

No. 2018 - 5454

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

Date: APR 04 2018

**Subject Considered:**

AMBER NICOLE PATINO  
7575 Frankford Road, Apt. 217  
Dallas, Texas 75252

**DEFAULT ORDER**  
SOAH DOCKET NO. 454-18-1218.C  
TDI ENFORCEMENT FILE NO. 10520

**General remarks and official action taken:**

The subject of this order is whether disciplinary action should be taken against Amber Nicole Patino (Patino).

**FINDINGS OF FACT**

**Licensure**

1. Patino, individual identification no. 889220, holds a general lines agent license with a property and casualty qualification, originally issued by the Texas Department of Insurance on June 30, 2010.
2. Patino failed to renew her general lines agent license, and her license became inactive on June 30, 2014.
3. Patino submitted an application to reinstate her general lines agent license with a property and casualty qualification on July 2, 2015. Patino's general lines agent license with a property and casualty qualification was reinstated on July 17, 2015.

**Unlicensed Activity**

4. Patino was employed by State Farm Agent Jeremy West from November 8, 2013, through April 22, 2015.
5. Patino did not hold a valid license issued by the department from June 30, 2014, through July 17, 2015.

## **Premium Conversion**

6. Between December 2014 and April 2015, Patino converted over \$11,000 of insureds' premium payments to her own use.
7. Patino converted this money by entering cash payments as Automated Clearing House payments in State Farm's payment system. Patino used fictitious bank account information to generate electronic funds transfer receipts. Patino gave the insureds a receipt and kept the cash payment for herself. The cash premium payments were never applied to the appropriate policies and accounts.
8. Agent West terminated Patino's employment on April 22, 2015.
9. Patino was employed as a customer service representative by Farmers Agent Charles Alderson from December 2016, through January 2017.
10. On January 11, 2017, a customer gave Patino a \$276 cash payment for the customer's new automobile policy. Patino told the customer she would send her a receipt the following day. Patino did not return to work after January 11, 2017. Patino never applied the premium payment to the policy, receipted the premium payment, or remitted the money to Farmers.

## **Failure to Complete Continuing Education**

11. Patino failed to complete 30 hours of continuing education before the expiration of her 2010-2012 license term. Subsequently, Patino owed an automatic fine of \$1,500.
12. In order to satisfy her continuing education deficiency for the 2010-2012 license term, Patino entered into a payment plan with the department. She agreed to make an initial payment of \$300 plus eight additional monthly payments of \$150 beginning one month following the date of her initial payment.
13. Patino made her initial payment of \$300 on July 2, 2015. Patino made an additional payment of \$1,200 on September 20, 2017. This payment was not timely.

## **Failure to Respond Timely to Information Requests**

14. The department sent Patino requests for information pursuant to TEX. INS. CODE § 38.001 on April 7, 2016, and May 3, 2016. Patino did not timely respond to either of the department's requests.

## **Criminal History**

15. On August 11, 2017, Patino entered a plea of guilty to the offense of forgery, a state jail felony, in cause no. C-17-0561-CR in the 244th District Court of Ector County, Texas. Patino received deferred adjudication and was ordered to serve four years of community supervision.

16. On August 11, 2017, Patino entered a plea of guilty to the offense of tampering with a government record, a second degree felony, in cause no. C-17-0562-CR in the 244th District Court of Ector County, Texas. Patino received deferred adjudication and was ordered to serve four years of community supervision.

### **Failure to Respond to Notice of Hearing**

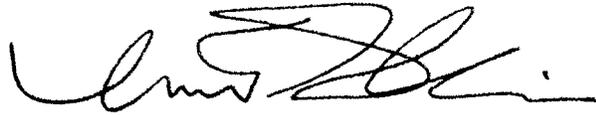
17. On December 6, 2017, the department sent a notice of hearing to Patino's last known address provided in writing to the department, 7575 Frankford Road, Apt. 217, Dallas, Texas 75252, and one additional address: 9400 N. Central Expressway, No. 903 Dallas, Texas 75231.
18. Patino failed to file a written response to the notice of hearing within 20 days of the date the notice of hearing was mailed.

### **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 4051.051; TEX. GOV'T CODE §§ 2001.051-2001.178; 28 TEX. ADMIN. CODE § 1.502; and TEX. OCC. CODE §§ 53.021-53.023.
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. Pursuant to 28 TEX. ADMIN. CODE § 19.906, Patino's last known address is presumed to be 7575 Frankford Road, Apt. 217, Dallas, Texas 75252.
4. The department sent a notice of hearing to Patino'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, and one additional address: 9400 N. Central Expressway, No. 903, Dallas, Texas 75231.
5. The department's allegations in the notice of hearing, set out herein as findings of fact nos. 1-16, are deemed admitted as true pursuant to 28 TEX. ADMIN. CODE § 1.89.
6. Patino has committed acts for which a license holder may be disciplined under TEX. INS. CODE § 4005.101, as contemplated by TEX. INS. CODE § 4005.102.
7. Patino has willfully violated an insurance law of this state, pursuant to TEX. INS. CODE § 4005.101(b)(1).
8. Patino misappropriated, converted to her own use, or illegally withheld money belonging to an insurer, insured, or beneficiary, in violation of TEX. INS. CODE § 4005.101(b)(4).
9. Patino engaged in fraudulent or dishonest acts or practices, in violation of TEX. INS. CODE § 4005.101(b)(5).

