

No. **2022-7498**

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

Date: 09/14/2022

Subject Considered:

Union Católica de San Jose
1505 Lost Padre Mine Dr.
El Paso, TX 79902-2821

Default Order
SOAH Docket No. 454-22-06485
TDI Enforcement File No. 29587

General remarks and official action taken:

This is a default order taken against the Union Católica de San Jose (Respondent) because it failed to submit annual statements to the Texas Department of Insurance for calendar years 2020 and 2021 and further failed to respond in writing to the department's requests for information. Respondent did not respond to a Notice of Hearing filed by the department. This order revokes and otherwise cancels Respondent's permit to engage in the business of insurance as an exempt association in Texas.

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

Findings of Fact

Failure to Respond to Notice of Hearing

1. On July 27, 2022, 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.

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Commissioner's Order

Union Católica de San Jose

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3. The department sent the Notice of Hearing and Original Petition to Respondent's last known address provided in writing to the department, 1505 Lost Padre Mine Dr., El Paso, TX 79902-2821. The Notice of Hearing and Original Petition were also sent by electronic mail.
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 under Texas law, including TEX. INS. CODE §§ 82.051-82.055, 84.021-84.044, 887.003, and 887.101-887.102, 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, and 1.89, and TEX. INS. CODE § 887.059.
4. Based on Respondent's failure to file a written response to the Notice of 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.

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Order

It is ordered that any permits or authorizations held by Union Católica de San Jose are revoked and otherwise cancelled.

DocuSigned by:

FC5D7EDDFFB4F8... _____
Cassie Brown
Commissioner of Insurance

Prepared and reviewed by:



Rachel A. Cloyd, Litigation Director
Enforcement

2022-7498

Commissioner's Order
Union Católica de San Jose
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Affidavit

STATE OF TEXAS §

§

COUNTY OF TRAVIS §

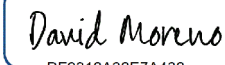
Before me, the undersigned authority, personally appeared David Moreno, who, being by me duly sworn, deposed as follows:

"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 Union Católica de San Jose. I have confirmed that:

- a. The last mailing address provided to the department in writing by Union Católica de San Jose is 1505 Lost Padre Mine Dr., El Paso, TX 79902-2821.
- b. The file maintained by Enforcement contains a Notice of Hearing dated July 27, 2022, and an Original Petition dated July 20, 2022, both of which were filed together with the State Office of Administrative Hearings on July 27, 2022.
- c. On July 27, 2022, the Notice of Hearing and Original Petition addressed to Union Católica de San Jose were mailed first-class and certified, return receipt requested, to its last known address.

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:

DF9312A32E7A432...

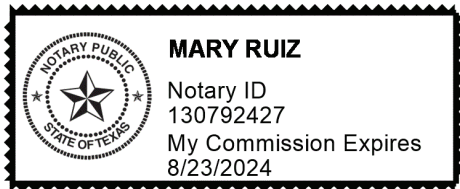
Affiant

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SWORN TO AND SUBSCRIBED before me by means of an interactive two-way audio and video communication on 8/18/2022. This notarial act was an online notarization.

Notary Seal



Digital Certificate

DocuSigned by:

795DC4D59167489...

Notary Public State of Texas

2022-7498

FILED
454-22-06485
7/27/2022 9:35 AM
STATE OFFICE OF
ADMINISTRATIVE HEARINGS
Jessie Harbin, CLERK

ACCEPTED
454-22-06485
7/27/2022 10:52 AM
STATE OFFICE OF
ADMINISTRATIVE HEARINGS
Jessie Harbin, CLERK

**SOAH DOCKET NO. 454-22-06485
TDI ENFORCEMENT FILE NO. 29587**

TEXAS DEPARTMENT OF INSURANCE,

BEFORE THE STATE OFFICE

Petitioner

v.

