

No. 2016- 4873

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

Date: DEC 29 2016

Subject Considered:

ROSALINDA GONZALES MARTINEZ
P.O. Box 703
Mathis, Texas 78368

DEFAULT ORDER
SOAH DOCKET NO. 454-17-1143.C
TDI ENFORCEMENT FILE NO. 10112

General remarks and official action taken:

The commissioner of insurance considers disciplinary action against Rosalinda Gonzales Martinez.

FINDINGS OF FACT

The commissioner makes the following findings of fact:

1. Martinez holds a general lines agent license with a life, accident, and health qualification, originally issued by TDI on May 20, 2013.
2. Martinez also holds a county mutual agent license, originally issued by TDI on May 22, 2013.
3. On November 10, 2016, the department sent a notice of hearing to Martinez's last known address provided in writing to the department, P.O. Box 703, Mathis, Texas 78368, and three additional addresses: 902 W. Rockport Street, Mathis, Texas, 78368; 5725 Spid, Corpus Christi, Texas 78412; and 303 N. Lee, Mathis, Texas 78368.
4. Martinez failed to file a written response to the notice of hearing within 20 days of the date the notice of hearing was mailed.
5. Martinez was appointed by Reliable Life Insurance Company from February 2013, through August 2015.
6. According to Reliable records, Martinez collected approximately \$3,960.00 in cash premium payments from policyholders and failed to remit those premiums to Reliable. Reliable applied Martinez's bond in the amount of \$2,749.13, reducing the amount owed to Reliable to \$1,210.87.
7. Martinez misappropriated and converted the collected insurance premiums for her own use and benefit.

8. Reliable cancelled Martinez's appointment on August 12, 2015.
9. On January 14, 2016, TDI sent Martinez a request for information pursuant to TEX. INS. CODE § 38.001, which required Martinez to respond in writing not later than the 15th day after Martinez received the request. Martinez failed to respond.
10. On February 1, 2016, TDI sent Martinez a request for information pursuant to TEX. INS. CODE § 38.001, which required Martinez to respond in writing not later than the 15th day after Martinez received the request. Martinez failed to respond.
11. On March 8, 2016, TDI sent Martinez a request for information pursuant to TEX. INS. CODE § 38.001, which required Martinez to respond in writing not later than the 15th day after Martinez received the request. Martinez failed to respond.

CONCLUSIONS OF LAW

The commissioner makes the following conclusions of law:

1. The commissioner has jurisdiction over this matter pursuant to TEX. INS. CODE §§ 82.051-82.055, 4001.002, 4005.101, 4005.102, 4051.201, 4054.051, and TEX. GOV'T CODE §§ 2001.051-2001.178.
2. TEX. GOV'T CODE § 2001.056; TEX. INS. CODE § 82.055; and 28 TEX. ADMIN. CODE §§ 1.47, 1.88, and 1.89 give the commissioner authority to dispose of this case informally.
3. Based on 28 TEX. ADMIN. CODE § 19.906, Martinez's last known address is presumed to be P.O. Box 703, Mathis, Texas 78368.
4. The department sent a notice of hearing to Martinez's last known address, as required by 28 TEX. ADMIN. CODE §§ 1.28(c) and 1.88(c), 1 TEX. ADMIN. CODE § 155.401, and TEX. GOV'T CODE Ch. 2001.
5. The department's allegations in the notice of hearing, set out herein as findings of fact nos. 1-2 and 5-11, are deemed admitted as true pursuant to 28 TEX. ADMIN. CODE § 1.89.
6. Martinez has committed acts for which a license holder may be disciplined under TEX. INS. CODE § 4005.101, as contemplated in TEX. INS. CODE § 4005.102.
7. Martinez has willfully violated an insurance law of this state, pursuant to TEX. INS. CODE § 4005.101(b)(1).
8. Martinez has misappropriated, converted to her own use, or illegally withheld money belonging to an insured, insurer, or beneficiary, in violation of TEX. INS. CODE § 4005.101(b)(4).
9. Martinez has engaged in fraudulent or dishonest acts or practices, in violation of TEX. INS. CODE § 4005.101(b)(5).

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COMMISSIONER'S ORDER

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10. Martinez failed to respond to a department inquiry in writing not later than the 15th day after the date she received the inquiry, in violation of TEX. INS. CODE § 38.001.

The commissioner of insurance revokes Rosalinda Gonzales Martinez's general lines agent license with a life, accident, and health qualification and county mutual agent license.

The commissioner orders Martinez to pay \$1,210.87 in restitution to Reliable Life Insurance Company within 30 days from the date of this order. Martinez must send written proof of payment of restitution in full to the Texas Department of Insurance, Attn: Catherine Bell, or her successor, Enforcement Section, MC 110-1A, P.O. Box 149104, Austin, TX 78714-9104, within 30 days from the date of this order.



David C. Mattax

Commissioner of Insurance

