

No. 2020-6457

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

**Date:** 09/03/2020

**Subject Considered:**

Mario Alberto Espinoza  
[REDACTED]  
Laredo, Texas 78046

Default Order  
SOAH Docket No. 454-20-4313.C  
TDI Enforcement File No. 19853

**General remarks and official action taken:**

This is a default order taken against Mario Alberto Espinoza (Respondent) because he failed to timely respond to the department's request for information, engaged in fraudulent and dishonest practices, willfully violated an insurance law of this state, and has no active appointments and therefore is not actively engaged in the business of insurance.

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

**Findings of Fact**

Failure to Respond to Notice of Hearing

1. On July 22, 2020, 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.
3. The department sent the Notice of Hearing and Original Petition to Respondent's last known address provided in writing to the department, [REDACTED] Laredo, Texas 78046. The Notice of Hearing and Original Petition were also sent by electronic mail.

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Commissioner's Order  
Mario Alberto Espinoza  
SOAH Docket No. 454-20-4313.C  
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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.

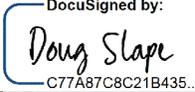
## Conclusions of Law

1. The commissioner has jurisdiction pursuant to Texas law, including TEX. INS. CODE §§ 82.051-82.055, 4001.002, 4005.101, 4005.102, 4101.051, and 4054.051; and TEX. GOV'T CODE §§ 2001.051-2001.178.
2. The commissioner has authority to dispose of this case informally pursuant to 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 pursuant to 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 pursuant to 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 pursuant to 28 TEX. ADMIN. CODE § 1.89.

## Order

It is ordered that Mario Alberto Espinoza's general lines license with both a life, accident, health, and HMO qualification and a property and casualty qualification is revoked. A copy of this order will be provided to law enforcement and/or other appropriate administrative agencies for further investigation as may be warranted.

Kent C. Sullivan  
Commissioner of Insurance

By:   
Doug Slape  
Chief Deputy Commissioner  
Commissioner's Order No. 2018-5528

**2020-6457**

Commissioner's Order

Mario Alberto Espinoza

SOAH Docket No. 454-20-4313.C

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Prepared and reviewed by:

A handwritten signature in black ink that reads "Sarah White". The signature is written in a cursive, flowing style.

---

Sarah White, Staff Attorney  
Enforcement Division

**Affidavit**

**STATE OF TEXAS**           §  
  §  
**COUNTY OF TRAVIS**       §

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

"My name is Mary Ruiz 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 Mario Alberto Espinoza. I have confirmed that:

- a. The last mailing address provided to the department in writing by Mario Alberto Espinoza is [REDACTED], Laredo, Texas 78046.
- b. The file maintained by the Enforcement Division contains a Notice of Hearing and Original Petition dated July 22, 2020, which were filed with the State Office of Administrative Hearings.
- c. On July 22, 2020, the Notice of Hearing and Original Petition addressed to Mario Alberto Espinoza were mailed first-class and certified, return receipt requested, to his last known address and sent via email.

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:  
  
 1DB7503E4266441...

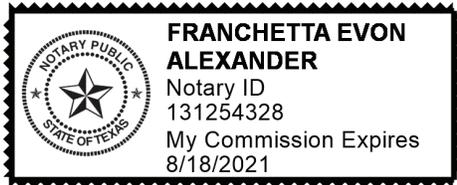
Affiant

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SWORN TO AND SUBSCRIBED before me by means of an interactive two-way audio and video communication on August 21, 2020. This notarial act was an online notarization.

## Notary Seal



## Digital Certificate

DocuSigned by:  
*Franchetta Alexander*  
ED54610E15BF40C...

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Notary Public State of Texas

**2020-6457**

ACCEPTED  
454-20-4313  
7/22/2020 10:19 AM  
STATE OFFICE OF  
ADMINISTRATIVE HEARINGS  
Donnie Roland, CLERK

FILED  
454-20-4313  
7/22/2020 10:01 AM  
STATE OFFICE OF  
ADMINISTRATIVE HEARINGS  
Donnie Roland, CLERK

**SOAH DOCKET NO. 454-20-4313.C  
TDI ENFORCEMENT FILE NO. 19853**

**TEXAS DEPARTMENT OF INSURANCE,**

**Petitioner**

**v.**

**MARIO ALBERTO ESPINOZA,**

**Respondent**

**BEFORE THE STATE OFFICE**

**OF**

**ADMINISTRATIVE HEARINGS**

**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, October 13, 2020, at 9:00 a.m.** The hearing will take place at the State Office of Administrative Hearings, located in the William P. Clements Building, 300 W. 15th Street, 4th Floor, Austin, Texas 78701.

