Official Order of the Texas Commissioner of Insurance

Date: <u>05/02/2023</u>

Subjects Considered:

Eli Ivan Castillo Houston, Texas 77076

rioustori, rexus rrore

Alamo Auto Insurance

Houston, Texas 77015

Kayla Marin
Galena Park, Texas 77547-3508

Default Order SOAH Docket No. 454-23-11449.C TDI Enforcement File No. 30230, 31130, 31271

General remarks and official action taken:

This is a default order taken against Eli Ivan Castillo, Alamo Auto Insurance, and Kayla Marin (Respondents) for engaging in the unauthorized business of insurance. Respondents did not appear at the hearing on the merits. This order grants the cease and desist order against the Respondents.

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

Findings of Fact

Failure to Respond to Notice of Hearing

Commissioner's Order Eli Ivan Castillo, Alamo Auto Insurance, and Kayla Marin SOAH Docket No. 454-23-11449.C Page 2 of 5

- On February 7, 2023, the department filed a Notice of Hearing, attached as Exhibit
 A, and 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.
- The department sent the Notice of Hearing and Original Petition to Respondents' last known addresses, ..., Houston, Texas 77076, ..., Houston, Texas 77015, and ..., Galena Park, Texas 77547-3508. The Notice of Hearing and Original Petition were also sent by electronic mail.
- 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 19, 2023, as shown in the record in SOAH Docket No. 454-23-11449.C.

Conclusions of Law

- 1. The commissioner has jurisdiction under Texas law, including Tex. Ins. Code §§ 82.051-82.055, § 101.103, § 101.105, § 101.151; and Tex. Gov't Code §§ 2001.051-2001.178.
- 2. The commissioner has authority to dispose of this case informally under 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 under 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 under 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 under 28 Tex. ADMIN. Code § 1.89.

Commissioner's Order Eli Ivan Castillo, Alamo Auto Insurance, and Kayla Marin SOAH Docket No. 454-23-11449.C Page 3 of 5

Order

It is ordered that Eli Ivan Castillo, Alamo Auto Insurance, and Kayla Marin cease and desist from performing acts which constitute the business of insurance as defined in Tex. Ins. Code § 101.051. A copy of this order will be provided to law enforcement and other appropriate administrative agencies for further investigation as may be warranted.

DocuSigned by:

-FC5D7EDDFFBB4F8

Cassie Brown

Commissioner of Insurance

Prepared and reviewed by:

Sydney Moore, Staff Attorney

Enforcement

Commissioner's Order Eli Ivan Castillo, Alamo Auto Insurance, and Kayla Marin SOAH Docket No. 454-23-11449.C 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 Eli Ivan Castillo, Alamo Auto Insurance, and Kayla Marin. I have confirmed that:

- b. The file maintained by Enforcement contains a Notice of Hearing and Original Petition dated February 7, 2023, which were filed with the State Office of Administrative Hearings.
- c. On February 7, 2023, the Notice of Hearing and Original Petition addressed to Eli Ivan Castillo, Alamo Auto Insurance, and Kayla Marin were mailed first-class and certified, return receipt requested, to their last known address and by electronic mail.

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

DocuSigned by:	
David Moreno	
- ABE4B863CA724BC	
Affiant	

Commissioner's Order Eli Ivan Castillo, Alamo Auto Insurance, and Kayla Marin SOAH Docket No. 454-23-11449.C Page 5 of 5

SWORN TO AND SUBSCRIBED before me by means of an interactive two-way audio and video communication on $\frac{4/27/2023}{}$. 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 2/7/2023 10:37 AM

Respondents

2023-7922

FILED 454-23-11449 2/7/2023 10:37 AM STATE OFFICE OF ADMINISTRATIVE HEARINGS Pegah Nasrollahzadeh, CLERK ACCEPTED 454-23-11449 2/7/2023 10:39:18 am STATE OFFICE OF ADMINISTRATIVE HEARINGS Pegah Nasrollahzadeh, CLERK

SOAH DOCKET NO. 454-23-11449.C TDI ENFORCEMENT FILE NO. 30230, 31130, 31271

Petitioner

v. OF

ELI IVAN CASTILLO,
ALAMO AUTO INSURANCE,
AND KAYLA MARIN

BEFORE THE STATE OFFICE

EXHIBIT

A

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ADMINISTRATIVE HEARINGS

NOTICE OF HEARING

The Texas Department of Insurance seeks to issue a cease and desist order 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 **Wednesday, April 19, 2023, 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

Notice of Hearing Eli Ivan Castillo, Alamo Auto Insurance, and Kayla Marin SOAH Docket No. 454-23-11449.C Page 2 of 5

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.

