

No. 2020-6423

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

Date: 08/06/2020

Subject Considered:

Mauricio Borja
407 W Business 83
McAllen, Texas 78501

Default Order
SOAH Docket No. 454-20-3779.C
TDI Enforcement File No. 18726

General remarks and official action taken:

This is a default order taken against Mauricio Borja (Respondent) because he: engaged in fraudulent or dishonest acts or practices; failed to notify the department on a monthly basis of an administrative action taken against him by a financial regulator; and failed to respond, on three separate occasions, to department inquiries. 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 May 27, 2020, 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.

2020-6423

Commissioner's Order

Mauricio Borja

SOAH Docket No. 454-20-3779.C

Page 2 of 4

3. The department sent the Notice of Hearing and Original Petition to Respondent's last known address provided in writing to the department, 407 W Business 83, McAllen, Texas 78501. The Notice of Hearing and Original Petition were also sent to two additional addresses associated with Respondent: 3363 McCue Road, No. 215, Houston, Texas 77056; and, 4213 Santa Fe, Mission, Texas 78572. In addition, these documents were sent electronically to an email address associated with the Respondent.
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 pursuant to Texas law, including TEX. INS. CODE §§ 82.051-82.055, 4001.002, 4005.101, 4005.102, 4051.051, and 4054.051, and TEX. GOV'T CODE §§ 2001.051-2001.178.
2. The commissioner has 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. The department provided proper notice of the hearing pursuant to 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 pursuant to 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 pursuant to 28 TEX. ADMIN. CODE § 1.89.

2020-6423

Commissioner's Order

Mauricio Borja

SOAH Docket No. 454-20-3779.C

Page 3 of 4

Order

It is ordered that Mauricio Borja's general lines agent license is 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.

Kent C. Sullivan
Commissioner of Insurance

By: 
C77A87C8C21B435...
Doug Slape
Chief Deputy Commissioner
Commissioner's Order No. 2018-5528

Prepared and reviewed by:



Anna Kalapach, Staff Attorney
Enforcement Division

Affidavit

STATE OF TEXAS §
 §
COUNTY OF TRAVIS §

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

"My name is Sonia Beck 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 Mauricio Borja. I have confirmed that:

- a. The last mailing address provided to the department in writing by Mauricio Borja is 407 W Business 83, McAllen, Texas 78501.
- b. The file maintained by the Enforcement Division contains a Notice of Hearing and Original Petition dated May 27, 2020, which were filed with the State Office of Administrative Hearings.
- c. On May 27, 2020, the Notice of Hearing and Original Petition addressed to Mauricio Borja were mailed certified, return receipt requested, to his last known address and two additional addresses: 3363 McCue Road, No. 215, Houston, Texas 77056, and 4213 Santa Fe, Mission, Texas 78572.

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

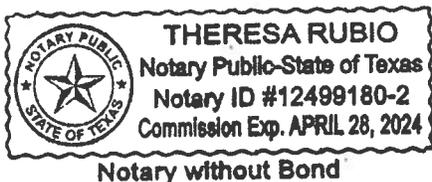
Affiant

SWORN TO AND SUBSCRIBED before me on June 29, 2020.

(NOTARY SEAL)

Theresa Rubio
Signature of Notary Public

Theresa Rubio
Printed Name of Notary Public



ACCEPTED **2020-6423**
454-20-3779
5/27/2020 10:47 AM
STATE OFFICE OF
ADMINISTRATIVE HEARINGS
Donnie Roland, CLERK

FILED
454-20-3779
5/27/2020 9:52 AM
STATE OFFICE OF
ADMINISTRATIVE HEARINGS
Donnie Roland, CLERK

SOAH DOCKET NO. 454-20-3779.C
TDI ENFORCEMENT FILE NO. 18726

TEXAS DEPARTMENT OF INSURANCE,

BEFORE THE STATE OFFICE

Petitioner

v.

OF

MAURICIO BORJA,

ADMINISTRATIVE HEARINGS

Respondent

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, August 25, 2020, at 9:00 a.m.** The hearing will take place at the State Office of Administrative Hearings, located in the William P. Clements Building, 300 W. 15th Street, 4th Floor, Austin, Texas, 78701.

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**

2020-6423

Notice of Hearing

Mauricio Borja

SOAH Docket No. 454-20-3779.C

Page 2 of 5

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, 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, 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 149104, MC112-2A
Austin, Texas 78714-9104
(512) 490-1064 (Fax)
chiefclerk@tdi.texas.gov; and
- (3) Anna Kalapach, Staff Attorney
Texas Department of Insurance
Enforcement Division, MC110-1A
P.O. Box 149104
Austin, Texas 78714-9104
(512) 490-1020 (Fax)
anna.kalapach@tdi.texas.gov

2020-6423

Notice of Hearing

Mauricio Borja

SOAH Docket No. 454-20-3779.C

Page 3 of 5

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 "eFiling" hyperlink, 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.

