

No. 2019- 5968

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

Date: MAY 16 2019

Subject Considered:

Jaime Rodriguez
3615 Vacanti Dr.
Richmond, TX 77406

Default Order
SOAH Docket No. 454-19-0159.C
TDI Enforcement File No. 10111

General remarks and official action taken:

The subject of this order is whether disciplinary action should be taken against Jaime Rodriguez (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 September 14, 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, 3615 Vacanti Dr., Richmond, TX 77406.

- 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 April 11, 2019, as reflected in the record in SOAH Docket No. 454-19-0159.C.

Conclusions of Law

- 1. The commissioner has jurisdiction pursuant to Texas law, including TEX. INS. CODE §§ 82.051-82.055, 4001.002, 4005.101-4005.105, 4051.051, and 4101.051; TEX. OCC. CODE §§ 53.021-53.023; 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. 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 appear in person or by legal representative at the 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 Jaime Rodriguez's adjuster property and casualty license, and general lines agent license with a property and casualty qualification are revoked.

Kent C. Sullivan
Commissioner of Insurance

By:  _____
Doug Slape

Chief Deputy Commissioner
Commissioner's Order No. 2018-5528

2019-5968

Commissioner's Order

Jaime Rodriguez

SOAH Docket No. 454-19-0159.C

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Prepared and reviewed by:

A handwritten signature in blue ink, appearing to read "LaKisha T. Seldon McKay", is written over a circular blue stamp or seal.

LaKisha T. Seldon McKay, Staff Attorney
Enforcement Section

Affidavit

STATE OF TEXAS §
 §
COUNTY OF TRAVIS §

Before me, the undersigned authority, personally appeared Mariah Cook, 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.

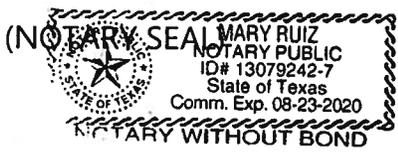
I have reviewed TDI's records concerning Jaime Rodriguez. I have confirmed that:

- a. The last mailing address provided to the department in writing by Jaime Rodriguez is 3615 Vacanti Dr., Richmond, Texas 77406.
- b. The file maintained by the Enforcement Section of the Legal and Enforcement Division contains a Notice of Hearing dated September 14, 2019, which was filed with the State Office of Administrative Hearings.
- c. On September 14, 2019, a Notice of Hearing addressed to Jaime Rodriguez was mailed first-class and certified, return receipt requested, to his last known address: 3615 Vacanti Dr., Richmond, Texas 77406.

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."

 Mariah L. Cook
Affiant

SWORN TO AND SUBSCRIBED before me on April 17, 2019.



 Mary Ruiz
Signature of Notary Public

 Mary Ruiz
Printed Name of Notary Public

DOCKET NO. 454-19-0159.C
TDI CASE NO. 10111

TEXAS DEPT. OF INSURANCE,	§	BEFORE THE STATE OFFICE
Petitioner	§	
	§	
v.	§	OF
	§	
JAIIME RODRIGUEZ,	§	ADMINISTRATIVE HEARINGS
Respondent	§	

NOTICE OF HEARING

The Texas Department of Insurance is seeking to take disciplinary action against you, including but not limited to, revocation of your insurance license. Please consider this formal notice that a public hearing will be held before an Administrative Law Judge on **Monday, November 12, 2018, 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, 4001.002, 4005.101, 4005.102, 4051.051, and 4054.051, and TEX. GOV'T CODE §§ 2001.051-2001.178.

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.

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 REVOCATION OF YOUR LICENSE, ISSUANCE OF A CEASE AND DESIST ORDER, IMPOSITION OF



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ADMINISTRATIVE PENALTIES, AND/OR PAYMENT OF RESTITUTION, 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 REVOCATION OF YOUR LICENSE, ISSUANCE OF A CEASE AND DESIST ORDER, IMPOSITION OF ADMINISTRATIVE PENALTIES, AND/OR PAYMENT OF RESTITUTION, 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) LaKisha T. Seldon McKay
Staff Attorney
Texas Department of Insurance
Enforcement Section, MC110-1A
P.O. Box 149104
Austin, Texas 78714-9104.

The allegations against Jaime Rodriguez are as follows:

Licensure

1. Jaime Rodriguez, individual identification number 664343, holds an adjuster property and casualty license since July 24, 2018, and a general lines agent license with property and casualty qualification since January 2, 2016, and life, accident and health qualification since February 13, 2007, issued by the department.

