

No. 2020 - 6267

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

Date: FEB 27 2020

Subject Considered:

Tiffany Mashai Davila
420 Dogwood St
Springtown, TX 76082

Default Order
SOAH Docket No. 454-20-1683.C
TDI Enforcement File No. 18613

General remarks and official action taken:

This is a default order taken against Tiffany Mashai Davila (Respondent). Respondent engaged in fraudulent or dishonest acts or practices, as contemplated by TEX. INS. CODE § 4005.101(b)(5); and has no appointments as required under TEX. INS. CODE §§ 4001.104(a)(1), 4001.201. Respondent did not respond to a Notice of Hearing filed by the Texas Department of Insurance. This order revokes Respondents' license.

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

Findings of Fact

Failure to Respond to Notice of Hearing

1. On December 19, 2019, the department filed a Notice of Hearing, attached as Exhibit A, and an Original Petition, attached as Exhibit B, with the State Office of Administrative Hearings.
2. The department's factual allegations set out in the attached Notice of Hearing and Original Petition are incorporated in this order as findings of fact.

3. The department sent the Notice of Hearing and Original Petition to Respondent's last known address provided in writing to the department, 420 Dogwood St, Springtown, TX 76082.
4. Respondent failed to file a written response to the Notice of Hearing within 20 days of the date the Notice of Hearing and Original Petition were mailed.

Conclusions of Law

1. The commissioner has jurisdiction pursuant to Texas law, including TEX. INS. CODE §§ 82.051-82.055, 4001.002, 4001.104, 4001.201, 4005.101, 4005.102, and 4051.051; TEX. OCC. CODE §§ 53.021-53.023; 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 and Original Petition are incorporated in this order and deemed admitted as true pursuant to 28 TEX. ADMIN. CODE § 1.89.

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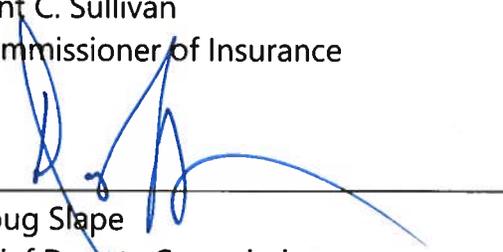
Commissioner's Order
Tiffany Mashai Davila
SOAH Docket No. 454-20-1683.C
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Order

It is ordered that Tiffany Mashai Davila's License general lines license is revoked. A copy of this order will be provided to law enforcement and/or other appropriate administrative agencies for further investigation as may be warranted.

Kent C. Sullivan
Commissioner of Insurance

By: _____


Doug Slape
Chief Deputy Commissioner
Commissioner's Order No. 2018-5528

Prepared and reviewed by:



Nancy Williams, Staff Attorney
Enforcement Division

2020 - 6267

SOAH DOCKET NO. 454-20-1683.C
TDI ENFORCEMENT FILE NO. 18613

TEXAS DEPARTMENT OF INSURANCE,

Petitioner

v.

TIFFANY MASHAI DAVILA,

Respondent

BEFORE THE STATE OFFICE

OF

ADMINISTRATIVE HEARINGS

NOTICE OF HEARING

The Texas Department of Insurance seeks to take disciplinary action against you. This Notice of Hearing and the Original Petition, which is attached and incorporated for all purposes, states the allegations against you and the relief sought by the Department.

A public hearing will be held before an Administrative Law Judge on **Monday, March 16, 2020, 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. You have the right to appear at this hearing and to be represented by an attorney.

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.

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, ISSUANCE OF A CEASE AND DESIST ORDER, IMPOSITION OF ADMINISTRATIVE PENALTIES, AND/OR 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, ISSUANCE OF A CEASE AND DESIST ORDER, IMPOSITION OF ADMINISTRATIVE PENALTIES, AND/OR 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
P.O. Box 149104, MC112-2A
Austin, Texas 78714-9104
(512) 490-1064 (Fax)
chiefclerk@tdi.texas.gov; and
- (3) Nancy Williams, Staff Attorney
Texas Department of Insurance
Enforcement Division, MC110-1A
P.O. Box 149104

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Notice of Hearing

Davila, Tiffany Mashai

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

Receiving Documents

The State Office of Administrative Hearings (SOAH) offers you the ability to receive service of orders and other documents issued by SOAH through email instead of by mail or fax. If you want to receive SOAH-issued documents by email, go to SOAH's website, www.soah.texas.gov, click on the "E-Services" tab, then click the "Email Service" hyperlink, and follow the instructions.