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 ISSUANCE OF A CEASE AND DESIST ORDER, IMPOSITION OF 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 ISSUANCE OF A CEASE AND DESIST ORDER, IMPOSITION OF ADMINISTRATIVE PENALTIES, AND/OR PAYMENT OF RESTITUTION, 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
- (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 Eli Ivan Castillo, Alamo Auto Insurance, and Kayla Marin SOAH Docket No. 454-23-11449.C Page 3 of 5

(3) (by mail, fax, or email)
Sydney Moore, Staff Attorney
Texas Department of Insurance
Enforcement, MC ENF
P.O. Box 12030
Austin, Texas 78711-2030
(512) 490-1020 (Fax)
Sydney.moore@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 or exhibits with SOAH. Instructions on how to file documents and exhibits 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 Eli Ivan Castillo, Alamo Auto Insurance, and Kayla Marin SOAH Docket No. 454-23-11449.C Page 4 of 5

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

Respectfully Submitted,

ydusyMoore

Sydney Moore
State Bar No. 24056052
Texas Department of Insurance
Enforcement, MC ENF
P.O. Box 12030
Austin, Texas 78711-2030
(512) 676-6339 (Direct)

(512) 490-1020 (Fax) sydney.moore@tdi.texas.gov

ATTORNEY FOR THE PETITIONER
TEXAS DEPARTMENT OF INSURANCE

Enclosure: Original Petition

cc: Leah Gillum, Deputy Commissioner, Fraud and Enforcement Division, MC ENF Whitney Fraser, Litigation Director, Enforcement, MC ENF Administrative Review, MC CO-AAL

Notice of Hearing Eli Ivan Castillo, Alamo Auto Insurance, and Kayla Marin SOAH Docket No. 454-23-11449.C Page 5 of 5

CERTIFICATE OF SERVICE

I, Sydney Moore, certify that a true and correct copy of the *Notice of Hearing and the Original Petition* were sent by regular, first-class mail and by certified mail, return receipt requested, on this 7th day of February, 2023 to:

Eli Ivan Castillo	
	Via CM/RRR No.: <u>9214 8901 9403 8303 47</u> 64 05
Houston, Texas 77076	
Respondent Pro Se	Via email:
Alamo Auto Insurance	Via CM/RRR No.: 9214 8901 9403 8303 4787 82
Houston, Texas 77015	
Respondent Pro Se	
Kayla Marin	Via CM/RRR No.: 9214 8901 9403 8303 4790 79
Galena Park, TX 77547-3508	Via Email:
Respondent Pro Se	277344
	Sydney Moore

SOAH Docket No. 454-23-11449

FILED 454-23-11449 2/3/2023 11:18 AM STATE OFFICE OF ADMINISTRATIVE HEARINGS April Bermea , CLERK

SOAH DOCKET NO. 454-____ TDI ENFORCEMENT FILE NOS. 30230, 31130, 31271

ACCEPTED 454-23-11449 2/3/2023 11:43:39 am STATE OFFICE OF ADMINISTRATIVE HEARINGS April Bermea , CLERK

Petitioner

v. Of EXHIBIT

ELI IVAN CASTILLO,
ALAMO AUTO INSURANCE,
AND KAYLA MARIN

BEFORE THE STATE OFFICE

EXHIBIT

ADMINISTRATIVE HEARINGS

Respondents

ORIGINAL PETITION

The Texas Department of Insurance seeks to issue a cease and desist order for engaging in unauthorized insurance. In support of this petition, the department makes the following allegations upon information and belief:

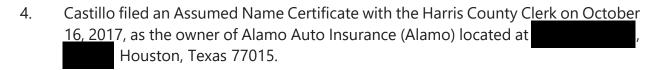
Jurisdiction

The Commissioner of Insurance has jurisdiction over this matter under TEX. INS. CODE §§ 82.051-82.055, § 101.103, 101.105, 101.151, and TEX. GOV'T CODE §§ 2001.051-2001.178.

