

No. 2024-8777

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

Date: 8/13/2024

Subject Considered:

Texas Department of Insurance

v.

Erika Villafana and Imperial Auto Insurance Agency LLC

SOAH Docket No. 454-24-07277.C

Order on Motion for Rehearing

General Remarks and Official Action Taken:

The subject of this order is the motion for rehearing filed by Erika Villafana. This order denies Ms. Villafana's motion.

Background

On July 3, 2024, the Texas Department of Insurance (TDI) issued Commissioner's Order No. 2024-8721. The order revoked the licenses held by Erika Villafana and Imperial Auto Insurance Agency LLC (Imperial) on the basis that Ms. Villafana (1) misappropriated money belonging to an insurer or insured, (2) engaged in a fraudulent or dishonest act or practice, (3) charged service fees without providing a written fee disclosure or obtaining written consent, (4) failed to respond to TDI requests for information, and (5) willfully violated Texas insurance laws.

On July 26, 2024, Ms. Villafana submitted an email requesting a rehearing to the State Office of Administrative Hearings (SOAH). SOAH and TDI Enforcement staff provided copies of the request to the TDI Chief Clerk's Office. The email stated, "My name is Erika Villafana from Imperial Auto Insurance I represent myself and I would like to request a Motion for rehearing for this matter."

On July 31, 2024, TDI Enforcement staff submitted a response to Ms. Villafana's motion, opposing it. Enforcement staff's reply says that the motion fails to articulate or identify any errors or particular findings of fact or conclusions of law to merit a rehearing.

COMMISSIONER'S ORDER

TDI v. Erika Villafana and Imperial Auto Insurance Agency LLC

SOAH Docket No. 454-24-07277.C

Page 2 of 2

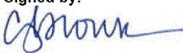
Discussion

Texas Government Code § 2001.146(g) requires that a motion for rehearing "identify with particularity findings of fact and conclusions of law that are the subject of the complaint and any evidentiary or legal ruling claimed to be erroneous. The motion must also state the legal and factual basis for the claimed error."

Ms. Villafana's motion for rehearing fails to identify any specific finding of fact or conclusion of law, and it fails to provide a factual or legal basis upon which the motion might be granted. Therefore, Ms. Villafana's motion for rehearing should not be granted.

Order

It is ordered that the motion for rehearing filed by Erika Villafana is denied.

Signed by:

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Cassie Brown
Commissioner of Insurance

Recommended and reviewed by:

Signed by:

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Jessica Barta, General Counsel

Signed by:

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Justin Beam, Chief Clerk