

No. 2018-5623

**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

3. On September 11, 2017, Rosa Elena Perez submitted an application for a new general lines agent license with a life, accident, and health qualification.
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 Perez's email signature block indicates that she was acting as an insurance agent after her previous license was revoked, which is punishable as a third-degree felony offense.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.

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COMMISSIONER'S ORDER

Rosa Elena Perez

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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



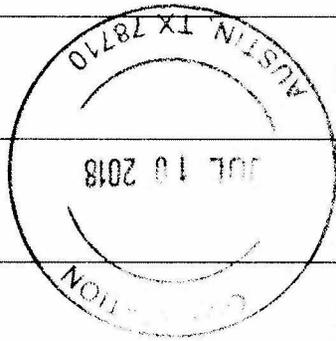
2018-5623

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

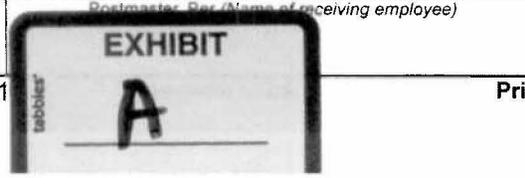
- Check type of mail or service
- Adult Signature Required
 - Adult Signature Restricted Delivery
 - Certified Mail
 - Certified Mail Restricted Delivery
 - Collect on Delivery (COD)
 - Insured Mail
 - Priority Mail
 - Priority Mail Express
 - Registered Mail
 - Return Receipt for Merchandise
 - Signature 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	
9214 8901 9403 8307 6525 60 RICKETTS/15144	MS ROSA ELENA PEREZ 1215 HUGHEY DRIVE LONGVIEW TX 75601-4840	0.71	3.45	Handling Charge - If Registered and over \$50,000 in value							1.50				



Total Number of Pieces Listed by Sender: 1
 Total Number of Pieces Received at Post Office: 1



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Shipment Confirmation Acceptance Notice

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:

Name: MC-110-1A M COOK

Address: 333 GUADALUPE ST

City: AUSTIN

State: TX ZIP+4® 78701

Type of Mail	Volume
Priority Mail Express®	
Priority Mail®	0
First-Class Package Service®	
Returns	
International*	
Other	1
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.

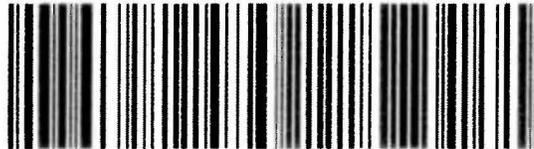
B. USPS Action

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

USPS SCAN AT ACCEPTANCE



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