

No. 2023-7774

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

Date: 02/07/2023

Subject Considered:

Leslie Juanita Hernandez
Expert Insurance Agency
[REDACTED]
Nacogdoches, Texas 75964-6155

Default Order
SOAH Docket No. 454-23-05004
TDI Enforcement File Nos. 26407 & 30908

General remarks and official action taken:

This is a default order taken against Leslie Juanita Hernandez and Expert Insurance Agency (collectively referred to as Respondents) because Respondents engaged in acts constituting the business of insurance without a license. Respondents did not respond to a Notice of Hearing filed by the Texas Department of Insurance. This order directs Respondents to cease and desist from engaging in the business of insurance without a license.

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

Findings of Fact

Failure to Respond to Notice of Hearing

1. On November 10, 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.

2023-7774

Commissioner's Order

Leslie Juanita Hernandez and Expert Insurance Agency

SOAH Docket No. 454-23-05004

Page 2 of 5

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 Respondents' last known address provided in writing to the department, [REDACTED], Nacogdoches, Texas 75964-6155. The Notice of Hearing and Original Petition were also sent via eFile.
4. Respondents 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, 101.101-101.151, 4005.102, 4051.101; 28 TEX. ADMIN. CODE § 19.902; 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 Respondents' 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.

Order

It is ordered that Leslie Juanita Hernandez and Expert Insurance Agency cease and desist from engaging in the business of insurance without a license. A copy of this order will

2023-7774


Commissioner's Order

Leslie Juanita Hernandez and Expert Insurance Agency

SOAH Docket No. 454-23-05004

Page 3 of 5

be provided to law enforcement and other appropriate administrative agencies for further investigation as may be warranted.

DocuSigned by:

FC5D7EDDFB4F8...

Cassie Brown
Commissioner of Insurance

Prepared and reviewed by:



Ginger Loeffler, Director
Enforcement

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 Leslie Juanita Hernandez and Expert Insurance Agency. I have confirmed that:

- a. The last mailing address provided to the department in writing by Leslie Juanita Hernandez is [REDACTED], Nacogdoches, Texas 75964-6155.
- b. The file maintained by Enforcement contains a Notice of Hearing and Original Petition dated November 10, 2022, which were filed with the State Office of Administrative Hearings.
- c. On November 10, 2022, the Notice of Hearing and Original Petition addressed to Leslie Juanita Hernandez and Expert Insurance Agency were mailed first class and certified, return receipt requested, to their 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:

 7E8507FEBA0643F...

Affiant

2023-7774

Commissioner's Order

Leslie Juanita Hernandez and Expert Insurance Agency

SOAH Docket No. 454-23-05004

Page 5 of 5

SWORN TO AND SUBSCRIBED before me by means of an interactive two-way audio and video communication on 1/27/2023. This notarial act was an online notarization.

Notary Seal



Digital Certificate

DocuSigned by:
Mary Ruiz
795DC4D59167489...
Notary Public State of Texas

FILED **2023-7774**
454-23-05004
11/10/2022 10:57 AM
STATE OFFICE OF
ADMINISTRATIVE HEARINGS
Crystal Rosas, CLERK

ACCEPTED
454-23-05004
11/10/2022 12:50:06 pm
STATE OFFICE OF
ADMINISTRATIVE HEARINGS
Crystal Rosas, CLERK

**SOAH DOCKET NO. 454-23-05004
TDI ENFORCEMENT FILE NOS. 26407 & 30908**

TEXAS DEPARTMENT OF INSURANCE,

BEFORE THE STATE OFFICE

Petitioner

v.

OF

**LESLIE JUANITA HERNANDEZ &
EXPERT INSURANCE AGENCY,**

ADMINISTRATIVE HEARINGS

Respondents

NOTICE OF HEARING

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

A public hearing will be held before an Administrative Law Judge on **Wednesday, March 1, 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

2023-7774

Notice of Hearing

Leslie Juanita Hernandez and Expert Insurance Agency

SOAH Docket No. 454-23-05004

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

2023-7774

Notice of Hearing

Leslie Juanita Hernandez and Expert Insurance Agency

SOAH Docket No. 454-23-05004

Page 3 of 5

- (3) *(by mail, fax, or email)*
Cassie Tigue, Staff Attorney
Texas Department of Insurance
Enforcement, MC ENF
P.O. Box 12030
Austin, Texas 78711-2030
(512) 490-1020 (Fax)
Cassie.Tigue@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.

