

No. 2019 - 5944

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

Date: APR 2 5 2019

Subject Considered:

Casey Cisco Saldana
2401 Manor Rd.
Apt. 106
Austin, Texas 78722-2012

Default Order
SOAH Docket No. 454-19-3349.C
TDI Enforcement File No. 13849

General remarks and official action taken:

The subject of this order is whether disciplinary action should be taken against Casey Cisco Saldana (Respondent).

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

Findings of Fact

Failure to Respond to Notice of Hearing

1. On March 11, 2019, the Texas Department of Insurance filed a Notice of Hearing, attached as Exhibit A, with the State Office of Administrative Hearings.
2. The department's factual allegations set out in the attached Notice of Hearing are incorporated in this order as findings of fact.
3. The department sent the Notice of Hearing to Respondent's last known address provided in writing to the department, 2401 Manor Rd., Apt. 106, Austin, Texas 78722-2012. Notice was also sent to an additional address associated with Respondent: 4032 E. Southcross Blvd., Apt. 2506, San Antonio, Texas 78222-3619.

4. Respondent 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

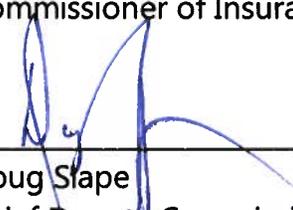
1. The commissioner has jurisdiction pursuant to Texas law, including TEX. INS. CODE §§ 82.051-82.055, 4001.002, 4005.101, 4005.102, and 4051.051, and TEX. GOV'T CODE §§ 2001.051-2001.178.
2. The commissioner has authority to dispose of this case informally pursuant to TEX. GOV'T CODE § 2001.056; TEX. 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 are incorporated in this order and deemed admitted as true pursuant to 28 TEX. ADMIN. CODE § 1.89.
6. A copy of this order will be provided to law enforcement and other appropriate administrative agencies for further investigation as may be warranted.

Order

It is ordered that Casey Cisco Saldana's License Type license is revoked.

Kent C. Sullivan
Commissioner of Insurance

By: _____


Doug Slape
Chief Deputy Commissioner

Commissioner's Order No. 2018-5528

2019- 5944

Commissioner's Order

Casey Cisco Saldana

SOAH Docket No. 454-19-3349.C

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Prepared and reviewed by:

A handwritten signature in black ink that reads "Erin Dinsmore". The signature is written in a cursive style with a horizontal line underneath it.

Erin Dinsmore, Staff Attorney

Enforcement Section

2019- 5944

**SOAH DOCKET NO. 454-19-3349.C
TDI ENFORCEMENT FILE NO. 13849**

TEXAS DEPARTMENT OF INSURANCE,

Petitioner

v.

CASEY CISCO SALDANA,

Respondent

BEFORE THE STATE OFFICE

OF

ADMINISTRATIVE HEARINGS

Notice of Hearing

The Texas Department of Insurance is seeking disciplinary action against you. A public hearing will be held before an Administrative Law Judge on Wednesday, June 5, 2019, 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.

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, OR IN PRINTED FORMAT UPON REQUEST TO SOAH.

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 TEX. GOV'T CODE §§ 2001.051-2001.178.

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.



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, IMPOSITION OF ADMINISTRATIVE PENALTIES, AND PAYMENT OF RESTITUTION, 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, IMPOSITION OF ADMINISTRATIVE PENALTIES, AND PAYMENT OF RESTITUTION, 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, MC113-2A
P.O. Box 149104
Austin, Texas 78714-9104
(512) 490-1064 (Fax)
chiefclerk@tdi.texas.gov; and
- (3) Erin Dinsmore
Staff Attorney
Texas Department of Insurance
Enforcement Section, MC110-1A
P.O. Box 149104

Austin, Texas 78714-9104
(512) 490-1020 (Fax)
Erin.Dinsmore@tdi.texas.gov.

Factual Allegations

Licensure

1. Casey Cisco Saldana (Saldana) holds a general lines property and casualty license, originally issued by the Texas Department of Insurance (TDI) on August 10, 2004.

Misappropriation of Premiums

2. On June 29, 2015, policyholder B.V. paid Saldana \$1,197.36 in premiums for an Allstate insurance policy. Saldana reported to Allstate that B.V. made two cash payments on July 11, totaling \$460. Saldana never applied the additional \$737.36 that he received to B.V.'s policy.
3. On August 5, 2015, policyholder K.B. wrote to Saldana's employer because he had received a notice from Allstate this his policy had been canceled due to lack of payment. K.B. had paid four monthly installments of \$145, totaling \$580, to Saldana in cash that he had not applied to K.B.'s account.
4. On June 22, 2017, Allstate Insurance Company notified TDI that it had canceled Saldana's appointment due to theft of premiums.