The hearing shall be conducted pursuant to 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 PURSUANT TO 1 TEX. ADMIN. CODE § 155.501 AND 28 TEX. ADMIN. CODE §§ 1.88 AND 1.89.**

Exhibit A

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Notice of Hearing

Mario Alberto Espinoza

SOAH Docket No. 454-20-4313.C

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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 REVOCATION OF YOUR LICENSE, 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, 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) 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);
- (2) Chief Clerk  
Texas Department of Insurance  
P.O. Box 149104, MC112-2A  
Austin, Texas 78714-9104  
(512) 490-1064 (Fax)  
chiefclerk@tdi.texas.gov; and
- (3) Sarah White, Staff Attorney  
Texas Department of Insurance  
Enforcement Division, MC110-1A  
P.O. Box 149104  
Austin, Texas 78714-9104  
(512) 490-1020 (Fax)  
Sarah.white@tdi.texas.gov

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Notice of Hearing

Mario Alberto Espinoza

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### Receiving Documents

The State Office of Administrative Hearings (SOAH) offers you the ability to receive service of orders and other documents issued by SOAH through email instead of by mail or fax. If you want to receive SOAH-issued documents by email, go to SOAH's website, [www.soah.texas.gov](http://www.soah.texas.gov), click on the "E-Services" tab, then click the "eFiling" hyperlink, and follow the instructions.

NOTE: A request to receive SOAH-issued documents by email does not change the procedures you must follow to file documents with SOAH. The rules for filing documents and providing copies to all other parties in the case are described in SOAH's Procedural Rules, which are available on SOAH's website. Click the "Agency" tab, then click "Administrative Rules and Laws" to view SOAH's Procedural Rules.

### Important Security Notice

**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.

Respectfully Submitted,



---

Sarah White

State Bar No. 24064622

Texas Department of Insurance

Enforcement Division, MC110-1A

P.O. Box 149104

Austin, Texas 78714-9104

## **2020-6457**

Notice of Hearing

Mario Alberto Espinoza

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(512) 676-6354 (Direct)

(512) 490-1020 (Fax)

Sarah.white@tdi.texas.gov

ATTORNEY FOR THE PETITIONER

TEXAS DEPARTMENT OF INSURANCE

Enclosure: Original Petition

cc: Leah Gillum, Deputy Commissioner, Enforcement Division, MC-110-1A  
Rachel Cloyd, Litigation Director, Enforcement Division, MC-110-1A  
Administrative Review, MC107-1A

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Notice of Hearing

Mario Alberto Espinoza

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**CERTIFICATE OF SERVICE**

I, Sarah White, certify that a true and correct copy of the *Notice of Hearing and the Original Petition* were sent electronic mail and by certified mail, return receipt requested and via email, on this 22nd day of July, 2020 to:

Mario Alberto Espinoza

[REDACTED]

Laredo, Texas 78046

*Respondent Pro Se*

Via CM/RRR No.: 9214 8901 9403 8317 0611 30

and via email: [REDACTED]



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Sarah White

**SOAH DOCKET NO. 454-\_\_\_\_\_**  
**TDI ENFORCEMENT FILE NO. 19853**

**TEXAS DEPARTMENT OF INSURANCE,**

**BEFORE THE STATE OFFICE**

**Petitioner**

**v.**

**OF**

**MARIO ALBERTO ESPINOZA,**

**ADMINISTRATIVE HEARINGS**

**Respondent**

**ORIGINAL PETITION**

The Texas Department of Insurance seeks to take disciplinary action against Mario Alberto Espinoza. 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, 4001.002, 4005.101, 4005.102, and 4051.051, and 4054.051, and TEX. GOV'T CODE §§ 2001.051-2001.178.

**Factual Allegations**

Licensure and Background

1. Mario Alberto Espinoza (Espinoza), individual identification number 1607324, holds a general lines license with both a life, accident, health, and HMO qualification issued by the department on June 15, 2016, and a property and casualty qualification, issued by the department on June 15, 2016.
2. On August 9, 2018, State Farm notified the department that Espinoza was cancelled for cause for engaging in fraudulent or dishonest acts or practices.