2023-7774

Notice of Hearing

Leslie Juanita Hernandez and Expert Insurance Agency

SOAH Docket No. 454-23-05004

Page 4 of 5

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

Respectfully Submitted,



Cassie Tighe
State Bar No. 24099994
Texas Department of Insurance
Enforcement, MC ENF
P.O. Box 12030
Austin, Texas 78711-2030
(512) 676-6356 (Direct)
(512) 490-1020 (Fax)
Cassie.Tighe@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
Ginger Loeffler, Litigation Director, Enforcement, MC ENF
Administrative Review, MC CO-AAL

2023-7774

Notice of Hearing

Leslie Juanita Hernandez and Expert Insurance Agency

SOAH Docket No. 454-23-05004

Page 5 of 5

CERTIFICATE OF SERVICE

I, Cassie Tigie, 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 10th day of November, 2022 to:

Leslie Juanita Hernandez

Expert Insurance Agency

[REDACTED]

Nacogdoches, TX 75964-6155

Email: [REDACTED]

Respondent Pro Se

Via CM/RRR No.: 9214 8901 9403 8395 4783 01



Cassie Tigie

2023-7774

SOAH DOCKET No. 454-23-05004

FILED
454-23-05004
11/7/2022 2:44 PM
STATE OFFICE OF
ADMINISTRATIVE HEARINGS
Carol Hale, CLERK

SOAH DOCKET NO. 454-_____
TDI ENFORCEMENT FILE NOS. 26407 & 30908

TEXAS DEPARTMENT OF INSURANCE,

Petitioner

v.

**LESLIE JUANITA HERNANDEZ &
EXPERT INSURANCE AGENCY,**

Respondents

BEFORE THE STATE OFFICE

ACCEPTED
454-23-05004
11/7/2022 4:29:11 pm
STATE OFFICE OF
ADMINISTRATIVE HEARINGS
Carol Hale, CLERK

OF

ADMINISTRATIVE HEARINGS

ORIGINAL PETITION

The Texas Department of Insurance seeks to take disciplinary action against Leslie Juanita Hernandez and Expert Insurance Agency. 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 §§ 82.051-82.056, 84.021-84.044, 101.101-101.151, 4005.102, and 4051.101; TEX. GOV'T CODE §§ 2001.051-2001.178; and 28 TEX. ADMIN. CODE § 19.902.

Factual Allegations

Licensure

1. Leslie Juanita Hernandez (Hernandez), individual identification number 1108330, previously held a limited lines agent license originally issued by the Texas Department of Insurance on May 16, 2012. Official Order No. 2018-5591 was issued on July 30, 2018, which revoked Hernandez's limited lines agent license.
2. Hernandez has used the name Expert Insurance Agency (Expert Insurance) while engaging in the business of insurance since at least 2020. Expert Insurance is not licensed or registered with the department.

Misconduct and the Unauthorized Business of Insurance

3. Progressive Casualty Insurance Company (Progressive) investigated a possible unauthorized agent writing business via the online portal intended for consumer use. The investigation revealed 128 new policies were written through the Progressive.com website by Hernandez and Expert Insurance between July 30, 2019, and October 23, 2020.
4. During the investigation, Progressive spoke with several of the policyholders who confirmed they made payments to Expert Insurance in Nacogdoches, Texas. Progressive's investigation confirmed the insurance activity was linked to Hernandez and Expert Insurance, an unlicensed and unauthorized broker.
5. Some of the policyholders Progressive spoke with confirmed they made cash payments to Hernandez and Expert Insurance, but Hernandez failed to remit the payments to the insurer often resulting in cancellation of the policies due to non-payment.