2020-6423

Notice of Hearing

Mauricio Borja

SOAH Docket No. 454-20-3779.C

Page 4 of 5

Respectfully Submitted,



Anna Kalapach

State Bar No. 24083290

Texas Department of Insurance

Enforcement Division, MC110-1A

P.O. Box 149104

Austin, Texas 78714-9104

(512) 676-6326 (Direct)

(512) 490-1020 (Fax)

anna.kalapach@tdi.texas.gov

ATTORNEY FOR THE PETITIONER

TEXAS DEPARTMENT OF INSURANCE

Enclosure: Original Petition

cc: Leah Gillum, Deputy Commissioner, Enforcement Division, MC-110-1A

Rachel Cloyd, Litigation Director, Enforcement Division, MC-110-1A

Administrative Review, MC107-1A

2020-6423

Notice of Hearing

Mauricio Borja

SOAH Docket No. 454-20-3779.C

Page 5 of 5

CERTIFICATE OF SERVICE

I, Anna Kalapach, certify that a true and correct copy of the *Notice of Hearing and the Original Petition* were sent by the following methods, on this 27th day of May, 2020 to:

Mauricio Borja
407 W Business 83
McAllen, TX 78501
Respondent Pro Se

Via CM/RRR No.: 921489019403831365655

Via email to mauborja@hotmail.com

Mauricio Borja
3363 McCue Road, No. 215
Houston, TX 77056

Via CM/RRR No.: 9214890194038313266591

Mauricio Borja
4213 Santa Fe
Mission, TX 78572

Via CM/RRR No.: 9214890194038313267185



Anna Kalapach

SOAH DOCKET NO. 454-20-3779.C
TDI ENFORCEMENT FILE NO. 18726

TEXAS DEPARTMENT OF INSURANCE,

Petitioner

v.

MAURICIO BORJA,

Respondent

BEFORE THE STATE OFFICE

OF

ADMINISTRATIVE HEARINGS

ORIGINAL PETITION

The Texas Department of Insurance seeks to take disciplinary action against Mauricio Borja. 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, 4051.051, and 4054.051, and TEX. GOV'T CODE §§ 2001.051-2001.178.

Factual Allegations

Licensure

1. Mauricio Borja ("Borja"), individual identification no. 946824, was issued a general lines agent license with a life, accident, and health qualification by the department on November 15, 2010.
2. Borja was also issued a property and casualty qualification by the department for his general lines license on November 18, 2010.

Cancelation for Cause

3. On June 4, 2018, the department received correspondence from Allstate Insurance Company with notice that Borja had been canceled for cause.

**Exhibit
B**

4. Allstate stated that Borja was canceled for cause due to Borja's forgery.

Creation of a False Life Insurance Policy

5. Allstate received a complaint from one of Borja's former employees, Ana Castillo ("Castillo"). Castillo was a receptionist for Borja between October 2016 and April 2017.
6. Castillo complained to Allstate that Borja completed a basic term life insurance application, without her knowledge or consent. Castillo alleged that Borja forged her signature on the application.
7. The signature on the policy application is dated August 17, 2017, and coverage was bound (the "August Policy"). Castillo separated from employment with Borja in April 2017.
8. In November 2017, Castillo attempted to obtain a life insurance policy from another agent, who was not Borja, and discovered that she allegedly had a preexisting life insurance policy, the August Policy.
9. When Castillo reviewed a copy of the August Policy, she confirmed that she did not consent to the policy, purchase the policy, and did not sign the policy application.
10. Indeed, while Castillo was employed with Borja, he asked her if she would like to purchase a life insurance policy. Castillo declined to purchase a policy. At no time was a life insurance policy offered to Castillo as a purported benefit of her employment with Borja.
11. At the time the August Policy was signed and bound, Borja was falling short of a commission incentive created by Allstate, which, if achieved, would reward him with a higher commission percentage.

Barred by Financial Industry Regulatory Authority

12. On or about August 7, 2019, the Financial Industry Regulatory Authority ("FINRA") requested information from Borja, but he failed to respond.

13. On September 3, 2019, Borja was suspended from associating with any FINRA member firm in all capacities.
14. Borja was suspended under FINRA Rule 9552(h) and failed to request termination of the suspension within three months of issuance of the original notice of suspension.
15. On November 12, 2019, Borja was permanently barred from association with any FINRA member in any capacity.
16. Borja did not notify the department of the administrative action taken by FINRA, a financial regulator.

