OFFICIAL ORDER
of the
TEXAS COMMISSIONER OF INSURANCE

Date: MAR 12 2015

Subject Considered:

ANTONIO GAONA
19728 Saums RD
Houston, TX 77084-4737

DEFAULT ORDER
SOAH DOCKET NO. 454-15-1726.C
TDI ENFORCEMENT FILE NO. 6877

General remarks and official action taken:

The commissioner of insurance considers whether disciplinary action should be taken against Antonio Gaona.

Findings of Fact

1. According to department records, Antonio Gaona, individual identification no. 820470, obtained a general lines property and casualty license in December 2008 and a property and casualty adjuster license in January 2009.

2. The last known mailing address Antonio Gaona filed with the department was 19728 Saums RD, Houston, TX 77084-4734.

3. On January 22, 2015, the department sent a notice of hearing to Antonio Gaona’s last known mailing address. The department sent the notice of hearing to two additional addresses.

4. Antonio Gaona failed to file a written response to the notice of hearing within 20 days.

5. Antonio Gaona was involved in a car accident September 15, 2013. The owner of the vehicle did not have auto insurance coverage. Antonio Gaona reported the accident to his personal auto carrier, Mercury County Mutual Insurance Company, in January 2014. His claim included a request for cash reimbursement for medical treatment received as a result of the accident.
6. During Mercury’s investigation of the claim, it discovered the facilities Antonio Gaona identified as medical treatment providers did not have any records related to him. Additionally, both facilities noted that the billing formats Antonio Gaona submitted for reimbursement did not match their standard billing formats.

7. Mercury also learned additional facts that caused it to question the validity of the claim. Antonio Gaona subsequently withdrew the claim for reimbursement.

**Conclusions of Law**

1. The commissioner has jurisdiction pursuant to TEX. INS. CODE §§ 82.051, 82.052, 4005.101, 4005.102; and TEX. GOV’T CODE §§ 2001.051-2001.178.

2. TEX. GOV’T CODE § 2001.056; TEX. INS. CODE § 82.055; and 28 TEX. ADMIN. CODE §§ 1.47, 1.88, and 1.89 give the commissioner authority to informally dispose of this case.

3. Based on 28 TEX. ADMIN. CODE § 19.906, Antonio Gaona’s last known address is presumed to be 19728 Saums RD, Houston, TX 77084-4734.

4. TDI sent a notice of hearing to Antonio Gaona’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 as findings of fact nos. 5 - 7, are deemed admitted as true pursuant to 28 TEX. ADMIN. CODE § 1.89.

6. Antonio Gaona engaged in fraudulent or dishonest acts or practices, as contemplated by TEX. INS. Code § 4005.101(b)(5).

The commissioner revokes Antonio Gaona’s general lines property and casualty license and property and casualty adjuster license.

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 Judy Lopez 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 Antonio Gaona. I have confirmed that:

a. The last mailing address Antonio Gaona provided to the department in writing was 19728
   Saums RD, Houston, TX 77084-4734.

b. The file maintained by the Enforcement Section of the Compliance Division contains a
   notice of hearing that was served on Antonio Gaona and filed with the State Office of
   Administrative Hearings January 22, 2015.

c. A certified letter, return receipt requested, and a first class mailing, both containing a
   notice of hearing addressed to Antonio Gaona’s last known address, were deposited in the
   United States mails.

Copies of the first class and certified mail logs maintained by the Enforcement Section are
attached as Exhibits A and B.”

Affiant

SWORN TO AND SUBSCRIBED before me on March 9, 2015.

(NOTARY STAMP)

Signature of Notary Public
The full declaration is required on all domestic and international registered mail. Special handling charges apply only to Standard Mail.

In domestic mail, the maximum indemnity payable for the reconstruction of non-negotiable documents under Express Mail Document Reconstructive Insurance is $500 per piece subject to additional limitations for multiple pieces lost or damaged in a single catastrophic occurrence. The maximum indemnity payable is $250,000 for registered mail sent with optional postal insurance. See Domestic Mail Manual, Section 913 for further details.

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The full declaration is required on all domestic and international registered mail. The maximum indemnity payable for the reconstruction of nonnegotiable documents under Express Mail document reconstruction insurance is $500 per piece, subject to additional limitations for multiple pieces lost or damaged in a single catastrophic occurrence. The maximum indemnity payable for merchandise insurance is $500, but optional Express Service merchandise insurance is available for up to $5,000, but not all countries. Additional insurance for multiple pieces lost or damaged in a single catastrophic occurrence is $5,000 per piece subject to the limitations of coverage on registered and COD mail. See Domestic Mail Manual P900.5913, and S921 for limitations of coverage on registered and COD mail. See Special Handling Charges appendix to Standard Mail.