

No. 2018 - 5456

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

**Date: APR 04 2018**

**Subject Considered:**

JUANA MARIA LUA  
16909 Stockton Drive  
Leander, Texas 78641

**DEFAULT ORDER**  
SOAH DOCKET NO. 454-18-0479.C  
TDI ENFORCEMENT FILE NO. 13298

**General remarks and official action taken:**

The subject of this order is whether disciplinary action should be taken against Juana Maria Lua (Lua).

**FINDINGS OF FACT**

**Licensure**

1. Lua, individual identification no. 434381, previously held a general lines agent license with a property and casualty qualification originally issued by the Texas Department of Insurance on March 6, 2002. Lua also attained a life, accident, and health qualification for her general lines agent license on January 9, 2003.
2. Lua's general lines agent license expired on October 1, 2017.

**Failure to Comply with Commissioner's Order**

3. On June 30, 2016, the commissioner issued order no. 4553 against Lua for misappropriating, converting to Lua's own use, or illegally withholding money belonging to an insurer; engaging in fraudulent or dishonest practices; and failing to complete the required number of continuing education hours during the 2010 to 2012 and 2012 to 2014 reporting periods.
4. Order no. 4553 ordered Lua to pay \$546.50 in restitution and imposed a \$2,500 administrative penalty in lieu of revocation of Lua's license. The administrative penalty was due by December 30, 2016.

5. Lua failed to pay the \$2,500 administrative penalty within six months from the date of the order, in violation of TEX. INS. CODE § 82.054.
6. On February 8, 2017, the department received a partial payment of \$800 towards the \$2,500 administrative penalty assessed. This partial payment was overdue; it was made more than six months from the date of the order.
7. Also on February 8, 2017, the department received a second partial payment of \$1,700. This amount would have satisfied the overdue administrative penalty; however, the bank returned the \$1,700 check to the department because Lua's account did not have sufficient funds.
8. The department sent Lua a letter, mailed first class and certified mail, return receipt requested, informing Lua that the bank returned the \$1,700 check for non-sufficient funds. The letter further instructed Lua to send two separate money orders or cashier's checks for the outstanding balance due. Lua owes \$1,730—the balance remaining on the administrative penalty of \$1,700 and the returned check fee of \$30. This letter was mailed to Lua prior to the inception of the present enforcement action. Lua failed to respond to the department.

#### **Failure to Respond to Notice of Hearing**

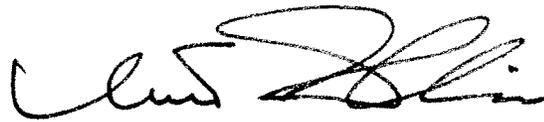
9. On October 10, 2017, the department sent a notice of hearing to Lua's last known address provided in writing to the department, 16909 Stockton Drive, Leander, Texas 78641, and one additional address: 6200 Bridge Point Parkway, Suite 300, Austin, Texas, 78730.
10. Lua failed to file a written response to the notice of hearing within 20 days of the date the notice of hearing was mailed.

#### **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 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. Pursuant to 28 TEX. ADMIN. CODE § 19.906, Lua's last known address is presumed to be 16909 Stockton Drive, Leander, Texas 78641.
4. The department sent a notice of hearing to Lua'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. The department also sent a notice of hearing to one additional address: 6200 Bridge Point Parkway, Suite 300, Austin, Texas 78730.
5. The department's allegations in the notice of hearing, set out herein as findings of fact nos. 1-8, are deemed admitted as true pursuant to 28 TEX. ADMIN. CODE § 1.89.

6. Lua has committed acts for which a license holder may be disciplined under TEX. INS. CODE § 4005.101, as contemplated by TEX. INS. CODE § 4005.102.
7. Lua has willfully violated an insurance law of this state, pursuant to TEX. INS. CODE § 4005.101(b)(1).
8. Lua violated TEX. INS. CODE § 82.054 by failing to comply with order no. 4553 issued by the commissioner of insurance.
9. Pursuant to TEX. INS. CODE § 4005.107, the department may institute a disciplinary proceeding against a former license holder for conduct committed before the effective date of an automatic forfeiture of the license, and the fact that the license holder has forfeited the license does not affect the former license holder's culpability for the conduct.

It is ordered that Juana Maria Lua's general lines agent license with a property and casualty qualification, and a life, accident, and health qualification is revoked.



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Kent C. Sullivan  
Commissioner of Insurance



2018-5456

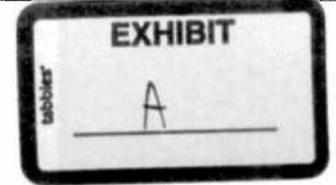
**Name and Address of Sender**  
 Texas Dept of Insurance  
 Mail Code 110-1A  
 333 Guadalupe St  
 Austin TX 78701  
 October 10, 2017  
 Judy Lopez

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

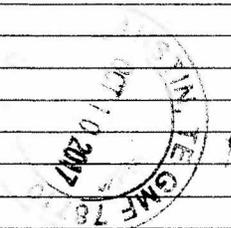
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 Signature Confirmation Restricted Delivery

Firm Mailing Book For Accountable Mail



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	(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
Mazza	Juana Maria Lua 16909 Stockton Drive Leander, Texas 78641	46												
Mazza	Juana Maria Lua 6200 Bridge Point Parkway, Suite 300 Austin, Texas 78730	1												
<p>Value of and over \$50,000 in value</p> <p>OFFICIAL BUSINESS STATE OF TEXAS PENALTY FOR PRIVATE USE</p> <p>POSTAGE \$002.70</p> <p>40-750</p> <p>10/10/17</p> <p>Adult Signature          Adult Signature Restrict          Restricted Delivel          Return Receipt          Signature Confirmation          Signature Confirmation Restricted Delivery          Special Handlings</p>														



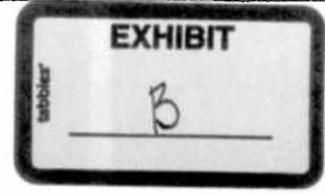
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Name and Address of Sender  
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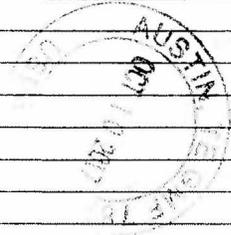
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 Adult Signature Restricted Delivery  
 Certified Mail  
 Certified Mail Restricted  
 Collect on Delivery (COD)  
 Insured Mail  
 Priority Mail

Priority Mail Express  
 Registered Mail  
 Return Receipt for Merchandise  
 Signature Confirmation  
 Signature Confirmation Restricted Delivery



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	(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
Mazza 7014 2120 0002 6568 5935	Juana Maria Lua 16909 Stockton Drive Leander, Texas 78641	4.60	335								275			
Ecase #13298 - Notice of Hearing Mazza 7014 2120 0002 6568 5959	Juana Maria Lua 6200 Bridge Point Parkway, Suite 300 Austin, Texas 78730	4.60	335	Handling Charge if Registered and over \$50,000 in value							275			
								Adult Signature Required	Adult Signature Restricted Delivery	Restricted Delivery	Return Receipt	Signature Confirmation	Signature Confirmation Restricted Delivery	Special Handling



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