NOTE: A request to receive SOAH-issued documents by email does not change the procedures you must follow to file documents with SOAH. The rules for filing documents and providing copies to all other parties in the case are described in SOAH's Procedural Rules, which are available on SOAH's website. Click the "Agency" tab, then click "Administrative Rules and Laws" to view SOAH's Procedural Rules.

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. 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.

Affidavit

STATE OF TEXAS §
 §
COUNTY OF TRAVIS §

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

"My name is Mary Ruiz 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 Tiffany Mashai Davila. I have confirmed that:

- a. The last mailing address provided to the department in writing Tiffany Mashai Davila is 420 Dogwood St, Springtown, TX 76082.
- b. The file maintained by the Enforcement Section of the Legal and Enforcement Division contains a Notice of Hearing and Original Petition dated December 19, 2019, which were filed with the State Office of Administrative Hearings.
- c. On December 19, 2019, the Notice of Hearing and Original Petition addressed to Tiffany Mashai Davila were mailed first-class and certified, return receipt requested, to her last known address.

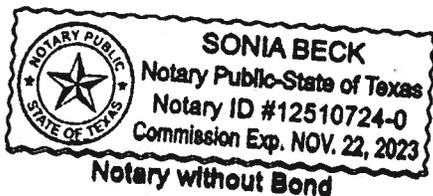
Copies of the first-class mail log and certified mail log maintained by the Enforcement Section are attached as Exhibit C and Exhibit D, respectively."

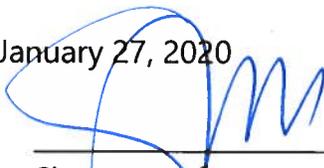


Affiant

SWORN TO AND SUBSCRIBED before me on January 27, 2020

(NOTARY SEAL)





Signature of Notary Public


Printed Name of Notary Public

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Notice of Hearing

Davila, Tiffany Mashai

SOAH Docket No. 454-20-1683.C

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Respectfully Submitted,



Nancy Williams

State Bar No. 24058175

Texas Department of Insurance

Enforcement Division, MC110-1A

P.O. Box 149104

Austin, Texas 78714-9104

(512) 676-6338 (Direct)

(512) 490-1020 (Fax)

nancy.williams@tdi.texas.gov

ATTORNEY FOR THE PETITIONER

TEXAS DEPARTMENT OF INSURANCE

Enclosure: Original Petition

cc: Leah Gillum, Deputy Commissioner, Enforcement Division, MC-110-1A
Mandy Meeseey, Litigation Director, Enforcement Division, MC-110-1A
Administrative Review, MC107-1A

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Notice of Hearing

Davila, Tiffany Mashai

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CERTIFICATE OF SERVICE

I, Nancy Williams, certify that a true and correct copy of the *Notice of Hearing and the Original Petition* were sent by regular, first-class mail and by certified mail, return receipt requested, on this 19th day of December, 2019 to:

Tiffany Mashai Davila
420 Dogwood St
Springtown, TX 76082
Respondent Pro Se

Via CM/RRR No.: 9214 8901 9403 8302 8365 07



Nancy Williams

2020- 6267

**SOAH DOCKET NO. 454-20-1683.C
TDI ENFORCEMENT FILE NO. 18613**

TEXAS DEPARTMENT OF INSURANCE,

BEFORE THE STATE OFFICE

Petitioner

v.

OF

TIFFANY MASHAI DAVILA,

ADMINISTRATIVE HEARINGS

Respondent

ORIGINAL PETITION

The Texas Department of Insurance seeks to take disciplinary action against Tiffany Mashai Davila (Davila). In support of this petition, the Department makes the following allegations upon information and belief:

Jurisdiction

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.

Factual Allegations

Licensure

1. Davila, individual identification no. 1574456, was issued a general lines agent license with a property and casualty qualification by TDI on July 20, 2016.

Falsifying a Report of Loss

2. Davila was employed as a Licensed Sales Producer at Rusty Thomas Allstate Agency for a period of about two years between 2016 and 2018.
3. At 2:45 PM on September 13, 2017, Davila was involved in a 3-vehicle crash in which Allstate determined Davila to be at fault. The time of the crash is evidenced in the Texas Peace Officer's Crash Report, Case ID 17-86410.