Legal Allegations

1. Hernandez has engaged in acts constituting the business of insurance without a license as defined in TEX. INS. CODE §§ 101.102, 4001.101, and 4051.101 and 28 TEX. ADMIN. CODE § 19.902.

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 Leslie Juanita Hernandez and Expert Insurance Agency to cease and desist from engaging in the business of insurance without a license;
2. directing Leslie Juanita Hernandez to pay an administrative penalty under TEX. INS. CODE § 101.103.
3. directing Leslie Juanita Hernandez to make restitution to the 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.

2023-7774

Original Petition
Leslie Juanita Hernandez
Page 3 of 3

Respectfully Submitted,



Cassie Tigue
State Bar No. 24099994
Texas Department of Insurance
Enforcement, MC ENF
P.O. Box 12030
Austin, Texas 78711-2030
(512) 676-6356 (Direct)
(512) 490-1020 (Fax)
Cassie.Tigue@tdi.texas.gov

ATTORNEY FOR THE PETITIONER
TEXAS DEPARTMENT OF INSURANCE

2023-7774

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 Cassie Tigue
Bar No. 24099994
Enforcementgeneral@tdi.texas.gov
Envelope ID: 69944221
Status as of 11/7/2022 4:33 PM CST

Associated Case Party: Chief Clerk

Name	BarNumber	Email	TimestampSubmitted	Status
Chief Clerk		ChiefClerk@tdi.texas.gov	11/7/2022 2:44:40 PM	SENT

Associated Case Party: Texas Department of Insurance

Name	BarNumber	Email	TimestampSubmitted	Status
Cassie Tigue		Cassie.Tigue@tdi.texas.gov	11/7/2022 2:44:40 PM	SENT
Ginger Loeffler		Ginger.Loeffler@tdi.texas.gov	11/7/2022 2:44:40 PM	SENT
Texas Department of Insurance		Enforcementgeneral@tdi.texas.gov	11/7/2022 2:44:40 PM	SENT

Associated Case Party: Leslie Juanita Hernandez

Name	BarNumber	Email	TimestampSubmitted	Status
Leslie Juanita Hernandez		[REDACTED]	11/7/2022 2:44:40 PM	ERROR

Associated Case Party: Expert Insurance Agency

Name	BarNumber	Email	TimestampSubmitted	Status
Leslie Juanita Hernandez		[REDACTED]	11/7/2022 2:44:40 PM	ERROR

2023-7774

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 Cassie Tigue
Bar No. 24099994
Enforcementgeneral@tdi.texas.gov
Envelope ID: 70059593
Status as of 11/10/2022 12:51 PM CST

Associated Case Party: Texas Department of Insurance

Name	BarNumber	Email	TimestampSubmitted	Status
Ginger Loeffler		Ginger.Loeffler@tdi.texas.gov	11/10/2022 10:57:00 AM	SENT
Cassie Tigue		Cassie.Tigue@tdi.texas.gov	11/10/2022 10:57:00 AM	SENT
Texas Department of Insurance		Enforcementgeneral@tdi.texas.gov	11/10/2022 10:57:00 AM	SENT
Leah Gillum		Leah.Gillum@tdi.texas.gov	11/10/2022 10:57:00 AM	SENT
Catarina Tapia		Catarina.Tapia@tdi.texas.gov	11/10/2022 10:57:00 AM	SENT

Associated Case Party: Chief Clerk

Name	BarNumber	Email	TimestampSubmitted	Status
Chief Clerk		ChiefClerk@tdi.texas.gov	11/10/2022 10:57:00 AM	SENT

Associated Case Party: Expert Insurance Agency

Name	BarNumber	Email	TimestampSubmitted	Status
Leslie Juanita Hernandez		[REDACTED]	11/10/2022 10:57:00 AM	ERROR

Associated Case Party: Leslie Juanita Hernandez

Name	BarNumber	Email	TimestampSubmitted	Status
Leslie Juanita Hernandez		[REDACTED]	11/10/2022 10:57:00 AM	ERROR

2023-7774



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: 11/10/2022

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
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 0040 5117 25

TIGUE/ 26407 & 30908

