Official Order of the Texas Commissioner of Insurance

Date: <u>11/18/2021</u>

Subject Considered:

Anthony Lee

West Long Branch, New Jersey 07764-1436

Default Order SOAH Docket No. 454-22-0392 TDI Enforcement File No. 26312

General remarks and official action taken:

This is a default order taken against Anthony Lee (Respondent) because he: willfully violated insurance laws of this state; misappropriated, converted to his use, or illegally withheld money belonging to an insurer; engaged in fraudulent or dishonest acts or practices; and, directly or indirectly assisted an unlicensed corporation with engaging in unauthorized insurance acts. Further, the Respondent: failed to notify the department of administrative actions taken against him by other states' insurance regulators and of changes to his mailing address; twice failed to respond to the department's written inquiries; and, is not actively engaged in soliciting or writing insurance for the public generally. Respondent did not respond to a Notice of Hearing filed by the Texas Department of Insurance. This order revokes Respondent's license and orders the Respondent to cease and desist from collecting premium through Cobalt Steele, LLC, or otherwise engaging in the business of insurance through Cobalt Steele, LLC.

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

Commissioner's Order Anthony Lee SOAH Docket No. 454-22-0392 Page 2 of 5

Findings of Fact

Failure to Respond to Notice of Hearing

- 1. On October 13, 2021, the department filed a Notice of Hearing, attached as Exhibit A, and on October 8, 2021, filed an Original Petition, attached as Exhibit B, with the State Office of Administrative Hearings.
- 2. The department's factual allegations set out in the attached Notice of Hearing and Original Petition are incorporated in this order as findings of fact.
- 3. The department sent the Notice of Hearing and Original Petition to Respondent's last known address provided in writing to the department,

 West Long Branch, New Jersey 07764-1436. The Notice of Hearing and Original Petition were also sent by electronic mail and to three additional addresses associated with Respondent:

 Long Branch, New Jersey 07740; PO Box 1000, Eatontown, New Jersey 07724-1000; and Asbury Park, New Jersey 07712.
- 4. Respondent failed to file a written response to the Notice of Hearing within 20 days of the date the Notice of Hearing and Original Petition were mailed.

Conclusions of Law

- 1. The commissioner has jurisdiction pursuant to Texas law, including Tex. Ins. Code §§ 82.051-82.055, 101.051, 101.102, 4001.002, 4001.051, 4001.101, 4001.106, 4001.252, 4003.007, 4005.101, 4005.102, 4005.107, 4051.051, 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.

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- 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 and Original Petition are incorporated in this order and deemed admitted as true pursuant to 28 Tex. Admin. Code § 1.89.

Order

It is ordered that any licenses held by Anthony Lee are revoked.

It is further ordered that Anthony Lee cease and desist from collecting premium through Cobalt Steele, LLC, or otherwise engaging in the business of insurance through Cobalt Steele, LLC.

A copy of this order will be provided to law enforcement or other appropriate administrative agencies for further investigation as may be warranted.

DocuSigned by:

JEVOWN

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Cassie Brown
Commissioner of Insurance

Prepared and reviewed by:

A Kalyce

Anna Kalapach, Staff Attorney Enforcement Division

Commissioner's Order Anthony Lee SOAH Docket No. 454-22-0392 Page 4 of 5

Affidavit

STATE OF TEXAS §

COUNTY OF TRAVIS §

Before me, the undersigned authority, personally appeared David Moreno, who, being by me duly sworn, deposed as follows:

"My name is David Moreno 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 Anthony Lee. I have confirmed that:

- a. The last mailing address provided to the department in writing by Anthony Lee is West Long Branch, New Jersey 07764-1436.
- b. The file maintained by the Enforcement Division contains a Notice of Hearing dated October 13, 2021, and an Original Petition dated October 8, 2021, which were filed with the State Office of Administrative Hearings.
- c. On October 13, 2021, the Notice of Hearing and Original Petition addressed to Anthony Lee were mailed first-class and certified, return receipt requested, to his last known address and three additional addresses associated with Respondent:

 Long Branch, New Jersey 07740; PO Box 1000, Eatontown, New Jersey 07724-1000; and Asbury Park, New Jersey 07712.

