

No. 2019- 5900

**Official Order  
of the  
Texas Commissioner of Insurance**

**Date:** MAR 1 5 2019

**Subject Considered:**

CBCA Administrators, Inc.  
250 Civic Center Drive, Suite 350  
Columbus, Ohio 43215

Default Order  
SOAH Docket No. 454-19-1327.C  
TDI Enforcement File No. 15310

**General remarks and official action taken:**

The subject of this order is whether disciplinary action should be taken against CBCA Administrators, Inc. (Respondent).

The following findings of fact and conclusions of law are adopted:

**Findings of Fact**

Failure to Appear at Hearing on the Merits

1. On November 26, 2018, the Texas Department of Insurance filed a Notice of Hearing, attached as Exhibit A, with the State Office of Administrative Hearings.
2. The department's factual allegations set out in the attached Notice of Hearing are incorporated in this order as findings of fact.
3. The department sent the Notice of Hearing to Respondent's last known address provided in writing to the department, 250 Civic Center Drive, Suite 350, Columbus, Ohio 43215. Notice was also sent to three additional addresses associated with Respondent: 250 East Broad St. 21<sup>st</sup> Floor, Columbus, Ohio 43125; Registered Agent, National Registered Agents, Inc., 1999 Bryan St., Ste. 900, Dallas, Texas 75201-3136; Andrew R. Tang, Ox International, 1311 N.W. Freeway, Floor 5, Houston, Texas 77040-6318, and by email.

- 4. After receiving proper notice of the date, time and location of the hearing on the merits, Respondent failed to appear for the hearing on February 19, 2019, as reflected in the record in SOAH Docket No. 454-19-1327.C.

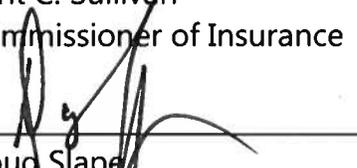
**Conclusions of Law**

- 1. The commissioner has jurisdiction pursuant to Texas law, including TEX. INS. CODE §§ 82.051-82.055, 4151.051, 4151.056, 4151.205, 4151.206, 4151.212, 4151.301-4151.309; TEX. GOV'T CODE §§ 2001.051-2001.178; and 28 TEX. ADMIN. CODE §§ 7.1601, 7.1603, and 7.1609.
- 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. The department provided proper notice of the hearing pursuant to TEX. GOV'T CODE §§ 2001.051, 2001.052, and 2001.054, and 28 TEX. ADMIN. CODE §§ 1.28, 1.88, 1.89, and 19.906.
- 4. Based on Respondent's failure to file a written response to the Notice of Hearing, the department is entitled to disposition by default pursuant to 28 TEX. ADMIN. CODE §§ 1.88 and 1.89.
- 5. The department's factual and legal allegations set out in the attached Notice of Hearing are incorporated in this order and deemed admitted as true pursuant to 28 TEX. ADMIN. CODE §1.89.

**Order**

It is ordered that CBCA Administrator, Inc.'s third-party administrator certificate of authority is revoked.

Kent C. Sullivan  
Commissioner of Insurance

By:   
Doug Slape  
Chief Deputy Commissioner  
Commissioner's Order No. 2018-5528

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Prepared and reviewed by:



Jeannie Ricketts, Staff Attorney  
Enforcement Section

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**Affidavit**

**STATE OF TEXAS**           §  
  §  
**COUNTY OF TRAVIS**       §

Before me, the undersigned authority, personally appeared Mary Ruiz, 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 TDI's records concerning CBCA Administrators, Inc. I have confirmed that:

- a. The last mailing address provided to the department in writing by CBCA Administrators, Inc. is 250 East Broad St. 21<sup>st</sup> Floor, Columbus, Ohio 43215; Registered Agent, National Registered Agents, Inc, 1999 Bryan St., Ste. 900, Dallas, Texas 75201-3136; Andrew R. Tang, Ox International, 13111 N.W. Freeway, Floor 5, Houston, Texas 77040-6318.
- b. The file maintained by the Enforcement Section of the Legal and Enforcement Division contains a Notice of Hearing dated November 26, 2018, which was filed with the State Office of Administrative Hearings.
- c. On November 26, 2018, a Notice of Hearing addressed to CBCA Administrators, Inc. was mailed first-class and certified, return receipt requested, to its last known address, its email addresses, and to three additional addresses: 250 East Broad St. 21<sup>st</sup> Floor, Columbus, Ohio 43215; Registered Agent, National Registered Agents, Inc., 1999 Bryan St., Ste. 900, Dallas, Texas 75201-3136; Andrew R. Tang, Ox International, 1311 N.W. Freeway, Floor 5, Houston, Texas 77040-6318.

