

No. 2022-7149

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

**Date:** 01/05/2022

**Subject Considered:**

Marialva L. Mendez Canepa

[REDACTED]  
Katy, Texas 77494-6971

Default Order  
SOAH Docket No. 454-22-0560  
TDI Enforcement File No. 24303

**General remarks and official action taken:**

This is a default order taken against Marialva L. Mendez Canepa (Respondent) because she misappropriated insurance premiums, committed forgery, and committed fraud. Respondent did not respond to a Notice of Hearing filed by the Texas Department of Insurance. This order revokes Respondent's license and orders Respondent to pay restitution in the amount of \$4,885 to Combined Insurance Company of America.

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

**Findings of Fact**

Failure to Respond to Notice of Hearing

1. On October 27, 2021, 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.

## 2022-7149

Commissioner's Order

Marialva L. Mendez Canepa

SOAH Docket No. 454-22-0560

Page 2 of 5

3. The department sent the Notice of Hearing and Original Petition to Respondent's last known address provided in writing to the department, [REDACTED], Katy, Texas 77494-6971.
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, 84.021-82.044, 4001.002, 4005.101, 4005.102, and 4054.051; 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 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 any licenses held by Marialva L. Mendez Canepa are revoked. It is further ordered that Marialva L. Mendez Canepa must pay restitution in the amount of \$4,885 to Combined Insurance Company of America within 30 days from the date of this order. A copy of this order will be provided to law enforcement or other appropriate administrative agencies for further investigation as may be warranted.

# 2022-7149

Commissioner's Order  
Marialva L. Mendez Canepa  
SOAH Docket No. 454-22-0560  
Page 3 of 5

DocuSigned by:  
  
FC5D7EDDFFBB4F8...

Cassie Brown  
Commissioner of Insurance

Prepared and reviewed by:

/s/ Patrick Quigley  
Patrick Quigley, Staff Attorney  
Enforcement Division

# 2022-7149

Commissioner's Order  
Marialva L. Mendez Canepa  
SOAH Docket No. 454-22-0560  
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 Marialva L. Mendez Canepa. I have confirmed that:

- a. The last mailing address provided to the department in writing by Marialva L. Mendez Canepa is [REDACTED] Katy, Texas 77494-6971.
- b. The file maintained by the Enforcement Division contains a Notice of Hearing and Original Petition dated October 27, 2021, which were filed with the State Office of Administrative Hearings.
- c. On October 27, 2021, the Notice of Hearing and Original Petition addressed to Marialva L. Mendez Canepa were mailed first-class and certified, return receipt requested, to her last known address.

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

DocuSigned by:  
*David Moreno*  
4B7073E4003C4A3... \_\_\_\_\_

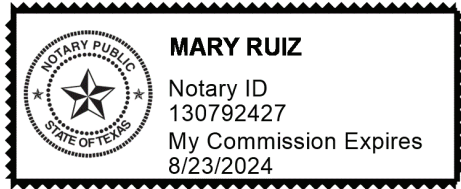
Affiant

# 2022-7149

Commissioner's Order  
Marialva L. Mendez Canepa  
SOAH Docket No. 454-22-0560  
Page 5 of 5

SWORN TO AND SUBSCRIBED before me by means of an interactive two-way audio and video communication on 12/16/2021. This notarial act was an online notarization.

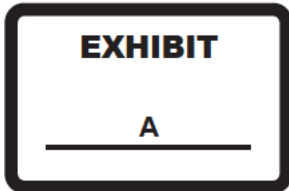
## Notary Seal



## Digital Certificate

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

**2022-7149**



FILED  
454-22-0560  
10/27/2021 11:02 AM  
STATE OFFICE OF  
ADMINISTRATIVE HEARINGS  
Carol Hale, CLERK

**SOAH DOCKET NO. 454-22-0560  
TDI ENFORCEMENT FILE NO. 24303**

**TEXAS DEPARTMENT OF INSURANCE,**

**Petitioner**

**v.**

**MARIALVA MENDEZ CANEPA,**

**Respondent**

**BEFORE THE STATE OFFICE**

**OF**

**ADMINISTRATIVE HEARINGS**

ACCEPTED  
454-22-0560  
10/27/2021 12:56:48 pm  
STATE OFFICE OF  
ADMINISTRATIVE HEARINGS  
Carol Hale, CLERK

**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, **January 11, 2022, at 9:00 AM**. 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](http://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.**