Licensure Requirements

5. Saldana failed to complete the required hours of continuing education for his January 31, 2017, to January 30, 2019, review period.
6. Saldana failed to renew his license before its expiration date of January 31, 2019. However, Texas insurance law affords him 90 days after the expiration date to submit the renewal, thereby affording him the opportunity to renew until May 1, 2019.
7. TDI maintains jurisdiction to discipline Saldana after May 1, 2019, for conduct committed before the expiration of his license.

Legal Allegations

1. Saldana willfully violated an insurance law of this state, in violation of TEX. INS. CODE § 4005.101(b)(1).
2. Saldana misappropriated, converted to his own use, or illegally withheld money belonging to an insurer, insured, or beneficiary, in violation of TEX. INS. CODE § 4005.101(b)(4).
3. Saldana engaged in fraudulent or dishonest acts or practices, in violation of TEX. INS. CODE § 4005.101(b)(5).
4. Saldana failed to complete the required number of continuing education hours during the 2017 through 2019 reporting period, in violation of TEX. INS. CODE §§ 4004.051, 4004.053, and 4004.054.
5. Saldana has 90 days after his license's expiration date of January 31, 2019, to file a renewal application, according to TEX. INS. CODE § 4003.007.
6. TDI retains jurisdiction to take disciplinary action against a former license holder for conduct committed before the effective date of an automatic forfeiture of the license, according to TEX. INS. CODE § 4005.107.

Relief Sought

If one or more of the above allegations is found to be true, the commissioner may enter an order revoking your license, imposing an administrative penalty, requiring the payment of restitution, and additional sanctions. You have the right to appear at this hearing and to be represented by an attorney. Please address any questions and correspondence to the undersigned counsel at the address or telephone number below.

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.

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Notice of Hearing
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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.

Sincerely,



Erin Dinsmore
Staff Attorney
State Bar No. 24059685
Texas Department of Insurance
Legal and Enforcement Division - Enforcement Section, MC110-1A
P.O. Box 149104
Austin, Texas 78714-9104
(512) 676-6339 (Direct)
(512) 490-1020 (Fax)
Erin.Dinsmore@tdi.texas.gov

cc: Leah Gillum, Associate Commissioner, Enforcement Section, MC-110-1A
Beverly Rosendahl, Director, Life Health Litigation Office, Enforcement Section, MC-110-1A
Administrative Review, MC107-1A

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Notice of Hearing

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Certificate of Service

I, Erin Dinsmore, certify that a true and correct copy of this *Notice of Hearing* was sent by regular, first-class mail and by certified mail, return receipt requested, on this 11th day of March, 2019 to:

Casey Saldana
2401 Manor Rd.
Apt. 106
Austin, TX 78722-2012

Via CM/RRR No.: 9214 8901 9403 8379 9583 00

Casey Saldana
4032 E. Southcross Blvd.
Apt. 2506
San Antonio, TX 78222-3619

Via CM/RRR No.: 9214 8901 9403 8379 9583 55



Erin Dinsmore



Firm Mailing Book For Accountable Mail

2019-5944

Name and Address of Sender
MC 110-1A M RUIZ
Texas Department of Insurance
333 Guadalupe St
Austin Tx 78701

USPS Tracking/Article Number

1. 9214 8901 9403 8379 9583 00
dinsmore/13849

2. 9214 8901 9403 8379 9583 55

- 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

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

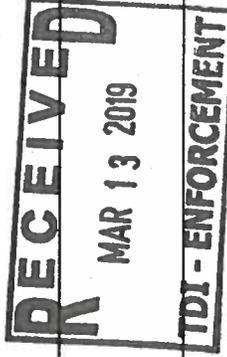
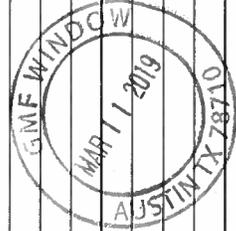
CASEY SALDANA 2401 MANOR RD APT 106 AUSTIN TX 78722-2012

CASEY SALDANA 4032 E SOUTHCROSS BLVD APT 2506 SAN ANTONIO TX 78222-3819

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
0.70	3.50							1.60			
0.70	3.50							1.60			
					Adult Signature Required	Adult Signature Restricted Delivery	Restricted Delivery	Return Receipt	Signature Confirmation	Signature Confirmation Restricted Delivery	Special Handling

Handling Charge - If Registered and over \$50,000 in value



Total Number of Pieces Listed by Sender: 2

Total Number of Pieces Received at Post Office: 2

Postmaster, Per (Name of receiving employee): *[Signature]*

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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: 03/11/2019
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	2
Total	2

*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 0013 1904 45

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