A copy of the certified mail log maintained by the Enforcement Division is attached as Exhibit C."

DocuSigned by:	
David Moreno	
3A1B897B951346D	
Affiant	

Commissioner's Order Anthony Lee SOAH Docket No. 454-22-0392 Page 5 of 5

SWORN TO AND SUBSCRIBED before me by means of an interactive two-way audio and video communication on $\frac{11/12/2021}{}$. This notarial act was an online notarization.

Notary Seal



Digital Certificate

DocuSigned by:

Mary Ruiz

795DC4D59167489...

Notary Public State of Texas

STATE OFFICE OF ADMINISTRATIVE HEARINGS RECEIVED ON 10/13/2021 12:38 PM

2021-7083

SOAH DOCKET NO. 454-22-0392 TDI ENFORCEMENT FILE NO. 26312 FILED 454-22-0392 10/13/2021 12:38 PM STATE OFFICE OF ADMINISTRATIVE HEARINGS Carol Hale, CLERK

ACCEPTED 454-22-0392 10/13/2021 1:03:50 pm STATE OFFICE OF ADMINISTRATIVE HEARINGS Carol Hale, CLERK

TEXAS DEPARTMENT OF INSURANCE,	BEFORE THE STATE OFFICE
Petitioner	
v.	OF
ANTHONY LEE,	ADMINISTRATIVE HEARINGS
Respondent	ADMINISTRATIVE HEARINGS

NOTICE OF HEARING

The Texas Department of Insurance seeks to take disciplinary action against you. This Notice of Hearing and the Original Petition, which is attached and incorporated for all purposes, states the allegations against you and the relief sought by the Department.

A public hearing will be held before an Administrative Law Judge on **Tuesday, February 1, 2022, at 9:00 a.m.** The hearing will take place via videoconference using a videoconference platform controlled by the State Office of Administrative Hearings, unless otherwise ordered to proceed in another manner by the Administrative Law Judge.

The hearing shall be conducted under 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. You have the right to appear at this hearing and to be represented by an attorney.

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.

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 UNDER 1 Tex. Admin. Code § 155.501 AND 28 Tex. Admin. Code §§ 1.88 AND 1.89.

EXHIBIT

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Notice of Hearing Anthony Lee SOAH Docket No. 454-22-0392 Page 2 of 5

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 AND ISSUANCE OF A CEASE AND DESIST ORDER, 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 AND ISSUANCE OF A CEASE AND DESIST ORDER, IS GRANTED BY DEFAULT.

In accord with 28 Tex. Admin. Code § 1.90(e) and 1 Tex. Admin. Code §§ 155.101 and 155.103, you should send copies of your written response to:

- (1) (by mail, fax, or electronically)
 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);
 www.soah.texas.gov/e-filing-soah
- (2) (by mail, fax, or email)
 Chief Clerk
 Texas Department of Insurance
 P.O. Box 12030, MC GC-CCO
 Austin, Texas 78711-2030
 (512) 490-1064 (Fax)
 chiefclerk@tdi.texas.gov; and

Notice of Hearing Anthony Lee SOAH Docket No. 454-22-0392 Page 3 of 5

(3) (by mail, fax, or email)
Anna Kalapach, Staff Attorney
Texas Department of Insurance
Enforcement Division, MC ENF
P.O. Box 12030
Austin, Texas 78711-2030
(512) 490-1020 (Fax)
anna.kalapach@tdi.texas.gov

Receiving Documents Electronically and Filing Documents with SOAH

The State Office of Administrative Hearings (SOAH) offers you the ability to electronically receive orders and other documents issued by SOAH by email instead of by mail. If you want to receive SOAH-issued documents by email, follow the instructions on SOAH's website: www.soah.texas.gov.

A request to receive SOAH-issued documents by email does <u>not</u> change the procedures you must follow to file documents with SOAH. You may file documents with SOAH by mail, fax, or electronically. To file electronically, you must use eFileTexas. Instructions on using eFileTexas are on SOAH's website. SOAH's website also includes guidance for representing yourself.

Important Security Notice (for In-Person Hearings ONLY)

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.