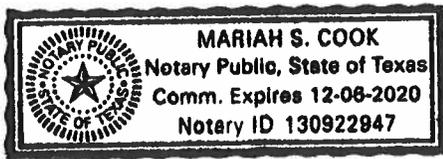
Copies of the first-class mail log and certified mail log maintained by the Enforcement Section are attached as Exhibit B and Exhibit C, respectively."

  
\_\_\_\_\_  
Affiant

SWORN TO AND SUBSCRIBED before me on February 21, 2019.

(NOTARY SEAL)

  
\_\_\_\_\_  
Signature of Notary Public  
MARIAH S. COOK  
Printed Name of Notary Public



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**SOAH DOCKET NO. 454-19-1327.C  
TDI ENFORCEMENT FILE NO. 15310**

**TEXAS DEPARTMENT OF INSURANCE,**

**Petitioner**

**v.**

**CBCA ADMINISTRATORS, INC.,**

**Respondent**

**BEFORE THE STATE OFFICE**

**OF**

**ADMINISTRATIVE HEARINGS**

**Notice of Hearing**

The Texas Department of Insurance (TDI) is seeking disciplinary action against you. A public hearing will be held before an Administrative Law Judge on Tuesday, February 19, at 9:00 a.m. The hearing will take place at the State Office of Administrative Hearings, located in the William P. Clements Building, 300 W. 15th Street, 4th Floor, Austin, Texas 78701.

The hearing shall be conducted pursuant to TEX. GOV'T CODE, ch. 2001 and 1 TEX. ADMIN. CODE, ch. 155. Unless otherwise directed by the Administrative Law Judge, the hearing shall continue from day to day in the offices of the State Office of Administrative Hearings until concluded.

**PARTIES THAT ARE NOT REPRESENTED BY AN ATTORNEY MAY OBTAIN INFORMATION REGARDING CONTESTED CASE HEARINGS ON THE PUBLIC WEBSITE OF THE STATE OFFICE OF ADMINISTRATIVE HEARINGS AT WWW.SOAH.TEXAS.GOV, OR IN PRINTED FORMAT UPON REQUEST TO SOAH.**

The commissioner of insurance has jurisdiction over this matter pursuant to TEX. INS. CODE §§ 82.051-82.055, 4151.051, 4151.056, 4151.205, 4151.206, 4151.212, 4151.301-4151.309; TEX. GOV'T CODE §§ 2001.051-2001.178; and 28 TEX. ADMIN. CODE §§ 7.1601, 7.1603, and 7.1609.

**YOU MUST FILE A WRITTEN RESPONSE TO THE NOTICE OF HEARING WITH THE STATE OFFICE OF ADMINISTRATIVE HEARINGS WITHIN 20 DAYS OF THE DATE THE NOTICE OF HEARING WAS MAILED. FAILURE TO FILE A WRITTEN RESPONSE BY THIS DEADLINE SHALL ENTITLE TDI TO SEEK DISPOSITION BY DEFAULT PURSUANT TO 1 TEX. ADMIN. CODE § 155.501 AND 28 TEX. ADMIN. CODE §§ 1.88 AND 1.89.**



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**IF YOU FAIL TO FILE A WRITTEN RESPONSE, THE SCHEDULED HEARING CAN BE CANCELED AND WITHOUT FURTHER NOTICE TO YOU THE COMMISSIONER OF INSURANCE CAN ISSUE AN ORDER IN WHICH THE ALLEGATIONS IN THE NOTICE OF HEARING ARE DEEMED ADMITTED AS TRUE AND THE RELIEF SOUGHT IN THE NOTICE OF HEARING, INCLUDING DENIAL OF YOUR LICENSE APPLICATION, IS GRANTED BY DEFAULT.**

