

No. **3842**

**OFFICIAL ORDER
of the
TEXAS COMMISSIONER OF INSURANCE**

Date: FEB 27 2015

Subject Considered:

VICTORIA E. HERNANDEZ
6968 Clarkridge Dr., Apt. 603
Dallas, TX 75236-5804

CONSENT ORDER
SOAH DOCKET NO. 454-14-1641.C
TDI ENFORCEMENT FILE NO. 565

General remarks and official action taken:

The commissioner of insurance considers whether disciplinary action should be taken against Victoria E. Hernandez.

Waiver

Hernandez acknowledges that the Texas Insurance Code and other applicable law provide certain rights relating to the subject matter of any disciplinary proceeding and how it is conducted. Hernandez waives all of these rights in consideration of the entry of this consent order.

Findings of Fact

1. Hernandez, individual identification no. 826955, holds a limited lines license originally issued by the Texas Department of Insurance January 26, 2009.
2. In May 2011, Hernandez accepted a cash premium payment of \$282.50 from an insured, but mistakenly did not timely remit the payment to the insurer. The policy canceled due to lack of payment. The consumer's car was damaged due to hail May 24, 2011. On December 5, 2012, Hernandez reimbursed the consumer in full.
3. On March 24, 2008, Hernandez filed documentation with the Dallas County Clerk's office that she was engaging in business using the assumed name of Imperial Insurance Services. Department records show Hernandez did not register her business trade style with TDI until February 3, 2015.

Conclusions of Law

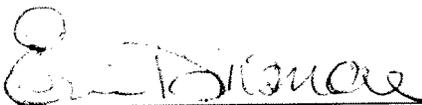
1. The commissioner has jurisdiction pursuant to TEX. INS. CODE §§ 82.051-82.054, 4001.002, 4005.101, 4005.102, 4051.101 and 4054.101; and TEX. GOV'T CODE §§ 2001.051-2001.178.
2. The commissioner has the authority to dispose of this case informally pursuant to TEX. GOV'T CODE § 2001.056; TEX. INS. CODE §§ 36.104 and 82.055; and 28 TEX. ADMIN. CODE § 1.47.
3. Pursuant to TEX. INS. CODE §§ 4005.101 and 4005.102, the commissioner may take disciplinary action against Hernandez because she has misappropriated or converted monies belonging to an insurer.
4. Hernandez violated 28 TEX. ADMIN. CODE § 19.902 by failing to furnish the department with a certification identifying any and all offices from which she conducted an insurance agency business, or any and all assumed names which she utilized in doing an insurance agency business at each of those offices.

The commissioner orders Victoria E. Hernandez to pay a \$1,000 administrative penalty within 30 days from the date of this order. The administrative penalty must be paid by cashier's check or money order made payable to the "State of Texas." Mail the administrative penalty to Texas Department of Insurance, Attn: Enforcement Section, Division 40111, MC 9999, P.O. Box 149104, Austin, Texas 78714-9104.



David C. Mattax
Commissioner of Insurance

For the Staff:



Erin Dinsmore, Staff Attorney

3842

Commissioner's Order
Victoria E. Hernandez
Page 3 of 3

Affidavit

STATE OF TEXAS

§

COUNTY OF DALLAS

§

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

"My name is Victoria E. Hernandez. I am of sound mind, capable of making this statement, and have personal knowledge of these facts which are true and correct.

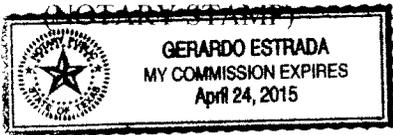
I waive rights provided by the Texas Insurance Code and other applicable law and acknowledge the jurisdiction of the commissioner.

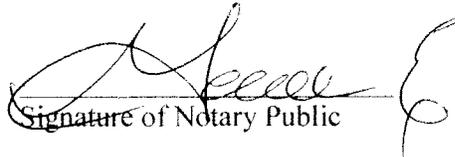
I have knowingly and voluntarily entered into the foregoing consent order and agree with and consent to the issuance and service of the same by the commissioner of insurance of the state of Texas."



Affiant

SWORN TO AND SUBSCRIBED before me on Feb 06, 2015.





Signature of Notary Public