## 2022-7149

Notice of Hearing

Marialva Mendez Canepa

SOAH Docket No. 454-22-0560

Page 2 of 5

**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, 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 REVOCATION OF YOUR LICENSE, 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/e-filing-soah](http://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](mailto:chiefclerk@tdi.texas.gov); and
- (3) *(by mail, fax, or email)*  
Patrick Quigley, Staff Attorney

## 2022-7149

Notice of Hearing

Marialva Mendez Canepa

SOAH Docket No. 454-22-0560

Page 3 of 5

Texas Department of Insurance  
Enforcement Division, MC ENF  
333 Guadalupe  
Austin, Texas 78701  
(512) 490-1020 (Fax)  
Patrick.quigley@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](http://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.**



## 2022-7149

Notice of Hearing  
Marialva Mendez Canepa  
SOAH Docket No. 454-22-0560  
Page 4 of 5

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

Respectfully Submitted,

/s/ Patrick Quigley

Patrick Quigley, Staff Attorney  
State Bar No. 16430320  
Texas Department of Insurance  
Enforcement Division, MC ENF  
333 Guadalupe  
Austin, Texas 78701  
(512) 676-6335 (Direct)  
(512) 490-1020 (Fax)  
Patrick.quigley@tdi.texas.gov

ATTORNEY FOR THE PETITIONER  
TEXAS DEPARTMENT OF INSURANCE

Enclosure: Original Petition

cc: Leah Gillum, Deputy Commissioner, Enforcement Division, MC ENF  
Ginger Loeffler, Litigation Director, Enforcement Division, MC ENF  
Administrative Review, MC CO-AAL

## 2022-7149

Notice of Hearing

Marialva Mendez Canepa

SOAH Docket No. 454-22-0560

Page 5 of 5

### CERTIFICATE OF SERVICE

I, Patrick Quigley, 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 27th day of October, 2021:

Marialva Mendes Canepa

[REDACTED]

Katy, Texas 77494-6971

*Respondent Pro Se*

Via CM/RRR No.: 9214 8901 9403 8357 6183 01

/s/ Patrick Quigley

Patrick Quigley

**2022-7149**

FILED  
454-22-0560  
10/26/2021 9:39 AM  
STATE OFFICE OF  
ADMINISTRATIVE HEARINGS  
Carol Hale, CLERK



**SOAH DOCKET NO. 454-22-0560**  
**TDI ENFORCEMENT FILE NO. 24303**

**TEXAS DEPARTMENT OF INSURANCE,**

**Petitioner**

**v.**

**MARIALVA MENDEZ CANEPA,**

**Respondent**

**BEFORE THE STATE OFFICE**

**OF**

**ADMINISTRATIVE HEARINGS**

ACCEPTED  
454-22-0560  
10/26/2021 9:54 AM  
STATE OFFICE OF  
ADMINISTRATIVE HEARINGS  
Carol Hale, CLERK

**ORIGINAL PETITION**

The Texas Department of Insurance seeks to take disciplinary action against Marialva Mendez Canepa (Canepa). 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 pursuant to TEX. INS. CODE §§ 82.051-82.055, 84.021-82.044, 4001.002, 4005.101, 4005.102, and 4054.051; and TEX. GOV'T CODE §§ 2001.051-2001.178.

**Factual Allegations**

1. On June 3, 2019, the department issued Canepa a general lines agent license with a life, accident, and health qualification.
2. On March 24, 2020, Combined Insurance Company of America (Combined) terminated Canepa's appointment due to theft, forgery, and fraud.
3. Combined received a request from Chase Bank to provide proof of payment authorization regarding debits of policy premiums for an account owned by H. D., Canepa's father-in-law.
4. Canepa submitted 14 insurance policy applications through the account of H. D.
5. All 14 applications are addressed to the same apartment complex where Canepa lived, but only one had an actual apartment number.

