No. 2021-7083

Official Order
of the
Texas Commissioner of Insurance

Date: 11/18/2021

Subject Considered:

Anthony Lee
121 Highway 36, Suite 160
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:
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, 121 Highway 36, Suite 160, 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: 74 Cedar Avenue, Apt. 2, Long Branch, New Jersey 07740; PO Box 1000, Eatontown, New Jersey 07724-1000; and 620 Mattison Avenue, Apt. 2, 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


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.

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.

Cassie Brown
Commissioner of Insurance

Prepared and reviewed by:

Anna Kalapach, Staff Attorney
Enforcement Division
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 121 Highway 36, Suite 160, 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: 74 Cedar Avenue, Apt. 2, Long Branch, New Jersey 07740; PO Box 1000, Eatontown, New Jersey 07724-1000; and 620 Mattison Avenue, Apt. 2, Asbury Park, New Jersey 07712.

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

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

Notary Seal

MARY RUIZ
Notary ID 130792427
My Commission Expires 8/23/2024

Digital Certificate

DocuSign by:

Mary Ruiz
7960C4D59167489

Notary Public State of Texas
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.

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
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 not 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.**
If you have any questions, please contact me at the address or telephone number shown below.

Respectfully Submitted,

________________________________________
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
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

Via First Class Mail
CM/RRR: 9214 8901 9403 8353 4609 66
Via Email to: aleel@cobaltsteele.com and anthony@anthonylee.com
Via Fax to: 732-876-0260

Anthony Lee
121 Highway 36, STE 160
West Long Branch, NJ 07764

Via First Class Mail
CM/RRR: 9214 8901 9403 8353 4610 79

Anthony Lee
74 Cedar Ave, Apt 2
Long Branch, NJ 07740

Via First Class Mail
CM/RRR: 9214 8901 9403 8353 4612 15

Anthony Lee
620 Mattison Ave, Apt 2
Asbury Park, NJ 07712

Via First Class Mail
CM/RRR: 9214 8901 9403 8353 4613 45

Anna Kalapach
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**


**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,
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.
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.
Disciplinary Actions in Connecticut and Washington

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.

Failure to Respond to Inquiry and Update Mailing Address

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.
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.
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,

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
2021-7083

A. Mailing Action

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

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<td>First-Class Package Service®</td>
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*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

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RECEIVED

OCT 15 2021

TDI - ENFORCEMENT

kalapach/26312

PS Form 5630, September 2016   PSN 7530-08-000-4335