

No. 4570

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

Date: JUL 08 2016

Subject Considered:

YURI MEDINA
11603 W. Coker Loop, Suite 200
San Antonio, Texas 78216-3099

DEFAULT ORDER
SOAH DOCKET NO. 454-16-4340.C
TDI ENFORCEMENT FILE NO. 8000

General remarks and official action taken:

The commissioner of insurance considers disciplinary action against Yuri Medina.

Findings of Fact

1. Yuri Medina, individual identification no. 1904440, has held a general lines agent license with a life, accident, and health qualification since March 24, 2014.
2. On May 26, 2016, the department sent a notice of hearing to Medina's last known address provided in writing to the department, 11603 W. Coker Loop, Suite 200, San Antonio, Texas 78216-3099.
3. Medina failed to file a written response to the notice of hearing within 20 days of the date the notice of hearing was mailed.
4. On January 22, 2014, Medina was appointed as an agent by American National Insurance Company (ANICO).¹
5. On May 16, 2014, Medina contacted her District Manager and admitted to losing a \$474.98 money order comprised of collected cash premiums. Due to her inability to repay the money, on May 16, 2014, she resigned from ANICO and signed an agreement to work a two-week final inspection, starting May 19, 2014, to repay the unremitted premiums.
6. On May 19, 2014, Medina failed to report to ANICO to begin the final inspection.
7. According to ANICO records, on May 20, 2014, after her resignation, Medina collected premium payments totaling \$68.33 which were never remitted.

¹ Medina was appointed under her temporary general lines agent license with a life, accident, and health qualification (individual identification no. 1892225), which was issued on January 22, 2014.

8. According to ANICO's inspection of Medina's agency, from March of 2014 to May of 2014, she failed to remit premium payments totaling \$1,171.00 collected from approximately twenty-two policyholders.
9. On October 29, 2014, ANICO sent Medina a letter explaining that the final inspection of her agency was complete and asking that she return the \$1,171.00 of collected premiums within 15 days from the date of the letter.
10. According to ANICO records, Medina has failed to return the \$1,171.00 in premiums.
11. According to TDI records, Medina failed to complete 24 hours of required continuing education for the March 24, 2014, through April 12, 2016, reporting period.

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, 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, Medina's last known address is presumed to be 11603 W. Coker Loop, Suite 200, San Antonio, Texas 78216-3099.
4. TDI mailed a notice of hearing to Medina'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. 1 and 4 -11, are deemed admitted as true pursuant to 28 TEX. ADMIN. CODE § 1.89.

6. The commissioner may revoke Medina's license because she has:
- a. committed an act for which a license may be revoked under TEX. INS. CODE § 4005.101(b), as contemplated in TEX. INS. CODE ANN. § 4005.102;
 - b. engaged in fraudulent or dishonest acts or practices pursuant to TEX. INS. CODE § 4005.101(b)(5);
 - c. misappropriated, converted to your own use, or illegally withheld money belonging to an insured, insurer, or beneficiary under TEX. INS. CODE § 4005.101(b)(4); and
 - d. failed to comply with the continuing education requirements for the March 24, 2014, through April 12, 2016, reporting period, required by Texas licensed agents pursuant to TEX. INS. CODE §§ 4004.051, 4004.053, and 4004.054.

The commissioner of insurance revokes Yuri Medina's general lines agent license with a life, accident, and health qualification.



David C. Mattax
Commissioner of Insurance

Affidavit

STATE OF TEXAS

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COUNTY OF TRAVIS

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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 Yuri Medina. I have confirmed that:

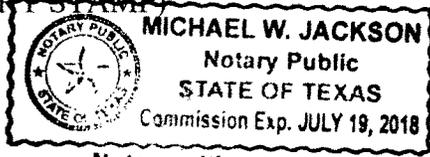
- a. The last mailing address provided to the department by Yuri Medina in writing was 11603 W. Coker Loop, Suite 200, San Antonio, Texas 78216-3099.
- b. The file maintained by the Enforcement Section of the Compliance Division contains a notice of hearing dated May 26, 2016, filed with the State Office of Administrative Hearings.
- c. On May 26, 2016, certified letters, return receipts requested, and first class mailings, each containing a notice of hearing were sent to Yuri Medina’s last known address.

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

Ginger Yocom
Affiant

SWORN TO AND SUBSCRIBED before me on 7 July 2016.

(NOTARY STAMP)



Notary without Bond

1242 1235-1

Michael W. Jackson
Signature of Notary Public