Notice of Hearing Anthony Lee SOAH Docket No. 454-22-0392 Page 4 of 5

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

Respectfully Submitted,

A Kalyce_

Anna Kalapach State Bar No. 24083290 Texas Department of Insurance Enforcement Division, MC ENF P.O. Box 12030 Austin, Texas 78711-2030 (512) 676-6326 (Direct) (512) 490-1020 (Fax) anna.kalapach@tdi.texas.gov

ATTORNEY FOR THE PETITIONER
TEXAS DEPARTMENT OF INSURANCE

Enclosure: Original Petition

cc: Leah Gillum, Deputy Commissioner, Enforcement Division, MC ENF Rachel Cloyd, Litigation Director, Enforcement Division, MC ENF Administrative Review, MC CO-AAL

Notice of Hearing Anthony Lee SOAH Docket No. 454-22-0392 Page 5 of 5

CERTIFICATE OF SERVICE

I, Anna Kalapach, certify that a true and correct copy of the *Notice of Hearing and the Original Petition* were sent by the following methods, on this 13th day of October, 2021 to:

Anthony Lee PO Box 1000 Eatontown, NJ 07724-1000 Respondent Pro Se

Anthony Lee

West Long Branch, NJ 07764

Long Branch, NJ 07740

Anthony Lee

Anthony Lee

Asbury Park, NJ 07712

Via First Class Mail

CM/RRR: 9214 8901 9403 8353 4609 66

Via Email to:

and

Via F 732-876-0260

Via First Class Mail

CM/RRR: 9214 8901 9403 8353 4610 79

Via First Class Mail

CM/RRR: 9214 8901 9403 8353 4612 15

Via First Class Mail

CM/RRR: 9214 8901 9403 8353 4613 45

A Kalegee_

Anna Kalapach

FILED 454-22-0392 10/8/2021 9:58 AM STATE OFFICE OF ADMINISTRATIVE HEARINGS Carol Hale, CLERK

SOAH DOCKET NO. 454- 22-0392 TDI ENFORCEMENT FILE NO. 26312

TEXAS DEPARTMENT OF INSURANCE.

BEFORE THE STATE OFFICE

Petitioner

ACCEPTED

454-22-0392 10/8/2021 11:13:19 am STATE OFFICE OF

V.

ADMINISTRATIVE HEARINGS **OF** Carol Hale, CLERK

ANTHONY LEE,

ADMINISTRATIVE HEARINGS

Respondent

ORIGINAL PETITION

The Texas Department of Insurance seeks to take disciplinary action against Anthony Lee. In support of this petition, the department makes the following allegations upon information and belief:

Jurisdiction

The Commissioner of Insurance has jurisdiction over this matter under TEX. INS. CODE §§ 82.051-82.055, 101.051, 101.102, 4001.002, 4001.051, 4001.101, 4001.106, 4001.252, 4003.007, 4005.101, 4005.102, 4005.107, 4051.051, and Tex. Gov't Code §§ 2001.051-2001.178.

Factual Allegations

Licensure and Background

- 1. Anthony Lee (Lee), individual identification number 1652388, holds a non-resident general lines agent license, with a property and casualty qualification, issued by the department on August 24, 2016.
- 2. Lee has a Texas non-resident license because he lives in New Jersey.
- 3. Lee was the sole owner and the designated responsible licensed person for Cobalt Steele, LLC (Cobalt Steele). Cobalt Steele, firm identification number 132676, previously held a general lines agency license by the department, from June 7,

EXHIBIT

Original Petition Anthony Lee Page 2 of 6

2017, until June 7, 2019, when it expired due to its failure to renew in accordance with Tex. Ins. Code § 4003.007.