## 2022-7149

Original Petition

Marialva Mendez Canepa

Page 2 of 3

6. Combined's investigation found the information was highly suspicious with all addresses being at the same location without an apartment number and most applicants having an occupation listed as "assistant." Despite multiple attempts Combined was unable to speak with any of the applicants or the account holder, H. D.
7. Canepa maintains H. D. is her father-in-law who lives with her and that he gave her permission to use his account.
8. During a recorded call with Combined, Canepa started the call by resigning her position because she admitted she didn't do the right thing by having so many policies bill through her father-in-law's account. Canepa explained that the persons listed on the applications were family and family friends who didn't have their own bank accounts. She claimed she used the same address for all applicants because it was a big apartment complex, and they all live there.
9. After the recorded call, Canepa admitted to her district manager that she had forged the signature of one family friend.
10. Combined paid Canepa over \$4,400 in advance commissions for policies which canceled, as the initial payment came from an account that she was not authorized to use. The total loss to Combined was \$4,885.

### Legal Allegations

1. Canepa committed acts for which a license may be revoked because:
  - a. Canepa misappropriated, converted to her own use, or illegally withheld money belonging to an insurer, in violation of TEX. INS. CODE § 4005.101(b)(4).
  - b. Canepa engaged in fraudulent or dishonest acts or practices, in violation of TEX. INS. CODE § 4005.101(b)(5).

### 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:

## 2022-7149

Original Petition

Marialva Mendez Canepa

Page 3 of 3

1. Revoking Marialva Mendez Canepa's insurance agent license;
2. Ordering Canepa to pay restitution in the amount of \$4,885 to Combined Insurance Company of America; and
3. 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,

/s/ Patrick Quigley

Patrick Quigley, Staff Attorney

State Bar No. 16430320

Texas Department of Insurance

Enforcement Division, MC ENF

333 Guadalupe

Austin, Texas 78701

(512) 676-6335 (Direct)

(512) 490-1020 (Fax)

Patrick.quigley@tdi.texas.gov

ATTORNEY FOR THE PETITIONER

TEXAS DEPARTMENT OF INSURANCE

Firm Mailing Book For Accountable Mail

**EXHIBIT**  
C

**Name and Address of Sender**  
Texas Dept of Insurance  
Mail Code 110-1A  
333 Guadalupe St  
Austin TX 78701  
**Mary Ruiz**  
October 27, 2021

- 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  
(If issued as an international certificate of mailing or for additional copies of this receipt). Postmark with Date of Receipt

USPS Tracking/Article Number	Address (Name, Street, City, State, & Zip Code)	Postage	Handling Charge If Registered	Actual Value if Registered	Insured Value	Die Sender if COD	ASR Fee	ASRD Fee	RD Fee	RR Fee	SC Fee	SGRD Fee	SH Fee
QUIGLEY/24303	MARIALVA MENDES CANEPA KATY, TEXAS 77494-6971	1.36	Value										
			Adult Signature Required						Adult Signature Restricted Delivery				
			Handling Charge If Registered						Return Receipt				
									Restricted Delivery				
												Signature Confirmation	
												Signature Confirmation Restricted Delivery	
													Special Handling

USPS POSTAGE \$001.650  
10/27/2021  
041M1252405  
ZIP 78701

OFFICIAL BUSINESS  
STATE OF TEXAS  
PENALTY FOR PRIVATE USE



**RECEIVED**  
NOV 01 2021  
TDI - ENFORCEMENT

Privacy Note: For more information on USPS privacy policies, visit usps.com/privacy policy.

2022-7149



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: 10/27/2021
Shipped From:
Name: MC 110-1A M RUIZ
Address: 333 GUADALUPE ST
City: AUSTIN
State: TX ZIP+4® 78701

Table with 2 columns: Type of Mail, Volume. Rows include Priority Mail Express, Priority Mail (0), First-Class Package Service, Returns, International, Other (1), and 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 0032 6326 67



QUIGLEY/ 24303



Firm Mailing Book For Accountable Mail

2022-7149

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

USPS Tracking/Article Number

1. 9214 8901 9403 8357 6183 01

QUIGLEY/ 24303



Addressee (Name, Street, City, State, & ZIP Code™)

MARIAIVA MENDES CANEPA  
77494-6971  
KATY, TEXAS

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

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
1.56	3.75	Handling Charge - if Registered and over \$50,000 in value				Adult Signature Required	Adult Signature Restricted Delivery	Restricted Delivery	Return Receipt	Signature Confirmation	Signature Confirmation Restricted Delivery	Special Handling



Postmaster, Per (Name of receiving employee)

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