Factual Allegations

- Eli Ivan Castillo (Castillo), individual identification number 687424, formerly held a general lines agent license with property and casualty qualification that was revoked by the commissioner in Order No. 2021-6790 entered on September 30, 2021.
- 2. Alamo Auto Insurance (Alamo) has never held an agency license or authorization to conduct the business of insurance issued by the department.
- 3. Kayla Marin (Marin) has never held a license issued by the department.

Original Petition Eli Ivan Castillo, Alamo Auto Insurance, and Kayla Marin Page 2 of 4



- 5. Castillo is the registered agent for Alamo Auto Insurance Group, LLC, Houston, Texas 77076 which was formed on September 25, 2019.
- 6. Alamo is operating out of an office located at 77015.
- 7. TDI investigation indicates that an "Amco Insurance Agency" is operating at Houston, Texas 77015. TDI has no licensed agency or registration of a licensed agency doing business in that name at that address.
- 8. Marin was purporting to be an insurance agent with Alamo and was soliciting business through Facebook.
- 9. TDI has received three separate complaints regarding fraudulent and fictitious certificates of insurance issued by Alamo.
- 10. Alamo issued a fraudulent and fictitious certificate of insurance for an auto policy to insured M.L.
- 11. Insured M.L. paid Marin \$1,137 in premiums for the fictitious policy issued by Alamo.
- 12. Insured M.L. attempted to make a claim and discovered there was not a valid policy.
- 13. Alamo issued a fraudulent and fictitious certificate of insurance for an auto policy to insured J.U.
- 14. Insured J.U. attempted to file a claim and discovered there was not a valid policy.
- 15. Alamo issued a fraudulent and fictitious certificate of insurance for an auto policy to insured J.C.

Original Petition Eli Ivan Castillo, Alamo Auto Insurance, and Kayla Marin Page 3 of 4

- 16. Insured J.C. was involved in an auto accident and the other driver attempted to file a claim on insured J.C.'s policy when it was discovered there was not a valid policy.
- 17. Alamo has been conducting the business of insurance without a license or authorization issued by the department.
- 18. On September 27, 2022, the department sent a request for information to Castillo, Alamo, and Marin via Certified Mail Return Receipt Requested to Houston, Texas 77015 and Houston, Texas 77015 and Houston, Texas 77076 pursuant to Tex. Ins. Code § 101.104. The department confirmed delivery of the notice at both addresses, however, the department received no response from any of the Respondents. The notice was also sent via electronic mail to 2 known addresses for Castillo and Marin.
- 19. On January 26, 2022, Castillo submitted an application for a new general lines agent license which was abandoned for failure to submit all the necessary requirements. The address listed on this application was Houston, Texas 77076.

Legal Allegations

- 1. Marin acted as an insurance agent without holding a license, as prohibited by TEX. INS. CODE § 4001.101.
- 2. Castillo, Alamo, and Marin engaged in the unauthorized business of insurance by directly or indirectly performing acts which constitute the business of insurance as defined in Tex. INS. CODE § 101.051 in violation of Tex. INS. CODE § 101.102.

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. ordering Eli Ivan Castillo, Alamo Auto Insurance, and Kayla Marin to cease and desist from performing acts which constitute the business of insurance as defined in Tex. Ins. Code § 101.051,

Original Petition Eli Ivan Castillo, Alamo Auto Insurance, and Kayla Marin Page 4 of 4

- 2. directing Eli Ivan Castillo, Alamo Auto Insurance, and Kayla Marin to pay an administrative penalty under Tex. Ins. Code § 101.103,
- 3. directing Eli Ivan Castillo, Alamo Auto Insurance, and Kayla Marin to make restitution to victims under Tex. INS. Code § 101.103, and
- 4. imposing any other just and appropriate relief to which the department may be entitled to by law, including any combination of the above actions.