Misappropriation, Conversion, or Illegal Withholding of Money Belonging to Insurer

- 4. In August 2019, a consumer, D.T., purchased multiple policies from Lee. Most of the policies were later canceled because Lee failed to remit premiums to the insurer or Lee failed to complete the application process.
- 5. D.T. purchased two commercial insurance policies issued in the name of both his business, Backcountry Train, LLC, and himself, individually. Lee used another agency, XS Brokers Insurance Agency (XS Brokers), to assist him in acquiring these policies for D.T. Specifically:
 - a. General Liability Policy. Through Lee, D.T. purchased a commercial general liability policy with United States Liability Insurance Company (the USLI Policy), effective September 13, 2019, for both Backcountry Train, LLC, and himself. The policy provided liability coverage to them in Houston, Spring, Rowlett, and Fort Worth, Texas.
 - i. On August 8, 2019, D.T. remitted \$2,670.16 to Cobalt Steele, to pay Lee for the premiums and other fees associated with the USLI Policy and other policies D.T. purchased.
 - ii. XS Brokers sent Cobalt Steele an invoice dated September 16, 2019. It stated that premium owed for the USLI Policy was \$411. With fees and commission, the invoice stated that a total of \$461 was due to XS Brokers for the coverage by October 16, 2019.
 - iii. On February 24, 2020, the USLI Policy was canceled due to nonpayment of premiums. Lee failed to remit D.T.'s payment to XS Brokers, in whole or in part.
 - iv. On March 23, 2020, over seven months after D.T. paid Cobalt Steele, Lee returned \$2,670.16 to D.T., admitting there had been some "oversights" regarding D.T.'s policies.

Original Petition Anthony Lee Page 3 of 6

- b. **Property Policy.** Through Lee, D.T. also purchased a commercial property policy with Underwriters at Lloyd's, London (the Lloyd's Policy), effective September 13, 2019, for both Backcountry Train, LLC, and himself. The policy insured real properties located in Houston, Spring, Rowlett, and Fort Worth, Texas.
 - i. On August 28, 2019, D.T. remitted \$5,443.70 to Cobalt Steele, to pay Lee for the premiums and other fees associated with the Lloyd's Policy.
 - ii. XS Brokers sent Cobalt Steele an invoice dated December 3, 2019. It stated that premium owed for the Lloyd's Policy was \$4,016. With fees and commission, the invoice stated that a total of \$4,269.30 was due to XS Brokers for the coverage by January 2, 2020.
 - iii. On February 28, 2020, the Lloyd's Policy was canceled due to nonreceipt of a signed or completed application. Lee failed to provide XS Brokers with a complete application for the coverage, and further failed to remit D.T.'s payment to XS Brokers in whole or in part.
 - iv. On March 23, 2020, over six months after D.T. paid Cobalt Steele, Lee returned \$5,443.70 to D.T., admitting there had been some "oversights" regarding D.T.'s policies.
- 6. The only policy D.T. purchased through Lee, which was not canceled due to nonpayment was one for which D.T. was billed directly. For that policy, D.T. paid premiums directly to the insurer, without Lee's or Cobalt Steele's involvement in the payment process.

Operation of an Unlicensed Agency

- 7. As described above, and despite its lack of licensure after June 6, 2019, Cobalt Steele accepted premium payments from a Texas consumer, D.T., on August 8, 2019, and August 28, 2019.
- 8. After expiration of Cobalt Steele's license, Lee solicited business and collected premiums from Texas consumers through Cobalt Steele, an unlicensed agency.

Original Petition Anthony Lee Page 4 of 6

<u>Disciplinary Actions in Connecticut and Washington</u>

- 9. On November 18, 2020, the Connecticut Insurance Commissioner issued an Administrative Complaint against Lee alleging that Lee collected \$2,074 in premium payments from a consumer to insure the consumer's real property. Connecticut alleged Lee misled the consumer into believing Lee had procured insurance for the customer, and made false, incomplete, or fraudulent representations relative to the issuance of an insurance policy for the purpose of retaining \$2,074 in payment.
- 10. Lee failed to respond to requests for information, failed to answer the Administrative Complaint, and failed to request a hearing. As a result, on February 16, 2021, the Connecticut Insurance Commissioner revoked all licenses issued to Lee.
- 11. On April 30, 2021, the State of Washington's Insurance Commissioner revoked Lee's license, effective May 17, 2021, because Lee failed to report an administrative action, failed to respond to inquiries, and had his non-resident license revoked in another state.
- 12. Lee failed to notify the department of the administrative actions taken by other states' insurance regulators, specifically, the Connecticut Insurance Commissioner and the State of Washington Insurance Commissioner.