**IF YOU FILE A WRITTEN RESPONSE BUT THEN FAIL TO APPEAR ON THE DAY AND TIME SET FOR HEARING, WITHOUT FURTHER NOTICE TO YOU, THE COMMISSIONER OF INSURANCE CAN ISSUE AN ORDER IN WHICH THE ALLEGATIONS IN THE NOTICE OF HEARING ARE DEEMED ADMITTED AS TRUE AND THE RELIEF SOUGHT IN THE NOTICE OF HEARING, INCLUDING DENIAL OF YOUR LICENSE APPLICATION, IS GRANTED BY DEFAULT.**

Pursuant to 28 TEX. ADMIN. CODE § 1.90(e) and 1 TEX. ADMIN. CODE §§ 155.101 and 155.103, send copies of your written response to:

- (1) Docketing Division  
State Office of Administrative Hearings  
300 West 15th Street, Room 504  
P. O. Box 13025  
Austin, Texas 78711-3025  
(512) 322-2061 (Fax);
- (2) Chief Clerk  
Texas Department of Insurance, MC113-2A  
P. O. Box 149104  
Austin, Texas 78714-9104  
(512) 490-1064 (Fax)  
chiefclerk@tdi.texas.gov; and
- (3) Jeannie Ricketts, Staff Attorney  
Texas Department of Insurance  
Enforcement Section, MC110-1A  
P.O. Box 149104  
Austin, Texas 78714-9104  
(512) 490-1020  
jeannie.ricketts@tdi.texas.gov.

## **Factual Allegations**

1. On January 24, 1990, TDI issued CBCA Administrators, Inc. third party administrator (TPA) certificate of authority no. 5057.
2. CBCA Administrators, Inc. failed to file its annual TPA reports with TDI and pay the associated \$200 filing fees by June 30<sup>th</sup> for the years 2013 to 2017.
3. On February 12, 2018, TDI sent CBCA Administrators, Inc. a notice of intention to institute disciplinary action. CBCA Administrators, Inc. did not respond.

## **Legal Allegations**

1. CBCA Administrators, Inc. failed to timely file annual TPA reports by June 30<sup>th</sup> on a form prescribed by the commissioner, in violation of TEX. INS. CODE §§ 4151.205 and 4151.301(14), and 28 TEX. ADMIN. CODE § 7.1609.
2. CBCA Administrators, Inc. failed to pay the annual \$200 TPA filing fee in violation of TEX. INS. CODE § 4151.206(a)(3) and 28 TEX. ADMIN. CODE § 7.1609(a).
3. CBCA Administrators, Inc. failed to maintain at all times the qualifications for a certificate of authority, as required by TEX. INS. CODE § 4151.212 and 28 TEX. ADMIN. CODE § 7.1607(e).
4. CBCA Administrators, Inc. has willfully violated an insurance law of this state, as contemplated by TEX. INS. CODE § 4151.301(1).
5. CBCA Administrators, Inc. has willfully violated a commissioner rule, as contemplated by TEX. INS. CODE § 4151.301(10).

## **Relief Sought**

If one or more of the above allegations is found to be true, the commissioner may enter an order revoking your certificate of authority. You have the right to appear at this hearing and be represented by an attorney. Please address any questions and correspondence to the undersigned counsel at the address or telephone number below.

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**Important Security Notice**

**ALL VISITORS TO THE WILLIAM P. CLEMENTS BUILDING WITHOUT AN AGENCY OR DPS ISSUED ID CARD MUST PROVIDE THE BUILDING SECURITY OFFICER WITH THE STATE OFFICE OF ADMINISTRATIVE HEARINGS DOCKET NUMBER AND RECEIVE A VISITOR'S PASS IN ORDER TO BE ALLOWED ACCESS TO THE HEARING ROOM. INDIVIDUALS SHOULD ALLOW ADDITIONAL TIME TO GO THROUGH THE SECURITY PROCESS.**

If you have any questions, please contact me at the address or telephone number shown below.