OF

UNION CATÓLICA DE SAN JOSE,

ADMINISTRATIVE HEARINGS

Respondent

NOTICE OF HEARING

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

A public hearing will be held before an Administrative Law Judge on **Thursday, January 12, 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 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

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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 CANCELLATION OR REVOCATION OF YOUR PERMIT, 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 CANCELLATION OR REVOCATION OF YOUR PERMIT, 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

- (3) *(by mail, fax, or email)*
Rachel A. Cloyd, Litigation Director
Texas Department of Insurance
Enforcement, MC ENF

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Notice of Hearing

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P.O. Box 12030
Austin, Texas 78711-2030
(512) 490-1020 (Fax)
rachel.cloyd@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 not 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.

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

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Notice of Hearing

SOAH Docket No. 454-22-06485

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Respectfully Submitted,

/s/ Rachel A. Cloyd

Rachel A. Cloyd

State Bar No. 24027456

Texas Department of Insurance

Enforcement, MC ENF

P.O. Box 12030

Austin, Texas 78711-2030

(512) 676-6349 (Direct)

(512) 490-1020 (Fax)

rachel.cloyd@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
Company Licensing, MC FRD

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Notice of Hearing

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CERTIFICATE OF SERVICE

I, Rachel A. Cloyd, certify that a true and correct copy of the *Notice of Hearing and the Original Petition* were sent by the methods shown below, on this 27th day of July, 2022 to:

Union Católica de San Jose
Attn: Marcus Saenz and Juan Ricardo Puga
1505 Lost Padre Mine Dr
El Paso, TX 79902-2821

Via CM/RRR No.:
9214 8901 9403 8384 2702 51
and Via First Class Mail

Union Católica de San Jose
Attn: Marcus Saenz

VIA EMAIL: saenzmezav@sbcglobal.net
marcus.saenz33@yahoo.com
marilensaenz35@gmail.com
yarango22@gmail.com

/s/ Rachel A. Cloyd

Rachel A. Cloyd

2022-7498

SOAH DOCKET No. 454-22-06485

SOAH DOCKET NO. 454-_____
TDI ENFORCEMENT FILE NO. 29587

FILED
454-22-06485
7/20/2022 9:05 AM
STATE OFFICE OF
ADMINISTRATIVE HEARINGS
Carol Hale, CLERK

ACCEPTED
454-22-06485
7/20/2022 10:06:25 am
STATE OFFICE OF
ADMINISTRATIVE HEARINGS
Carol Hale, CLERK

TEXAS DEPARTMENT OF INSURANCE,

Petitioner

v.

UNION CATÓLICA DE SAN JOSE,

Respondent

BEFORE THE STATE OFFICE

OF

ADMINISTRATIVE HEARINGS

ORIGINAL PETITION

The Texas Department of Insurance seeks to take disciplinary action against the Union Católica de San Jose (the Union). 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, 84.021-84.044, 887.003, and 887.101-887.102, and TEX. GOV'T CODE §§ 2001.051-2001.178.

Factual Allegations

1. The Union holds a permit issued by the department in 1941 to engage in the business of insurance in Texas as an exempt association offering life insurance.
2. Under TEX. INS. CODE § 887.102(b)(1), an exempt association is required to make annual reports to the department, on forms for that purpose, showing the financial condition of the association, its receipts and expenditures, and any other facts required by the department.
3. As contemplated in § 887.060 the exempt association must annually file with the department not later than April 1 of each year for the preceding calendar year ending on December 31, a sworn statement on the association's condition in a designated annual statement form. That statement must include a complete account of the association's real and contingent assets, its liabilities, and its income

EXHIBIT

B

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Original Petition

Union Católica de San Jose

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to and disbursements from the association's mortuary and expense funds during the year. This form is designated under 28 TEX. ADMIN. CODE § 7.68(o)(1) to be certain pages of the form Annual Statement (Texas Edition).