Failure to Respond to Inquiries

17. On April 16, 2019, the department sent an inquiry to Borja and informed him that he must respond no later than 15 days after receipt of the inquiry. Although the inquiry was sent to Borja via email, his preferred method of correspondence, Borja did not respond to the department's inquiry.
18. The department again sent an inquiry to Borja on October 10, 2019, and informed him that he must respond no later than 15 days after receipt of the inquiry. The inquiry was sent to Borja via email and certified mail. Postal records show the inquiry was received on October 15, 2019, at an address believed to be associated with Borja. Borja did not respond to the department's inquiry.
19. On December 4, 2019, the department sent an inquiry to Borja and informed him that he must respond no later than 15 days after receipt of the inquiry. Although the inquiry was sent to Borja via email, first class mail, and certified mail, Borja did not respond to the department's inquiry.

Legal Allegations

1. Borja has engaged in fraudulent or dishonest acts or practices, as contemplated by TEX. INS. CODE § 4005.101(b)(5).

2. Borja failed to notify the department on a monthly basis of an administrative action taken against him by a financial or insurance regulator of this state, another state, or the United States, as contemplated by TEX. INS. CODE § 4001.252(a)(3).
3. Borja failed to respond, on three separate occasions, to the department's inquiry in writing not later than the 15th day after the date of the inquiry, as contemplated by TEX. INS. CODE § 38.001.

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 Mauricio Borja's licenses; and
2. any other just and appropriate relief to which the department may be entitled to by law.

Respectfully Submitted,



Anna Kalapach
State Bar No. 24083290
Texas Department of Insurance
Enforcement Division, MC110-1A
P.O. Box 149104
Austin, Texas 78714-9104
(512) 676-6326 (Direct)
(512) 490-1020 (Fax)
anna.kalapach@tdi.texas.gov

ATTORNEY FOR THE PETITIONER
TEXAS DEPARTMENT OF INSURANCE

2020-6423



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: 05/27/2020

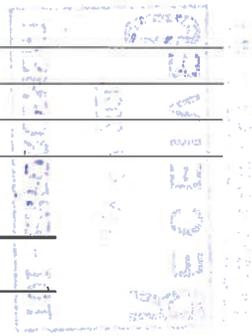
Shipped From:

Name: MC 110-1A S BECK

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	2
Total	2

*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 0022 1177 54



KALAPACH 18726

**Exhibit
C**



Firm Mailing Book For Accountable Mail

2020-6423



Affix Stamp Here (if issued as an international certificate of mailing or 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

Addressee (Name, Street, City, State, & ZIP Code™)

MAURICIO BORJA 407 W BUSINESS 83 MCALLEN TX 78501

MAURICIO BORJA 3363 MCCUE ROAD NO 215 HOUSTON TX 77056

Name and Address of Sender

MC 110-1A S. Beck
Texas Department of Insurance
333 Guadalupe St
Austin TX 78701

USPS Tracking/Article Number

1. 9214 8901 9403 8313 2666 55

KALAPACH 18726

2. 9214 8901 9403 8313 2666 91

Postage	(Extra Service) 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
0.80	3.55	Handling Charge - if Registered and over \$50,000 in value							1.70			
0.80	3.55					Adult Signature Required	Adult Signature Restricted Delivery	Restricted Delivery	Return Receipt	Signature Confirmation	Signature Confirmation Restricted Delivery	Special Handling



Postmaster, Per (Name of receiving employee)

Total Number of Pieces Listed by Sender: 2

Total Number of Pieces Received at Post Office: 2

2020-6423



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: 05/27/2020

Shipped From:

Name: MC 110-1A S BECK

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 0022 1176 00



KALAPACH 18726



Firm Mailing Book For Accountable Mail

2020-6423

Name and Address of Sender

MC 110-1A S. Beck
Texas Department of Insurance
333 Guadalupe St
Austin TX 78701

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

USPS Tracking/Article Number

1. 9214 8901 9403 8513 2571 85

KALAPACH 18726

Addressee (Name, Street, City, State, & ZIP Code™)

MAURICIO BORJA 4213 SANTA FE MISSION TX 78572

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

Postage	Extra Service Fee	Handling Charge	Actual Value if Registered	Insured Value	Due Date	ASR Fee	ASRD Fee	RD Fee	RR Fee	SC Fee	SCRD Fee	SH Fee
0.80	3.55	Handling Charge - if Registered and over \$50,000 in value										
						Adult Signature Required	Adult Signature Restricted Delivery	Restricted Delivery	Return Receipt	Signature Confirmation	Signature Confirmation Restricted Delivery	Special Handling

RECEIVED
MAY 23 2020
TDI - ENFORCEMENT

MAIL ROOM
MAY 27 2020
GIFT WINDOW

Total Number of Pieces Listed by Sender: 1

Postmaster Per (Name of receiving employee)

PS Form 3877, April 2015 (Page 1 of 1)

Complete in Ink

Privacy Notice: For more information on USPS privacy policies, visit usps.com/privacypolicy.

PSN 7530-02-000-9098