10. Patino acted as an insurance agent without holding a license, as prohibited by TEX. INS. CODE §§ 101.102, 4001.101, and 4051.051.
11. Patino failed to complete the required number of continuing education hours, in violation of TEX. INS. CODE §§ 4004.051, 4004.053, and 4004.054.
12. Patino failed to pay the automatic fine assessed for her continuing education deficiency within 90 days pursuant to TEX. INS. CODE § 4005.109 and 28 TEX. ADMIN. CODE § 19.1016, in violation of 28 TEX. ADMIN. CODE § 19.1015(a)(5).
13. Patino failed to timely respond to the department's requests for information sent pursuant to TEX. INS. CODE § 38.001.
14. Patino committed a felony or misdemeanor, or engaged in fraudulent or dishonest activity that directly relates to the duties and responsibilities of the licensed occupation, as contemplated in TEX. OCC. CODE §§ 53.021-53.023 and 28 TEX. ADMIN. CODE § 1.502(d).
15. Patino committed an offense that the department considers to be of such serious nature that it is of prime importance in determining fitness for licensure, as contemplated by 28 TEX. ADMIN. CODE § 1.502(e).

It is ordered that Amber Nicole Patino's general lines agent license with a property and casualty qualification is revoked.



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Kent C. Sullivan  
Commissioner of Insurance

Affidavit

STATE OF TEXAS

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COUNTY OF TRAVIS

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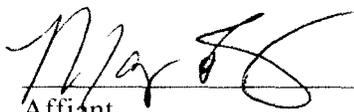
Before me, the undersigned authority, personally appeared the affiant, who, being by me duly sworn, deposed as follows:

"My name is Mary Ruiz 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 the department's records concerning Amber Nicole Patino. I have confirmed that:

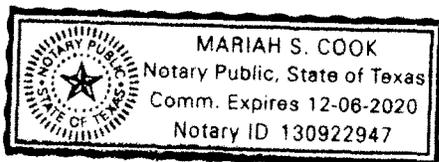
- a. The last mailing address provided to the department by Amber Nicole Patino in writing is 7575 Frankford Road, Apt. 217, Dallas, Texas 75252.
- b. The file maintained by the Enforcement Section contains a notice of hearing dated December 6, 2017, filed with the State Office of Administrative Hearings.
- c. Certified letters, return receipts requested, and first class mailings, each containing a notice of hearing, were sent to Patino's last known address, and one additional address: 9400 N. Central Expressway, No. 903, Dallas, Texas 75231.

A copy 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 February 12, 2018.

(NOTARY STAMP)



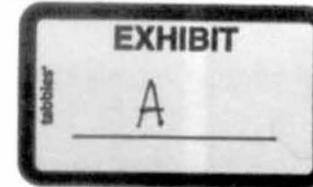
  
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Signature of Notary Public

**Name and Address of Sender**

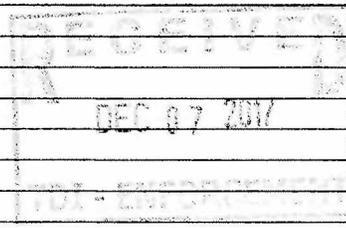
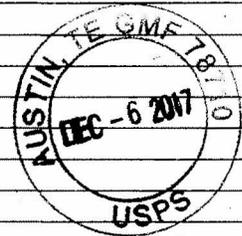
Texas Dept of Insurance  
 Mail Code 110-1A  
 333 Guadalupe St  
 Austin TX 78701  
**Mary Ruiz**  
 December 6, 2017

- Check type of mail or service
- Adult Signature Required
  - Adult Signature Restricted Delivery
  - Certified Mail
  - Certified Mail Restricted
  - Collect on Delivery (COD)
  - Insured Mail
  - Priority Mail
  - Priority Mail Express
  - Registered Mail
  - Return Receipt for Merchandise
  - Signature Confirmation
  - Signature Confirmation Restricted Delivery

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



USPS Tracking/Article Number	Address (Name, Street, City, State, & Zip Code)	Postage	(Extra Service) Fee	Handling Charge	Actual Value if Registered	Insured Value	Due Sender if COD	ASR Fee	ASRD Fee	SCRD Fee	SH Fee
MAZZA/10520	AMBER NICOLE PATINO 7575 FRANKFORD ROAD, APT 217 DALLAS, TEXAS 75252	1.19									
NOH	AMBER NICOLE PATINO 9400 N. CENTRAL EXPRESSWAY, NO. 903 DALLAS, TEXAS 75231	1.19		1.00 in value							
				Handling Charge							
				Adult Signature Required							
				Adult Signature Restricted Delivery							
				Restricted Delivery							
				Return Receipt							
				Signature Confirmation							
				Signature Confirmation Restricted Delivery							
				Special Handling							
2018-5454											
Number of Pieces Listed by Sender	Total Number of Pieces Received at Post Office	Postmaster, Per (Name of receiving employee)									



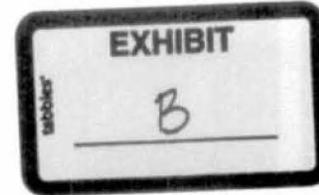
OFFICIAL BUSINESS  
 STATE OF TEXAS  
 PENALTY FOR PRIVATE USE  
 \$300.00



Name and Address of Sender  
 MC 110-1A M RUIZ  
 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

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



USPS Tracking/Article Number	Addressee (Name, Street, City, State, & ZIP Code™)	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
1. 9214 8901 9403 8300 0003 1739 08  MAZZA/10520	AMBER NICOLE PATINO 7575 FRANKFORD ROAD APT 217 DALLAS TX 75252	1.19	3.35								1.45			
2. 9214 8901 9403 8300 0003 1739 15	AMBER NICOLE PATINO 9400 N CENTRAL EXPRESSWAY NO 903 DALLAS TX 75231	1.19	3.35								1.45			
				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						

2018-5454



Total Number of Pieces Listed by Sender: 2  
 Total Number of Pieces Received at Post Office: [blank]

Postmaster, Per (Name of receiving employee)