4. Upon information and belief, in late December 2020, the Union contacted the department by telephone expressing a desire to dissolve the association. At that time, staff instructed the Union by email to put its dissolution request in writing, but the Union did not do so.
5. The Union failed to file its annual statements for calendar years 2020 and 2021, which statements were due on April 1, 2021, and April 1, 2022, respectively.
6. The Union has represented to the department by telephone that its assets have been distributed to its members and its bank accounts closed.
7. On April 1, 2022, the department emailed the Union stating that its annual statement for calendar year 2021 had not been received. The department included filing instructions in the email, but the Union did not respond.
8. On May 9, 2022, and June 13, 2022, the Department sent requests for information to the Union first in Spanish and then in English. These requests sought specific documentation and information to demonstrate the distribution of any remaining assets to the association's members and closure of its accounts.
9. The request for information sent by mail on May 9, 2022, to the Union's only address of record was returned to the department as undeliverable. However, by telephone, the Union acknowledged receipt of both emailed requests, but did not respond.
10. To date, the Union has neither filed the requisite annual statements, nor has it submitted documentation and information necessary to demonstrate a dissolution and distribution of any remaining assets to the association's members.

Legal Allegations

1. The permit issued to the Union pursuant to TEX. INS. CODE § 887.102(b)(2) is subject to cancellation or revocation as contemplated in TEX. INS. CODE §§ 82.001 and 82.051.

2. The Union violated TEX. INS. CODE §§ 887.060, 887.102(b)(1) and 28 TEX. ADMIN. CODE § 7.68(o)(1) by failing to submit annual statements to the department for calendar years 2020 and 2021.
3. The Union violated TEX. INS. CODE § 38.001 by failing to respond in writing to the department's emailed requests for information.

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. cancelling or revoking the permit of Union Católica de San Jose to engage in the business of insurance as an exempt association in Texas; and
2. imposing any other just and appropriate relief to which the department may be entitled to by law.

Respectfully Submitted,

/s/ Rachel A. Cloyd

Rachel A. Cloyd
State Bar No. 24027456
Texas Department of Insurance
Enforcement, MC ENF
P.O. Box 12030
Austin, Texas 78711-2030
(512) 676-6349 (Direct)
(512) 490-1020 (Fax)
Rachel.Cloyd@tdi.texas.gov

ATTORNEY FOR THE PETITIONER
TEXAS DEPARTMENT OF INSURANCE



Shipment Confirmation
Acceptance Notice

A. 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: 07/27/2022

Shipped From:

Name: MC 110-1A M RUIZ

Address: 333 GUADALUPE ST

City: AUSTIN

State: TX ZIP+4® 78701

Type of Mail	Volume
Priority Mail Express®	
Priority Mail®	0
First-Class Package Service®	
Returns	
International*	
Other	1
Total	1

*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 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 0038 2494 70



CLOYD/29587





Firm Mailing Book For Accountable Mail

2022-7498

- Name and Address of Sender
 MC 110-1A M RUIZ
 TEXAS DEPARTMENT OF INSURANCE
 333 GUADALUPE ST
 AUSTIN TX 78701
- 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

Affix Stamp Here
(for additional copies of this receipt).
Postmark with Date of Receipt.

USPS Tracking/Article Number	Postage	(Extra Service) Fee	Handling Charge	Actual Value if Registered	Insured Value	Due Sender if COD	ASR Fee	ASRD Fee	RD Fee	RR Fee	SC Fee	SCRD Fee	SH Fee
1. 9214 8901 9403 8384 2702 51 CLOYD/29587	0.81	4.00	Handling Charge - if Registered and over \$50,000 in value							2.00			
							Adult Signature Required	Adult Signature Restricted Delivery	Restricted Delivery	Return Receipt	Signature Confirmation	Signature Confirmation Restricted Delivery	Special Handling

Handwritten signature: *[Signature]*
 Date stamp: JUL 27 2022
 RECEIVED stamp: RECEIVED JUL 29 2022

Postmaster, Per (Name of receiving employee)

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

PS Form 3877, January 2017 (Page 1 of 1) Jobid: 3577620
PSN 7530-02-000-9098

Complete in Ink

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