4. Allstate policy records show collision and comprehensive coverage were initiated on the vehicle Davila was driving, by a co-worker on September 13, 2017 at 2:46 PM and became effective at 2:50 PM. The service request indicated that \$250,000 of collision and comprehensive coverage was added to the vehicle Davila was driving at the time of the crash, but not the other vehicle on the policy.
5. On September 14, 2017, Davila filed Allstate Insurance claim of loss number xxxxxx4090, via the internet claim portal, indicating the crash occurred at 4:00 PM on September 13, 2017.
6. Allstate initiated an investigation, determining Davila attempted to defraud Allstate by falsifying the report of loss regarding the time of the accident.
7. The Allstate investigation found that Davila contacted her co-worker to add additional coverage after the September 13, 2017 accident occurred.
8. Davila's vehicle was determined to be a total loss. No payment was issued to Davila; however, payment was made to others involved for both property damage and bodily injury.
9. On June 18, 2018, TDI received notice from the Allstate compliance department that Davila had been terminated for cause from all eight of its companies. Allstate indicated the "for-cause" terminations were a result of Davila's attempt to defraud Allstate on September 14, 2017.
10. As a result of the Allstate investigation, Rusty Thomas terminated both Davila and the co-worker who initiated the policy. Davila currently has no appointments with any agencies.
11. On April 18, 2019, the TDI sent an inquiry regarding the matter to Davila, indicating the statutory requirement for a written response. On May 14, 2019, a second letter was sent by certified mail. Davila responded on June 6, 2019 stating the initial inquiry had gone to her spam folder and asked for more time. On August 29, 2019, TDI attempted to call the mobile number Davila listed with the Department and was told that it was the wrong number. Subsequent attempts by TDI to coordinate a hearing date have been unsuccessful.

Legal Allegations

1. Davila has engaged in fraudulent or dishonest acts or practices, as contemplated by TEX. INS. CODE § 4005.101(b)(5).
2. Davila has no appointments to act as an agent by an insurer since her June 18, 2018 termination for cause by Allstate, thereby rendering her unable to be actively engaged in the business of insured as required under TEX. INS. CODE §§ 4001.104(a)(1) and 4001.201.
3. Davila failed to respond to TDI inquiries in a timely manner as required under TEX. INS. CODE § 38.001(c).

Relief Sought

If one or more of the above allegations is found to be true, the Department asks the Administrative Law Judge to enter a Proposal for Decision recommending that the Commissioner of Insurance issue an order:

1. revoking Davila's license; and
2. any other just and appropriate relief to which the Department may be entitled to by law.

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Original Petition
Davila 18613
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Respectfully Submitted,



Nancy Williams
State Bar No. 24058175
Texas Department of Insurance
Enforcement Division, MC110-1A
P.O. Box 149104
Austin, Texas 78714-9104
(512) 676-6338 (Direct)
(512) 490-1020 (Fax)
nancy.williams@tdi.texas.gov

ATTORNEY FOR THE PETITIONER
TEXAS DEPARTMENT OF INSURANCE



Firm Mailing Book For Accountable Mail

Name and Address of Sender

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

Affix Stamp Here
(if issued as an international
certificate of mailing or for
additional copies of this receipt).
Postmark with Date of Receipt.

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

USPS Tracking/Article Number

1. 9214 8901 9403 8302 8365 07

WILLIAMS/18613

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

TIFFANY MASHAI DAVILA 420 DOGWOOD ST SPRINGTOWN TX 76082

Postage

1.30

Insured Value

Actual Value if Registered

Handling Charge

(Extra Service) Fee

Due Sender if COD

ASR Fee

ASRD Fee

RD Fee

RR Fee

SC Fee

SCRD Fee

SH Fee

1.60

Adult Signature Restricted Delivery

Adult Signature Required

Restricted Delivery

Return Receipt

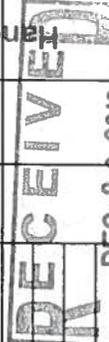
Signature Confirmation

Signature Confirmation Restricted Delivery

Special Handling

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



Postmaster, Per. (Name of receiving employee)

Total Number of Pieces Received at Post Office

April 2015 (Page 1 of 1)

Complete in Ink

Privacy-Notice: For more information on USPS privacy policies, visit usps.com/privacypolicy.



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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: 12/19/2019

Shipped From:

Name: MC 110-1A M RUIZ

Address: 333 GUADALUPE 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	1
Total	1

*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 0019 1126 63

WILLIAMS/18613