Respectfully Submitted,

Sydney Moore

State Bar No. 24056052

Texas Department of Insurance

Enforcement, MC ENF

P.O. Box 12030

Austin, Texas 78711-2030

(512) 676-6339 (Direct)

(512) 490-1020 (Fax)

Sydney.moore@tdi.texas.gov

ATTORNEY FOR THE PETITIONER
TEXAS DEPARTMENT OF INSURANCE

Automated Certificate of eService

This automated certificate of service was created by the efiling system. The filer served this document via email generated by the efiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Mary Ruiz on behalf of Sydney Moore Bar No. 24056052 Enforcementgeneral@tdi.texas.gov Envelope ID: 72411251 Status as of 2/3/2023 11:47 AM CST

Associated Case Party: Chief Clerk

Name	BarNumber	Email	TimestampSubmitted	Status
Chief Clerk		ChiefClerk@tdi.texas.gov	2/3/2023 11:18:35 AM	SENT

Associated Case Party: Texas Department of Insurance

Name	BarNumber	Email	TimestampSubmitted	Status
Whitney Fraser		Whitney.Fraser@tdi.texas.gov	2/3/2023 11:18:35 AM	SENT
Texas Department of Insurance		Enforcementgeneral@tdi.texas.gov	2/3/2023 11:18:35 AM	SENT
Sydney Moore		Sydney.Moore@tdi.texas.gov	2/3/2023 11:18:35 AM	SENT

Associated Case Party: Eli Ivan Castillo

Name	BarNumber	Email	TimestampSubmitted	Status
Eli IvanCastillo			2/3/2023 11:18:35 AM	SENT

Associated Case Party: Kayla Marin

Name	BarNumber	Email	TimestampSubmitted	Status
Kayla Marin			2/3/2023 11:18:35 AM	SENT

Automated Certificate of eService

This automated certificate of service was created by the efiling system. The filer served this document via email generated by the efiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Mary Ruiz on behalf of Sydney Moore Bar No. 24056052 Enforcementgeneral@tdi.texas.gov Envelope ID: 72507598 Status as of 2/7/2023 10:40 AM CST

Associated Case Party: Texas Department of Insurance

Name	BarNumber	Email	TimestampSubmitted	Status
Whitney Fraser		Whitney.Fraser@tdi.texas.gov	2/7/2023 10:37:46 AM	SENT
Texas Department of Insurance		Enforcementgeneral@tdi.texas.gov	2/7/2023 10:37:46 AM	SENT
Sydney Moore		Sydney.Moore@tdi.texas.gov	2/7/2023 10:37:46 AM	SENT
Leah Gillum		Leah.Gillum@tdi.texas.gov	2/7/2023 10:37:46 AM	SENT

Associated Case Party: Chief Clerk

Name	BarNumber	mber Email TimestampSubmitted					
Chief Clerk		ChiefClerk@tdi.texas.gov	2/7/2023 10:37:46 AM	SENT			

Associated Case Party: Eli Ivan Castillo

Name	BarNumber	Email	TimestampSubmitted	Status
Eli IvanCastillo			2/7/2023 10:37:46 AM	SENT

Associated Case Party: Kayla Marin

Name	BarNumber	Email	TimestampSubmitted	Status
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	name and Address or sender Texas Dept of Insurance Mail Code ENF 1601 Congress Avenue, Suite 6.900 Austin TX 78711 Mary Ruiz February 7, 2023	USPS Tracking/Article Number	MORRE/ 30230,	31130 AND 31271							_									



EXHIBIT

Shipment Confirmation Accepta nce Notice

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: 02/07/2023

Shipped From:

Name: MC ENF M RUIZ

Address: 1601 CONGRESS AVENUE SUITE 6 900

City:_AUSTIN

State: TX ZIP+4® 78711

Type of Mail	Volume
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Returns	
International*	
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Total	3

^{*}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:

Home screen > Mailing/Shipping > More
 Select Shipment Confirm

Select Snipment Commits
 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



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MOORE/30230, 31130, 31271

FEB 0 8 2023 TDI - ENFORCEMENT

UNITED STATES
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