<u>Failure to Respond to Inquiry and Update Mailing Address</u>

- 13. On April 20, 2021, and July 22, 2021, the department emailed and mailed to three addresses a request for information to Lee about the above matters, informing him that he must respond no later than 15 days after the receipt of the inquiry. All mailed requests for information were eventually returned to the department. Lee did not respond to either of the department's inquiries.
- 14. Lee failed to keep the department informed on a monthly basis of a change to his current mailing address.

Original Petition Anthony Lee Page 5 of 6

Not Actively Engaged in Soliciting or Writing Insurance

- 15. On April 15, 2021, Lee's appointment with Foremost County Mutual Insurance Company was canceled. That appointment was Lee's last remaining appointment with an insurer.
- 16. Lee presently has no active appointments with any insurer and no intent to engage in the business of insurance. He is therefore not actively engaged in soliciting or writing insurance for the public.

Legal Allegations

- 1. Lee has committed acts for which a license holder may be disciplined under TEX. INS. CODE §§ 4005.101 and 4005.102, because he:
 - a. has willfully violated insurance laws of this state, in violation of Tex. INS. CODE § 4005.101(b)(1);
 - b. has misappropriated, converted to own use, or illegally withheld money belonging to an insurer, in violation of Tex. INS. Code § 4005.101(b)(4);
 - c. has engaged in fraudulent or dishonest acts or practices, as contemplated by Tex. Ins. Code § 4005.101(b)(5); and
 - d. is not actively engaged in soliciting or writing insurance for the public generally, in violation of Tex. Ins. Code § 4005.101(b)(10).
- 2. Lee violated Tex. Ins. Code §§ 101.102(a), 4001.101, and 4001.106 by directly or indirectly assisting an unlicensed corporation, Cobalt Steele, LLC, with engaging in acts constituting the business of insurance without a license or authorization, as those acts are defined in Tex. Ins. Code §§ 101.051 and 4001.051.
- 3. Lee failed to notify the department on a monthly basis of changes to his mailing address, in violation of Tex. Ins. Code § 4001.252(a)(1) and 28 Tex. Admin. Code § 19.906.

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- 4. Lee failed to notify the department on a monthly basis of an administrative action taken against him by an insurance regulator of other states, specifically Connecticut and Washington, in violation of Tex. Ins. Code § 4001.252(a)(3).
- 5. Lee failed to respond, on two separate occasions, to the department's written inquiries not later than the 15th day after the date of each inquiry, in violation of Tex. Ins. Code § 38.001.

Relief Sought

If one or more of the above allegations is found to be true, the department asks the Administrative Law Judge to enter a Proposal for Decision recommending that the Commissioner of Insurance issue an order:

- 1. revoking Anthony Lee's license;
- 2. ordering Anthony Lee to cease and desist collecting premium through Cobalt Steele LLC, or otherwise engaging in the business of insurance through Cobalt Steele LLC; and
- 3. imposing any other just and appropriate relief to which the department may be entitled to by law.

Respectfully Submitted,

A Kalyce

Anna Kalapach

State Bar No. 24083290 Texas Department of Insurance Enforcement Division, MC ENF P.O. Box 12030

Austin, Texas 78711-2030 (512) 676-6326 (Direct)

(512) 490-1020 (Fax)

anna.kalapach@tdi.texas.gov

ATTORNEY FOR THE PETITIONER
TEXAS DEPARTMENT OF INSURANCE





Shipment Confirmation Acceptance Notice

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: 10/13/2021 Shipped From: Name: MC 110-1A D MORENO Address: 333 GUADALUPE ST City: AUSTIN

ZIP+4® 78701

State: TX

Type of Mail **Volume** Priority Mail Express Priority Mail® 0 First-Class Package Service® Returns International' Other 4 Total

B. USPS Action

Note to RSS Clerk:

1. Home screen > Mailing/Shipping > More
2. Select Shipment Confirm
3. Scan or enter the barcode let. Scan or enter the barcode/label number from PS Form 5630

Confirm the volume count message by selecting Yes or No
 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 0032 2995 56

kalapach/26312

^{*}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.