OFFICIAL ORDER
of the
TEXAS COMMISSIONER OF INSURANCE

Date: SEP 6 2018

Subject Considered:

ROSA ELENA PEREZ
1215 Hughey Drive
Longview, Texas 75601-4840

DEFAULT ORDER
TDI ENFORCEMENT CASE NO. 15144
SOAH DOCKET NO. 454-18-3900.C

General remarks and official action taken:

The subject of this order is whether a general lines agent license with life, accident, and health qualifications should be issued to Rosa Elena Perez (Perez).

FINDINGS OF FACT

Revocation of Previous License

1. On September 11, 2006, the Texas Department of Insurance (TDI) issued Perez a general lines agent license with a life, accident, and health qualification.

2. On April 10, 2009, the commissioner of insurance issued Official Order no. 09-0255, a default order, revoking Perez’s general lines property and casualty agent license. The commissioner found that Perez engaged in fraudulent or dishonest acts or practices in violation of TEX. INS. CODE § 4005.101(b)(5) when she added and backdated coverage in her own automobile policy after an accident resulting in loss.

Application for New License


4. TDI proposed to deny Perez’s license application on December 14, 2017, based on the previous revocation of her license. Perez appealed that decision and made a written request for a hearing.
Misrepresentation on License Application

5. In response to the question on her license application about whether she was involved as a party to an administrative hearing, including having a license revoked, Perez falsely answered "NO."

Unauthorized Business of Insurance

6. In email communications to TDI dated December 13, 2017, and May 16, 2018, Perez’s signature block listed her job title as “Associate Agent,” Allstate.

7. Perez’s email signature block indicates that she was acting as an insurance agent after her previous license was revoked, which is punishable as a third-degree felony offense.

Failure to Respond to Notices of Hearing

8. On May 29, 2018, TDI sent a notice of hearing to Perez’s last known address provided in writing to TDI, 1215 Hughey Drive, Longview, Texas 75601-4840.

9. On July 10, 2018, TDI sent a first amended notice of hearing to Perez’s last known address.

10. Perez failed to file a written response to either the notice of hearing or the first amended notice of hearing within 20 days of the date TDI mailed the notices of hearing.

CONCLUSIONS OF LAW

1. The commissioner has jurisdiction pursuant to TEX. INS. CODE §§ 82.051-82.055, 4001.002, 4005.101, 4005.102, 4005.105, and 4054.051; and TEX. GOV’T CODE §§ 2001.051-2001.178.

2. The commissioner had 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. Pursuant to 28 TEX. ADMIN. CODE § 19.906, Perez’s last known mailing address is presumed to be 1215 Hughey Drive, Longview, Texas 75601-4840.

4. TDI sent a notice of hearing to Perez’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 allegations in the notice of hearing, set out as findings of fact nos. 2-7, are deemed admitted as true pursuant to 28 TEX. ADMIN. CODE § 1.89.
6. Perez committed an act for which a license may be denied under TEX. INS. CODE § 4005.101.

7. Perez intentionally made a material misstatement in her license application, as contemplated in TEX. INS. CODE § 4005.101(b)(2).

8. Perez obtained or attempted to obtain a license by fraud or misrepresentation, as contemplated in TEX. INS. CODE § 4005.101(b)(3).

9. Perez engaged in fraudulent or dishonest acts or practices, as contemplated by TEX. INS. CODE § 4005.101(b)(5).

10. Perez failed to show good cause why revocation of her previous license should not be a bar to the issuance of a new license, as contemplated in TEX. INS. CODE § 4005.105(c).

11. Perez performed the acts of an agent without holding a license issued by TDI in violation of TEX. INS. CODE §§ 101.102, 4001.101, and 4054.051.

It is ordered that Rosa Elena Perez’s application for a general lines agent license with a life, accident and health qualification is denied. A copy of this order will be provided to law enforcement and/or other appropriate administrative agencies for further investigation as may be warranted.

Kent C. Sullivan
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 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 Rosa Elena Perez. I have confirmed that:

a. The last mailing address Rosa Elena Perez provided in writing was 1215 Hughey Drive, Longview, Texas 75601-4840.

b. The file maintained by the Enforcement Section contains a notice of hearing dated May 29, 2018, and a first amended notice of hearing dated July 10, 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 Rosa Elena Perez.

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

Affiant

SWORN TO AND SUBSCRIBED before me on July 31, 2018.
Name and Address of Sender
MC-110-1A M. Cook
Texas Department of Insurance
333 Guadalupe St
Austin TX 78701

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
☐ Adult Signature Required
☐ Adult Signature Restricted Delivery
☐ Certified Mail
☐ Collect on Delivery (COD)
☐ Insured Mail
☐ Priority Mail
☐ Registered Mail
☐ Return Receipt for Merchandise
☐ Signature Confirmation
☐ Signature Confirmation Restricted Delivery

USPS Tracking/Article Number
9214 8501 9403 8307 6525 60
RICKETTS/15144

Addressee (Name, Street, City, State, & ZIP Code)
MS ROSA ELENA PEREZ 1215 HUGHEY DRIVE LONGVIEW TX 75601-4960

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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Handling Charge - if Registered and over $50,000 in value

Returned Receipt

Special Handling

Total Number of Pieces Listed by Sender
1

Privacy Notice: For more information on USPS privacy policies, visit usps.com/privacypolicy.
A. Mailer Action

Note to Mailer: The labels and volume associated to this form online, must match the labeled packages being presented to the USPS® employee with this form.

Shipment Date: 07/10/2018

Shipped From:
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Address: 333 GUADALUPE ST
City: AUSTIN
State: TX ZIP+4# 78701

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Total 1

*Start time for products with service guarantees will begin when mail arrives at the local Post Office™ and items receive individual processing and acceptance scans.

B. USPS Action

Note to RSS Clerk:
1. Home screen > Mailing/Shipping > More
2. Select Shipment Confirm
3. Scan or enter the barcode/label number from PS Form 5630
4. Confirm the volume count message by selecting Yes or No
5. Select Pay and End Visit to complete transaction

USPS SCAN AT ACCEPTANCE

9275 0901 1935 6200 0009 2358 15

USPS EMPLOYEE: Please scan upon pickup or receipt of mail. Leave form with customer or in customer's mail receptacle.

PS Form 5630, September 2016 PSN 7530-08-000-4335
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Date of Receipt: JUL 10 2018
Poster: Mariah Cook

Sent on JUL 10 2018

Privacy Note: For more information on USPS privacy policies, visit usps.com/privacy policy.