Falsified Prior Coverage Documents

2. Effective July 27, 2015, Farmers Insurance (Farmers) cancelled Rodriguez's appointment alleging willful representation.
3. From January 2014 to December 2014, Rodriguez submitted 38 falsified prior insurance coverage documents to Farmers in order to obtain lower premiums for customers.
 - a. Fred Loya Insurance Company confirmed 17 prior insurance coverage documents submitted by Rodriguez to Farmers included inaccurate or falsified information.
 - b. Geico Insurance Company confirmed 21 prior insurance coverage documents submitted by Rodriguez to Farmers included inaccurate or falsified information.
4. Farmers uses an internal database, the Current Carrier Database, to validate prior liability insurance for new and current customers. The database has a 99% accuracy rate for determining prior liability insurance.
5. Farmers validates prior insurance coverage for six months of continuous coverage and allows up to a 30-day lapse in coverage between prior coverage and the new business date with Farmers. The higher the limits of liability with the prior insurance carrier, the better the rating tier with Farmers.
6. When an agent disputes the prior coverage information returned by the database, the agent must obtain a renewal declaration page, letter of experience, or evidence of insurance card showing the bodily injury limits from the prior carrier, scan the documentation, and upload it onto Farmers' image center.
7. Rodriguez contested the database results for 103 auto insurance policies between January 2014 and December 2014.
8. Farmers conducted an internal investigation sampling 65 prior insurance documents and found that 44 out of the 65 sampled had been falsified.
9. In a statement signed on March 19, 2015 by Rodriguez, Rodriguez denied altering or producing prior insurance documents, stating that the documents are provided by insureds when disputing limits on prior insurance reports. In the same statement, Rodriguez admits he has a user name and password used for uploading documents to the Farmers' image center and does not share that information.

Failure to Respond to Department Inquiries

10. On April 5, 2016, the department sent a request for information pursuant to Section 38.001 of the Texas Insurance Code to Rodriguez via certified mail, return receipt

requested. On April 14, 2016, Rodriguez signed the return receipt, demonstrating that he received the request for information. However, Rodriguez failed to respond.

11. On October 3, 2016, the department sent a second request for information pursuant to Section 38.001 of the Texas Insurance Code to Rodriguez via certified mail, return receipt requested and electronic mail. On October 11, 2016, Rodriguez signed the return receipt, demonstrating that he received the request for information. However, Rodriguez failed to respond.

The commissioner may discipline Jaime Rodriguez because:

1. Rodriguez committed acts for which a license holder may be disciplined under TEX. INS. CODE § 4005.101, as contemplated in TEX. INS. CODE § 4005.102.
2. Rodriguez willfully violated an insurance law of this state, as contemplated by TEX. INS. CODE § 4005.101(b)(1).
3. Rodriguez engaged in fraudulent or dishonest acts or practices, as contemplated by TEX. INS. CODE § 4005.101(b)(5).
4. Rodriguez failed to respond to a department inquiry in writing not later than the 15th day after the date the inquiry was received, in violation of TEX. INS. CODE § 38.001.

If one or more of the above allegations is found to be true, the commissioner may enter an order revoking Jaime Rodriguez's license, issuing a cease and desist order, imposing an administrative penalty, and/or ordering restitution. Jamie Rodriguez has the right to appear at this hearing and to be represented by an attorney. Please address any questions and correspondence to the undersigned counsel at the address or telephone number below.

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.

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Sincerely,



LaKisha T. Seldon McKay | Staff Attorney
State Bar Number 24066982
Enforcement Section | Legal & Enforcement Division
512-676-6363 (Direct) | 512-490-1020 (Fax)
lakisha.seldon.mckay@tdi.texas.gov
Texas Department of Insurance
333 Guadalupe Street, MC110-1A | Austin, Texas 78701
P.O. Box 149104 | Austin, Texas 78714-9104

cc: Leah Gillum, Associate Commissioner, Enforcement Section MC-110-1A
Ginger R. Loeffler, Director, Licensing Litigation Office, Enforcement Section, MC-110-1A
Administrative Review, MC107-1A

CERTIFICATE OF SERVICE

I, LaKisha T. Seldon McKay, certify that this *Notice of Hearing* was served by first class, certified mail, return receipt requested on this 14th day of September 2018 to:

Jaime Rodriguez
3615 Vacanti Dr
Richmond, Texas 77406
Respondent Pro Se

Via CM/RRR No.: 9214 8901 9403 8372 9619 18



LaKisha T. Seldon McKay



UNITED STATES POSTAL SERVICE

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

USPS Tracking/Article Number
9214 8901 9403 8372 8919 18

KISHA/10111

- 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

Addressee (Name, Street, City, State, & Zip Code™)
JUAN RODRIGUEZ 3415 VICKHART DR MCCLUNG TX 77488

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

Postage	(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	SC Fee	Special Handling
0.71	3.45	Handling Charge - if Registered and over \$50,000 in value				Adult Signature Required	Adult Signature Restricted Delivery	Restricted Delivery	Return Receipt	Signature Confirmation	Signature Confirmation Restricted Delivery	

RECEIVED
SEP 18 2018
TDI - ENFORCEMENT

SEP 14 2018
GREENWOOD
AUSTIN TX 78740

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

Signature of receiving employee



2019-5968

Firm Mailing Book For Accountable Mail