OFFICIAL ORDER
of the
TEXAS COMMISSIONER OF INSURANCE

Date: APR 04 2018

Subject Considered:

JUANA MARIA LUA
16909 Stockton Drive
Leander, Texas 78641

DEFAULT ORDER
SOAH DOCKET NO. 454-18-0479.C
TDI ENFORCEMENT FILE NO. 13298

General remarks and official action taken:

The subject of this order is whether disciplinary action should be taken against Juana Maria Lua (Lua).

FINDINGS OF FACT

Licensure

1. Lua, individual identification no. 434381, previously held a general lines agent license with a property and casualty qualification originally issued by the Texas Department of Insurance on March 6, 2002. Lua also attained a life, accident, and health qualification for her general lines agent license on January 9, 2003.

2. Lua’s general lines agent license expired on October 1, 2017.

Failure to Comply with Commissioner’s Order

3. On June 30, 2016, the commissioner issued order no. 4553 against Lua for misappropriating, converting to Lua’s own use, or illegally withholding money belonging to an insurer; engaging in fraudulent or dishonest practices; and failing to complete the required number of continuing education hours during the 2010 to 2012 and 2012 to 2014 reporting periods.

4. Order no. 4553 ordered Lua to pay $546.50 in restitution and imposed a $2,500 administrative penalty in lieu of revocation of Lua’s license. The administrative penalty was due by December 30, 2016.
5. Lua failed to pay the $2,500 administrative penalty within six months from the date of the order, in violation of TEX. INS. CODE § 82.054.

6. On February 8, 2017, the department received a partial payment of $800 towards the $2,500 administrative penalty assessed. This partial payment was overdue; it was made more than six months from the date of the order.

7. Also on February 8, 2017, the department received a second partial payment of $1,700. This amount would have satisfied the overdue administrative penalty; however, the bank returned the $1,700 check to the department because Lua’s account did not have sufficient funds.

8. The department sent Lua a letter, mailed first class and certified mail, return receipt requested, informing Lua that the bank returned the $1,700 check for non-sufficient funds. The letter further instructed Lua to send two separate money orders or cashier’s checks for the outstanding balance due. Lua owes $1,730—the balance remaining on the administrative penalty of $1,700 and the returned check fee of $30. This letter was mailed to Lua prior to the inception of the present enforcement action. Lua failed to respond to the department.

9. On October 10, 2017, the department sent a notice of hearing to Lua’s last known address provided in writing to the department, 16909 Stockton Drive, Leander, Texas 78641, and one additional address: 6200 Bridge Point Parkway, Suite 300, Austin, Texas, 78730.

10. Lua 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, 4051.051, 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. Pursuant to 28 TEX. ADMIN. CODE § 19.906, Lua’s last known address is presumed to be 16909 Stockton Drive, Leander, Texas 78641.

4. The department sent a notice of hearing to Lua’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. The department also sent a notice of hearing to one additional address: 6200 Bridge Point Parkway, Suite 300, Austin, Texas 78730.

5. The department’s allegations in the notice of hearing, set out herein as findings of fact nos. 1-8, are deemed admitted as true pursuant to 28 TEX. ADMIN. CODE § 1.89.
6. Lua 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. Lua has willfully violated an insurance law of this state, pursuant to TEX. INS. CODE § 4005.101(b)(1).

8. Lua violated TEX. INS. CODE § 82.054 by failing to comply with order no. 4553 issued by the commissioner of insurance.

9. Pursuant to TEX. INS. CODE § 4005.107, the department may institute a disciplinary proceeding against a former license holder for conduct committed before the effective date of an automatic forfeiture of the license, and the fact that the license holder has forfeited the license does not affect the former license holder's culpability for the conduct.

It is ordered that Juana Maria Lua's general lines agent license with a property and casualty qualification, and a life, accident, and health qualification is revoked.

[Signature]

Kent C. Sullivan
Commissioner of Insurance
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 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 Juana Maria Lua. I have confirmed that:

a. The last mailing address provided to the department by Juana Maria Lua in writing is 16909 Stockton Drive, Leander, Texas 78641.

b. The file maintained by the Enforcement Section contains a notice of hearing dated October 10, 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 Lua’s last known address, and one additional address: 6200 Bridge Point Parkway, Suite 300, Austin, Texas 78730.

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 1/25/18.

NOTARY STAMP

Signature of Notary Public

MARIAH S. COOK
Notary Public, State of Texas
Comm. Expires 12-06-2020
Notary ID 130922947
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**Check type of mail or service**
- Adult Signature Required
- Adult Signature Restricted Delivery
- Certified Mail
- Certified Mail Restricted Delivery
- COD
- Insured Mail
- Priority Mail

**Exhibit**
Name and Address of Sender
Mazza Juana Maria Lua
16909 Stockton Drive
Leander, Texas 78641

Ecase #13298 - Notice of Hearing
- Adult Signature Required
- Return Receipt
- Signature Confirmation Restricted Delivery
- Special Handling
- Priority Mail Express
- Registered Mail
- Signature Confirmation

Affix Stamp Here
(if issued as an international certificate of mailing or for additional copies of this receipt). Postmark with Date of Receipt.
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| Name and Address of Sender  | Texas Dept of Insurance                         |         |                |                             |              |                 |        |         |        |       |       |         |       |
|                             | Mail Code 110 1A                                 |         |                |                             |              |                 |        |         |        |       |       |         |       |
|                             | 330 Guadalupe St                                |         |                |                             |              |                 |        |         |        |       |       |         |       |
|                             | Austin TX 78701                                  |         |                |                             |              |                 |        |         |        |       |       |         |       |
|                             | October 10, 2017                                 |         |                |                             |              |                 |        |         |        |       |       |         |       |