Fictitious Prior Insurance Documents

3. Espinoza created and submitted approximately seven fictitious prior insurance coverage documents to State Farm to obtain policies for consumers.



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Original Petition  
Mario Alberto Espinoza  
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4. Espinoza submitted the fictitious prior insurance coverage documents to obtain a lower premium for consumers who did not qualify for the lower premium.

### Falsified ADT Security Alarm Certificates

5. Espinoza created approximately five falsified ADT home alarm certificates.
6. Espinoza submitted the falsified certificates with homeowner insurance applications to State Farm to obtain discounts for consumers who did not qualify for the discount.

### No Active Appointments

7. According to department records, presently Espinoza does not have any active appointment, and therefore is not actively engaged in soliciting or writing insurance for the public.

### Failure to Respond

8. Espinoza failed to respond to multiple department requests for information regarding the above listed allegations.

### **Legal Allegations**

1. Espinoza failed to timely respond to the department's requests for information, in violation of TEX. INS. CODE § 38.001.
2. Espinoza committed acts for which a license holder may be disciplined under TEX. INS. CODE § 4005.101, as contemplated in TEX. INS. CODE § 4005.102.
3. Espinoza willfully violated an insurance law of this state, as contemplated by TEX. INS. CODE § 4005.101(b)(1).
4. Espinoza engaged in fraudulent or dishonest acts or practices, in violation of TEX. INS. CODE § 4005.101(b)(5).

5. Espinoza has no active appointments and therefore is not actively engaged in the business of insurance as required by TEX. INS. CODE §§ 4005.101(b)(10) and 4001.104(a).

**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. revoking Mario Alberto Espinoza's license and
2. 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,



---

Sarah White  
State Bar No. 24064622  
Texas Department of Insurance  
Enforcement Division, MC110-1A  
P.O. Box 149104  
Austin, Texas 78714-9104  
(512) 676-6354 (Direct)  
(512) 490-1020 (Fax)  
Sarah.white@tdi.texas.gov

ATTORNEY FOR THE PETITIONER  
TEXAS DEPARTMENT OF INSURANCE

**Name and Address of Sender**  
 Texas Dept of Insurance  
 Mail Code 110-1A  
 333 Guadalupe St  
 Austin TX 78701  
 Mary Ruiz  
 April 8, 2020

**Check type of mail or service**

Adult Signature Required  
 Adult Signature Restricted Delivery  
 Certified Mail  
 Certified Mail Restricted  
 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**  
 WHITE/19853

**Address (Name, Street, City, State, & Zip Code)**  
 MARIO ALBERTO ESPINOZA  
 [REDACTED]  
 LAREDO, TEXAS 78046

**Affix Stamp Here**  
 (If issued as an international certificate of mailing or for additional copies of this receipt), Postmark with Date of Receipt

2020-6457



*[Handwritten signature]*

Postage	(Extra Service) Fee	Handling Charge	Actual Value if Registered	Insured Value	Dis. Sender if COD	ASR Fee	ASRD Fee	RD Fee	RR Fee	SC Fee	SCRD Fee
			over \$50,000 in value								
						Adult Signature	Adult Signature Restricted	Restricted Delivery	Return Receipt	Signature Confirmation	Signature Confirmation Restricted Delivery
						Special Handling					



OFFICIAL BUSINESS  
 STATE OF TEXAS  
 PENALTY FOR PRIVATE USE

neopost # 04JUN2020  
 ZIP 78701  
 04JUN12252405  
 US POSTAGE \$001.50

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

Exhibit C

Firm Mailing Book For Accountable Mail



**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: 04/08/2020  
 Shipped From:  
 Name: MC 110-1A M RUIZ  
 Address: 333 GUADALIPE 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 0021 4054 94



WHITE/19853



Firm Mailing Book For Accountable Mail

2020-6457

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 8310 6239 84

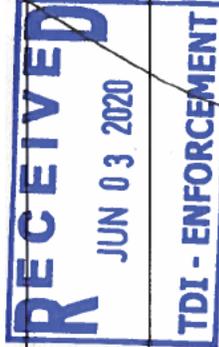
WHITE/19853

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

MARIO ALBERTO ESPINOZA [REDACTED] LAREDO TX 78046

Affix Stamp Here  
(if issued as an international certificate of mailing or 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
0.50	3.55	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



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

Postmaster, Per (Name of receiving employee)

Complete in Ink