

No. 2017- 4936

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

Date: FEB 15 2017

Subject Considered:

JOSE ROLANDO ORELLANA
12707 Murphy Road #71
Stafford, Texas 77477

DEFAULT ORDER
SOAH DOCKET NO. 454-17-1643.C
TDI ENFORCEMENT FILE NO. 11513

General remarks and official action taken:

The commissioner of insurance considers disciplinary action against Jose Rolando Orellana.

FINDINGS OF FACT

The commissioner makes the following findings of fact:

1. Jose Rolando Orellana, individual identification no. 1207826, holds a general lines agent license with a property and casualty qualification, originally issued by TDI on November 13, 2013.
2. On December 13, 2016, the department sent a notice of hearing to Orellana's last known address provided in writing to the department, 12707 Murphy Road #71, Stafford, Texas 77477, and three additional addresses: 12709 Beechnut Street #130, Houston, Texas 77072; 9802 Forum Park Drive #3137, Houston, Texas 77036; and 115 North College, Rosebud, Texas 76570.
3. Orellana failed to file a written response to the notice of hearing within 20 days of the date the notice of hearing was mailed.
4. Orellana was appointed by Allstate Insurance Company from November 2013, through June 2016.
5. Orellana collected approximately \$18,032.92 from 30 Allstate policyholders and failed to forward the collected premiums to Allstate.
6. Orellana misappropriated and converted the collected insurance premiums for his own use and benefit.
7. Allstate cancelled Orellana's appointment on June 1, 2016.

8. In September 2016, Orellana was indicated by a grand jury in Harris County, Texas, for the felony offense of aggregate theft.

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, 4051.051, 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, Orellana's last known address is presumed to be 12707 Murphy Road #71, Stafford, Texas 77477.
4. The department sent a notice of hearing to Orellana'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 and 4-8, are deemed admitted as true pursuant to 28 TEX. ADMIN. CODE § 1.89.
6. Orellana 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. Orellana has willfully violated an insurance law of this state, pursuant to TEX. INS. CODE § 4005.101(b)(1).
8. Orellana has misappropriated, converted to his own use, or illegally withheld money belonging to an insured, insurer, or beneficiary, in violation of TEX. INS. CODE § 4005.101(b)(4).
9. Orellana has engaged in fraudulent or dishonest acts or practices, in violation of TEX. INS. CODE § 4005.101(b)(5).

The commissioner of insurance revokes Jose Rolando Orellana's general lines agent license with a property and casualty qualification.

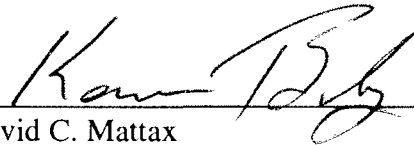
2017-4936

COMMISSIONER'S ORDER

Jose Rolando Orellana

Page 3 of 4

The commissioner further orders Orellana to pay \$18,032.92 in restitution to Allstate Insurance Company within 30 days from the date of this order. Orellana 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 45 days from the date of this order.



David C. Mattax
Commissioner of Insurance

By: Kevin Brady

Delegation Order 4506

Affidavit

STATE OF TEXAS

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COUNTY OF TRAVIS

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

"My name is Judy Lopez 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.

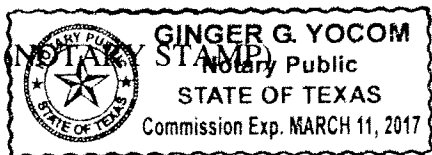
I have reviewed TDI's records concerning Jose Rolando Orellana. I have confirmed that:

- a. The last mailing address provided to the department by Jose Rolando Orellana in writing is 12707 Murphy Road #71, Stafford, Texas 77477.
- b. The file maintained by the Enforcement Section of the Compliance Division contains a notice of hearing dated December 13, 2016, filed with the State Office of Administrative Hearings.
- c. Certified letters, return receipts requested, each containing a notice of hearing, were sent to Orellana's last known address, and three additional addresses: 12709 Beechnut Street #130, Houston, Texas 77072; 9802 Forum Park Drive #3137, Houston, Texas 77036; and 115 North College, Rosebud, Texas 76570.

A copy of the certified mail log maintained by the Enforcement Section is attached as Exhibit A."

Judy Lopez
Affiant

SWORN TO AND SUBSCRIBED before me on February 4, 2017



Notary without Bond

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Signature of Notary Public