Sincerely,

  
Jeannie Ricketts

Staff Attorney  
State Bar No. 24041774  
Texas Department of Insurance  
Legal and Enforcement Division - Enforcement Section, MC110-1A  
P.O. Box 149104  
Austin, Texas 78714-9104.  
(512) 676-6339 (Direct)  
(512) 490-1020 (Fax)  
jeannie.ricketts@tdi.texas.gov

cc: Elaine Cabrera, Program Specialist, Company Licensing and Registration Office  
Christian Hertzberg, Assist. Director, Company Licensing and Registration Office  
Beverly Rosendahl, Director, Life, Health Litigation Office

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**Certificate of Service**

I, Jeannie Ricketts, certify that a true and correct copy of this *Notice of Hearing* was served by regular, first-class mail and by certified mail, return receipt requested, on this 26th day of November 2018, as follows:

CBCA Administrators, Inc.  
250 Civic Center Drive Suite 350  
Columbus, Ohio 43216

*Via CM/RRR No.:* 9214 8901 9403 8375  
5449 41

CBCA Administrators, Inc.  
250 East Broad St. 21<sup>st</sup> Floor  
Columbus, Ohio 43215

*Via CM/RRR No.:* 9214 8901 9403 8375  
5449 65

Registered Agent  
National Registered Agents, Inc.  
1999 Bryan St., Ste. 900  
Dallas, Texas 75201-3136

*Via CM/RRR No.:* 9214 8901 9403 8375  
5450 09

Andrew R. Tang  
Ox International  
13111 N.W. Freeway, Floor 5  
Houston, Texas 77040-6318

*Via CM/RRR No.:* 9214 8901 9403 8375  
5450 16

andrew.tang@oxinternational.com  
atang@resourcedev.com

*Via Email*

  
Jeannie Ricketts

**Name and Address of Sender**  
 Texas Dept of Insurance  
 Mail Code 110-1A  
 333 Guadalupe St  
 Austin TX 78701  
 Mary Ruiz  
 November 26, 2018

**Check type of mail or service**

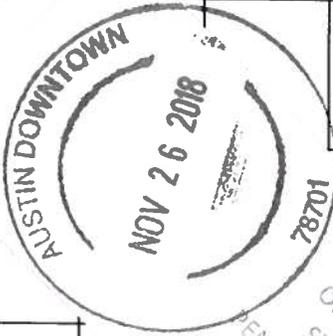
Adult Signature Required  
 Adult Signature Restricted Delivery/  
 Certified Mail  
 Certified Mail Restricted  
 Collect on Delivery (COD)  
 Insured Mail  
 Priority Mail  
 Priority Mail Express  
 Registered Mail  
 Return Receipt for Merchandise  
 Signature Confirmation  
 Signature Confirmation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

USPS Tracking/Article Number	Address (Name, Street, City, State, & Zip Code)
rickets/15310	CBGA ADMINISTRATORS, INC. 250 CIVIC CENTER DRIVE SUITE 350 COLUMBUS, OHIO 43216
	CBGA ADMINISTRATORS, INC. 250 EAST BROAD ST. 21ST FLOOR COLUMBUS, OHIO 43215
	REGISTERED AGENT NATIONAL REGISTERED AGENTS, INC. 1999 BRYAN ST., STE. 900 DALLAS, TEXAS 75201-3136
	ANDREW R. TANG OX INTERNATIONAL 13111 N.W. FREEWAY, FLOOR 5 HOUSTON, TEXAS 77040-6318

Postage	Extra (Extra Services) 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
77												
77												
77												

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and over \$50,000 in value



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- Adult Signature
- Adult Signature Restricted
- Restricted Delivery
- Return Receipt
- Signature Confirmation
- Signature Confirmation Restricted Delivery
- Special Handling

Firm Mailing Book For Accountable Mail

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 Total Number of Pieces Received at Post Office: [blank]

Postmaster: Per (Name of receiving employee)  
 Completed in Int

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2019-5900



# 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: 11/26/2018

Shipped From:

Name: MC 110-1A M RUIZ

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	4
Total	4

\*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:

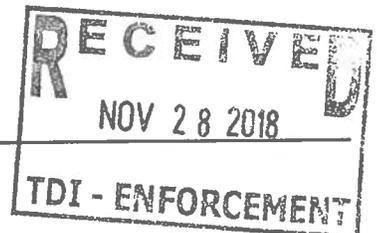
1. Home screen > Mailing/Shipping > More
2. Select Shipment Confirm
3. Scan or enter the barcode/label number from PS Form 5630
4. Confirm the volume count message by selecting Yes or No
5. Select Pay and End Visit to complete transaction

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

USPS SCAN AT ACCEPTANCE



9275 0901 1935 6200 0011 4375 80



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RICKETTS/15310