

No. 2017-4951

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

Date: FEB 22 2017

**Subject Considered:**

ROSA MARLEN CHAVEZ  
6300 College St., Apt. 2  
Beaumont, Texas 77707-3400

PEACE OF MIND INSURANCE AGENCY  
6300 College St., Apt. 2  
Beaumont, Texas 77707-3400

**CONSENT ORDER**  
TDI ENFORCEMENT FILE NOS. 9218 & 11907

**General remarks and official action taken:**

The commissioner of insurance considers whether disciplinary action should be taken against Rosa Marlen Chavez.

**WAIVER**

Chavez acknowledges that the Texas Insurance Code and other applicable laws provide certain rights. Chavez waives all of these rights in consideration of the entry of this consent order.

**FINDINGS OF FACT**

The commissioner makes the following findings of fact:

1. Rosa Marlen Chavez, individual identification no. 842327, holds a general lines agent license with a property and casualty qualification that the Texas Department of Insurance issued on May 5, 2009.

**Misappropriation/Misrepresentation**

2. On June 6, 2014, Raul P. Diaz tendered a check to Chavez in the amount of \$799 to purchase a homeowner's policy. Chavez cashed the check but did not place a policy for Diaz. Diaz asked Chavez about the policy, and she stated that she was unable to locate it. Diaz asked Chavez to refund him the money paid, as he never received his policy.

3. Diaz complained to TDI about Chavez's actions. Following TDI's request, Chavez refunded \$799 to Diaz.

#### **Unauthorized/Unregistered Entity**

4. From 2009 to 2016, Chavez marketed and sold insurance policies through Peace of Mind Insurance Agency. Peace of Mind Insurance Agency does not hold a license issued by the department. Chavez has now completed an agency license application and submitted it for approval to TDI.
5. As of 2016, Chavez did not have up-to-date contact information and failed to register the following business locations with TDI: 1505 Green Ave., Orange, Texas 77630; 6300 College St., Apt. 2, Beaumont, Texas 77707; and 3045 College St., Suite C, Beaumont, TX 77701. Chavez has updated her business addresses and contact information with the department.

#### **Compliance**

6. Chavez complied with the department in its investigation and worked diligently to resolve the issues raised.

#### **Continuing Education**

7. Chavez failed to complete 25 of the 30 hours of continuing education required for the May 5, 2011, to May 4, 2013, reporting period.
8. Chavez failed to complete any of the required 30 hours of continuing education required for the May 5, 2013, to May 4, 2015, reporting period.

### **CONCLUSIONS OF LAW**

The commissioner makes the following conclusions of law:

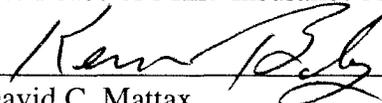
1. The commissioner has jurisdiction over this matter pursuant to TEX. INS. CODE §§ 82.001–82.056, 84.021–84.022, 4005.101–4005.103, and 4051.051, and TEX. GOV'T CODE §§ 2001.051–2001.178.
2. The commissioner has the authority to dispose of this case informally pursuant to the provisions of TEX. GOV'T CODE § 2001.056, TEX. INS. CODE §§ 36.104 and 82.055, and 28 TEX. ADMIN. CODE § 1.47.
3. Chavez misappropriated, converted to her own use, or illegally withheld money belonging to an insurer, HMO, insured, enrollee, or beneficiary, in violation of TEX. INS. CODE § 4005.101(b)(4).

- 4. Chavez engaged in fraudulent or dishonest acts or practices, in violation of TEX. INS. CODE § 4005.101(b)(5).
- 5. Chavez failed to complete all required continuing education hours for the relevant renewal period, in violation of TEX. INS. CODE §§ 4004.051 (West 2005), 4004.053 (West 2009), and 4004.054.
- 6. Chavez failed to timely report a change of address to the department in violation of 28 TEX. ADMIN. CODE § 19.906.
- 7. Chavez failed to register assumed names and/or additional offices by filing with the department a completed Form LDTL together with the required fee, in violation of 28 TEX. ADMIN. CODE § 19.902.
- 8. Chavez failed to obtain a separate license for Peace of Mind Insurance Agency in violation of 28 TEX. ADMIN. CODE § 19.902.

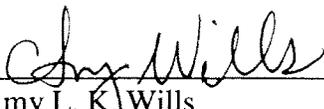
The commissioner of insurance orders Rosa Marlen Chavez to pay a \$5,250 administrative penalty within 60 days from the date of this order. The administrative penalty must be paid by cashier's check or money order made payable to the "State of Texas." Mail the administrative penalty to the Texas Department of Insurance, Attn: Enforcement Section, Division 40111, MC 9999, P.O. Box 149104, Austin, Texas, 78714-9104.

The commissioner also orders Rosa Marlen Chavez to complete 24 additional hours of continuing education, including four hours of ethics, within one year from the date of this order. These 24 hours are in addition to, and shall not be applied toward, the 24 hours of continuing education required by TEX. INS. CODE § 4004.053. Chavez must send proof of completion of the additional 24 continuing education hours, including four hours of ethics, to the Texas Department of Insurance, Attn: Catherine Bell, or her successor, Enforcement Section, MC 110-1A, P.O. Box 149104, Austin, Texas 78714-9104 within 13 months of the date of this order.

The commissioner grants an insurance agency license to Peace of Mind Insurance Agency.

  
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 David C. Mattax  
 Commissioner of Insurance  
 By: *Kevin Brady*  
 Delegation Order 4506

APPROVED AS TO FORM AND CONTENT:

  
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 Amy L. K. Wills  
 Staff Attorney  
 Compliance Division, Enforcement Section  
 Texas Department of Insurance

2017-4951

COMMISSIONER'S ORDER  
Rosa Marlen Chavez  
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**AFFIDAVIT**

STATE OF TEXAS

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§

COUNTY OF Orange

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

"My name is Rosa Marlen Chavez. I am of sound mind, capable of making this statement, and have personal knowledge of these facts which are true and correct.

I am waiving rights provided by the Texas Insurance Code and other applicable law and acknowledge the jurisdiction of the commissioner.

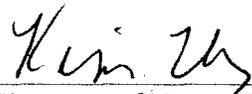
I am voluntarily entering into this consent order. I consent to the issuance and service of this consent order."

  
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Affiant

SWORN TO AND SUBSCRIBED before me on 3<sup>rd</sup> of January 2017

(NOTARY STAMP)

  
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Signature of Notary Public

