was acting as an agent without a license.
 5. Saenz allowed an unlicensed employee to perform the acts of an agent, including but not limited to, soliciting and providing insurance quotes, discussing insurance coverage and products, transmitting an insurance policy of the insurer, accepting insurance premiums, forwarding a diagram of a building, and representing to the public and insurance companies that the employee was authorized to engage in the business of insurance.
 6. The department's investigation into the consumer complaint also led to the discovery of nineteen surplus lines policies being issued under Saenz's general lines license number and listing CVIA as the agency of record, even though CVIA did not have a license.
 7. Saenz engaged in the negotiation, solicitation, effecting, procurement, and binding of surplus lines insurance contracts for clients, through the unlicensed entity CVIA, and received commissions from selling surplus lines policies without an individual surplus lines license or an agency surplus lines license.

Conclusions of Law

1. The commissioner of insurance has jurisdiction over this matter pursuant to TEX. INS. CODE §§ 82.051-82.055, 84.021-84.044, 101.051, 101.053-101.156, 981.001-981.006, 4001.002, 4001.051-4001.101, 4005.101-4005.103, 4051.051, and 28 TEX. ADMIN. CODE § 15.101.
2. The commissioner of insurance has authority to informally dispose of this matter as set forth in TEX. INS. CODE § 82.055, TEX. GOV'T CODE § 2001.056, and 28 TEX. ADMIN. CODE § 1.47.
3. Saenz has knowingly and voluntarily waived all procedural rights to which he may have been entitled regarding the entry of this order, including, but not limited to,

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a public hearing, a proposal for decision, rehearing by the commissioner, and judicial review.

4. Saenz violated TEX. INS. CODE §§ 101.102, 4001.051, and 4001.101, by allowing an employee who did not hold an insurance license or other authorization issued by the department to perform acts constituting the business of insurance.
5. Saenz violated TEX. INS. CODE §§ 4001.004 and 4001.101, by engaging in the business of insurance as CVIA without an agency license or other authorization issued by the department.
6. Saenz violated 28 TEX. ADMIN. CODE § 15.101, by procuring surplus lines policies for clients without the required surplus lines agent license.

Order

It is ordered that George Ruben Saenz, Jr.'s general lines property and casualty and life, accident, health, and HMO licenses are suspended for two years. The suspension is probated pursuant to the terms and conditions stated in this order.

It is further ordered that the CVIA Insurance Agency, LLC license be granted subject to a concurrent two-year suspended probation period under the same terms and conditions. If, during the probation period imposed by this order, the department issues any additional licenses or authorizations to Saenz or CVIA, those additional licenses or authorizations will be suspended until the probation period imposed by this order has ended. The suspension shall be probated, and the same terms and conditions stated in this order will apply.

Beginning from the date of this order and continuing through the probation period, Saenz must file a written report, on or before the 15th day of each month on a quarterly basis for the months of March, June, September, and December with the Texas Department of Insurance by emailing it to EnforcementReports@tdi.texas.gov. The reports must include the following information:

- a. List of all employees, or other individuals working for or on behalf of, CVIA or Saenz in his capacity as an agent or agency owner, including the license number of any individuals who are licensed by the department;
- b. the name, address, and contact number of any insurer which has appointed CVIA or Saenz as an agent;

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- c. the name, address, and contact number of any insurer which has canceled CVIA or Saenz's appointment as an agent; and
- d. a copy of all contracts CVIA and Saenz has entered into with an insurer, broker, managing general agent, managing general agency, or any person or entity in the business of insurance.

Saenz must notify the department immediately of the following by emailing EnforcementReports@tdi.texas.gov:

- a. any charges or indictments filed against Saenz for a misdemeanor or felony during the period he is required to file reports, excluding traffic offenses and Class C misdemeanors;
- b. any civil suits brought against CVIA or Saenz in relation to the business of insurance; or
- c. any other complaint made against CVIA or Saenz concerning his performance as an agent, including the name, address and phone and policy number of the complainant, as well as a written explanation detailing the steps taken to resolve it.

Kent C. Sullivan
Commissioner of Insurance

By: 
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Doug Slape
Chief Deputy Commissioner
Commissioner's Order No. 2018-5528

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Recommended and reviewed by:



Leah Gillum, Deputy Commissioner
Enforcement Division



Nancy Williams, Staff Attorney
Enforcement Division

