

No. 2018- 5591

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

Date: JUL 3 0 2018

Subject Considered:

LESLIE JUANITA HERNANDEZ
109 Lynn St.
Nacogdoches, Texas 75964-6155

DEFAULT ORDER
SOAH DOCKET NO. 454-18-3440.C
TDI ENFORCEMENT FILE NO. 11470

General remarks and official action taken:

The subject of this order is whether disciplinary action should be taken against Leslie Juanita Hernandez (Hernandez).

FINDINGS OF FACT

Licensure

1. Hernandez, individual identification no. 1108330, holds a limited lines agent license originally issued by the Texas Department of Insurance on May 16, 2012.

Dishonest/Fraudulent Acts

2. The department received a complaint from MGA Insurance Company, Inc. (Gainsco) alleging Hernandez created approximately 27 forged and altered prior coverage documents and submitted those documents as part of policy applications to Gainsco.
3. Hernandez engaged in a scheme of creating and submitting forged and altered prior coverage documents to obtain lower premiums for insureds who did not qualify for the lower premiums.
4. Hernandez transmitted false information to Gainsco for multiple policy applications, including evidence of approximately 27 prior insurance coverage documents that were forged or altered. Hernandez did so knowingly with the expectation that Gainsco would rely on that information for the purpose of underwriting the applications for insurance coverage.

Failure to Complete Continuing Education

5. Hernandez failed to complete 12 hours of continuing education required for the 2012 – 2014 reporting period.
6. Hernandez failed to complete 12 hours of continuing education required for the 2014 – 2016 reporting period.

Failure to Respond to Notice of Hearing

7. On May 1, 2018, the department sent a notice of hearing to Hernandez's last known address provided in writing to the department, 109 Lynn St., Nacogdoches, Texas 75964-6155.
8. Hernandez 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 4051.101, and TEX. GOV'T CODE §§ 2001.051-2001.178.
2. The commissioner has 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, Hernandez's last known address is presumed to be 109 Lynn St., Nacogdoches, Texas 75964-6155.
4. The department sent a notice of hearing to Hernandez'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. 1-6, are deemed admitted as true pursuant to 28 TEX. ADMIN. CODE § 1.89.
6. Hernandez has committed acts for which a license holder may be disciplined pursuant to TEX. INS. CODE § 4005.101, as contemplated by TEX. INS. CODE § 4005.102.
7. Hernandez has willfully violated an insurance law of this state, pursuant to TEX. INS. CODE § 4005.101(b)(1).
8. Hernandez has engaged in fraudulent or dishonest acts or practices, in violation of TEX. INS. CODE § 4005.101(b)(5).

9. Hernandez failed to complete all required continuing education hours for the relevant renewal periods, in violation of TEX. INS. CODE §§ 4004.051 (West 2005), 4004.053 (West 2009), and 4004.054.

It is ordered that Leslie Juanita Hernandez's limited lines agent license is revoked. A copy of this order will be provided to law enforcement and/or other appropriate administrative agencies for further investigation as may be warranted.

A handwritten signature in black ink, appearing to read 'Kent C. Sullivan', is written over a horizontal line.

Kent C. Sullivan
Commissioner of Insurance

Affidavit**STATE OF TEXAS**

§

§

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 Mariah Cook 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 Leslie Juanita Hernandez. I have confirmed that:

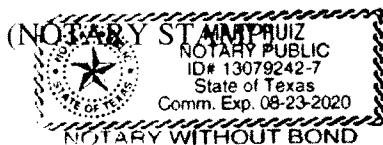
- a. The last mailing address provided to the department by Leslie Juanita Hernandez in writing is 109 Lynn St., Nacogdoches, Texas 75964-6155.
- b. The file maintained by the Enforcement Section contains a notice of hearing dated May 1, 2018, filed with the State Office of Administrative Hearings.
- c. Certified letters, return receipts requested, and first class mailings, each containing a notice of hearing, were sent to Hernandez's last known address.

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

M. S. Cook

Affiant

SWORN TO AND SUBSCRIBED before me on June 20, 2018.



May R. D.
Signature of Notary Public

Name and Address of Sender
Texas Dept of Insurance
Mail Code 110-1A
333 Guadalupe St
Austin TX 78701
Mariah Cook
May 1, 2018

<input type="checkbox"/> Adult Signature Required	<input type="checkbox"/> Priority Mail Express
<input type="checkbox"/> Adult Signature Restricted Delivery	<input type="checkbox"/> Registered Mail
<input type="checkbox"/> Certified Mail	<input type="checkbox"/> Return Receipt for Merchandise
<input checked="" type="checkbox"/> Certified Mail Restricted	<input type="checkbox"/> Signature Confirmation
<input type="checkbox"/> Collect on Delivery (COD)	<input type="checkbox"/> Signature Confirmation Restricted Delivery
<input type="checkbox"/> Insured Mail	
<input type="checkbox"/> Priority Mail	

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	RD Fee	RR Fee	SC	CRD Fee	SH Fee
TIGUE/11470	Leslie Juanita Hernandez 109 Lynn St. Nacogdoches, Texas 75964-6155	47												
<div> <div>RECEIVED</div> <div>MAY 03 2018</div> <div>TDL - ENFORCEMENT</div> </div> <div> <div>EXHIBIT</div> </div>														

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EXHIBIT

A



Name and Address of Sender
MC-110-1A M. Cook
Texas Department of Insurance
333 Guadalupe St
Austin TX 78701

Check type of mail or service	
<input type="checkbox"/> Adult Signature Required	<input type="checkbox"/> Priority Mail Express
<input type="checkbox"/> Adult Signature Restricted Delivery	<input type="checkbox"/> Registered Mail
<input checked="" type="checkbox"/> Certified Mail	<input type="checkbox"/> Return Receipt for Merchandise
<input type="checkbox"/> Certified Mail Restricted Delivery	<input type="checkbox"/> Signature Confirmation
<input type="checkbox"/> Collect on Delivery (COD)	<input type="checkbox"/> Signature Confirmation Restricted Delivery
<input type="checkbox"/> Insured Mail	
<input type="checkbox"/> Priority Mail	

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

[illegible]

Total Number of Pieces
Listed by Sender

Total Number of Pieces Received at Post Office	10
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Postmaster: Per (Name of receiving employee)

PS Form **3877**, April 2015 (Page 1 of 1)
PSN 7530-02-000-9098

Complete in Ink

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EXHIBIT

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