OFFICIAL ORDER
of the
TEXAS COMMISSIONER OF INSURANCE

Date: AUG 31 2016

Subject Considered:

ABUNDIO RODRIGUEZ
1643 Roger Bombach Drive
El Paso, Texas 79936

DEFAULT ORDER
SOAH DOCKET NO. 454-16-5206.C
TDI ENFORCEMENT FILE NO. 8179

General remarks and official action taken:

The commissioner of insurance considers the application for a general lines agent license with a life, accident, and health qualification for Abundio Rodriguez.

Findings of Fact

1. Abundio Rodriguez submitted an application for a general lines agent license with a life, accident, and health qualification to the department on May 28, 2014.

2. The department proposed to deny Rodriguez’s application on September 11, 2014, based on his prior license revocation. He appealed that decision and made a written request for a hearing.

3. On July 21, 2016, the department sent a notice of hearing to Rodriguez’s last known address provided in writing to the department, 1643 Roger Bombach Drive, El Paso, Texas 79936.

4. Rodriguez failed to file a written response to the notice of hearing within 20 days of the date the notice of hearing was mailed.

5. On May 20, 1983, under Commissioner’s Order No. 83-1450, Rodriguez’s legal reserve life insurance agent’s license was revoked because he engaged in the unauthorized solicitation of insurance without having the proper license and he converted and misappropriated premium payments.
6. On June 21, 1990, under Commissioner's Order No. 90-0935, Rodriguez's previous application for a Group I, legal reserve life insurance agent's license was denied.

**Conclusions of Law**

1. The commissioner 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. 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 dispose of this case informally.

3. Based on 28 TEX. ADMIN. CODE § 19.906, Rodriguez’s last known address is presumed to be 1643 Roger Bombach Drive, El Paso, Texas 79936.

4. The department sent a notice of hearing to Rodriguez’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 department’s allegations in the notice of hearing, set out herein as findings of fact nos. 1-2 and 5-6, are deemed admitted as true pursuant to 28 TEX. ADMIN. CODE § 1.89.

6. Rodriguez failed to show good cause why the May 20, 1983, revocation of his legal reserve life insurance agent’s license and the June 21, 1990, denial of his group I, legal reserve life insurance agent’s license application should not be a bar to the issuance of a new license, as contemplated by TEX. INS. CODE § 4005.105(c).

The commissioner of insurance denies Abundio Rodriguez’s application for a general lines agent license with a life, accident, and health qualification.

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 Abundio Rodriguez. I have confirmed that:

a. The last mailing address provided to the department by Abundio Rodriguez in writing was 1643 Roger Bombach Drive, El Paso, Texas 79936.

b. The file maintained by the Enforcement Section of the Compliance Division contains a notice of hearing dated July 21, 2016, filed with the State Office of Administrative Hearings.

c. Certified letters, return receipts requested, and first class mailings, each containing a notice of hearing, were sent to Rodriguez’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.”

Affiant

SWORN TO AND SUBSCRIBED before me on 25 August 2016

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Name and Address of Sender
Texas Dept of Insurance
Mail Code 110-1A
333 Guadalupe St
Austin TX 78701
Ginger Yocorn
July 21, 2016

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

Total Number of Pieces Listed by Sender
Mail Number Of Pieces Received at Post Office
Postmaster: The Name of receiving employee

EXHIBIT A
**Name and Address of Sender**
Texas Dept of Insurance
Mail Code 110-1A
333 Guadalupe St
Austin TX 78701
Ginger Yocom
July 21, 2016

**USPS Tracking/Article Number**
Syreeta/NOH 7014 1820 0000 4515 2400
Abundio Rodriguez
1643 Roger Bombach Dr.
El Paso, Texas 79936

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