

No. 2020- 6298

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

Date: MAR 25 2020

Subject Considered:

Gladis Beltran Hernandez
21807 Prairie Spring Lane
Spring, Texas 77379

Default Order
SOAH Docket No. 454-20-2183.C
TDI Enforcement File No. 17583

General remarks and official action taken:

This is a default order taken against Gladis Beltran Hernandez ("Respondent") because Respondent failed to register the assumed name of her insurance agency and she misappropriated, converted, or illegally withheld money belonging to insurers. Respondent did not respond to a Notice of Hearing filed by the Texas Department of Insurance. This order revokes Respondent's license.

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

Findings of Fact

Failure to Respond to Notice of Hearing

1. On January 23, 2020, 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, 21807 Prairie Spring Lane, Spring, Texas 77379. The Notice of Hearing and Original Petition were also sent to the following five additional addresses, as well as an email address associated with Respondent, gladisbeltranhernandez@gmail.com:

14405 Walters Rd., Ste. 870, Houston, TX 77014
5188 I-45 N 112, Spring, TX 77386
327 Gamewood Dr., Spring, TX 77386
23770 Springwoods Village Pkwy, Apt 370, Spring, TX 77373-5099
25522 Interstate 45, Spring, TX 77386-1349

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 and emailed.

Conclusions of Law

1. The commissioner has jurisdiction pursuant to Texas law, including TEX. INS. CODE §§ 82.051-82.055, 912.251, 4001.002, 4005.101, 4005.102, and 4051.201, 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.

2020- 6298

Commissioner's Order
Gladis Beltran Hernandez
SOAH Docket No. 454-20-2183.C
Page 3 of 5

Order

It is ordered that Gladis Beltran Hernandez's county mutual agent 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:


Anna Kalapach, Staff Attorney
Enforcement Division

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 Gladis Beltran Hernandez. I have confirmed that:


- a. The last mailing address provided to the department in writing by Gladis Beltran Hernandez is 21807 Prairie Spring Lane, Spring, Texas 77379.
- b. The file maintained by the Enforcement Division contains a Notice of Hearing and Original Petition dated January 23, 2020, which were filed with the State Office of Administrative Hearings.
- c. On January 23, 2020, the Notice of Hearing and Original Petition addressed to Gladis Beltran Hernandez were emailed to gladisbeltranhernandez@gmail.com, and also mailed first-class and certified, return receipt requested, to her last known address and the following five additional addresses:

- 14405 Walters Rd., Ste. 870, Houston, TX 77014
- 5188 I-45 N 112, Spring, TX 77386
- 327 Gamewood Dr., Spring, TX 77386
- 23770 Springwoods Village Pkwy, Apt 370, Spring, TX 77373-5099
- 25522 Interstate 45, Spring, TX 77386-1349

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."

2020- 6298


Commissioner's Order
Gladis Beltran Hernandez
SOAH Docket No. 454-20-2183.C
Page 5 of 5



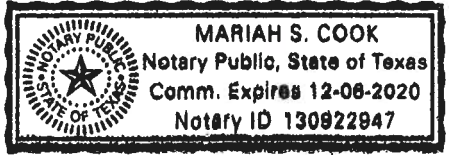
Affiant

SWORN TO AND SUBSCRIBED before me on February 21, 2020.

(NOTARY SEAL)



Signature of Notary Public



MARIAH COOK
Printed Name of Notary Public

SOAH DOCKET NO. 454-20-2183.C
TDI ENFORCEMENT FILE NO. 17583

TEXAS DEPARTMENT OF INSURANCE,

Petitioner

v.

GLADIS BELTRAN HERNANDEZ,

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, April 20, 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.



Notice of Hearing
Gladis Beltran Hernandez
SOAH Docket No. 454-20-2183.C
Page 2 of 5

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, 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, 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) Anna Kalapach, Staff Attorney
Texas Department of Insurance
Enforcement Division, MC110-1A
P.O. Box 149104
Austin, Texas 78714-9104
(512) 490-1020 (Fax)
anna.kalapach@tdi.texas.gov

2020- 6298

Notice of Hearing
Gladis Beltran Hernandez
SOAH Docket No. 454-20-2183.C
Page 3 of 5

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.

2020 - 6298

Notice of Hearing
Gladis Beltran Hernandez
SOAH Docket No. 454-20-2183.C
Page 4 of 5

If you have any questions, please contact me at the address or telephone number shown below.

Respectfully Submitted,



Anna Kalapach
State Bar No. 24083290
Texas Department of Insurance
Enforcement Division, MC110-1A
P.O. Box 149104
Austin, Texas 78714-9104
(512) 676-6326 (Direct)
(512) 490-1020 (Fax)
anna.kalapach@tdi.texas.gov

ATTORNEY FOR THE PETITIONER
TEXAS DEPARTMENT OF INSURANCE

Enclosure: Original Petition

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

2020- 6298

Notice of Hearing
Gladis Beltran Hernandez
SOAH Docket No. 454-20-2183.C
Page 5 of 5

CERTIFICATE OF SERVICE

I, Anna Kalapach, certify that a true and correct copy of the *Notice of Hearing and the Original Petition* were sent by first-class mail and by certified mail, return receipt requested, on this 23rd day of January, 2020 to:

Gladis Beltran Hernandez
14405 Walters Rd., Ste. 870
Houston, TX 77014
Respondent Pro Se

Via CM/RRR No.:
9214 8901 9403 8304 7213 06
Via email at:
gladisbeltranhernandez@gmail.com

21807 Prairie Spring Ln
Spring, TX 77379

Via CM/RRR No.:
9214 8901 9403 8304 7213 51

5188 I-45 N 112
Spring, TX 77386

Via CM/RRR No.:
9214 8901 9403 8304 7213 75

327 Gamewood Dr.
Spring, TX 77386

Via CM/RRR No.:
9214 8901 9403 8304 7216 10

23770 Springwoods Village Pkwy, Apt 370
Spring, TX 77373-5099

Via CM/RRR No.:
9214 8901 9403 8304 7216 65

25522 Interstate 45
Spring, TX 77386-1349

Via CM/RRR No.:
9214 8901 9403 8304 7217 19



Anna Kalapach

SOAH DOCKET NO. 454-20-2183.C
TDI ENFORCEMENT FILE NO. 17583

TEXAS DEPARTMENT OF INSURANCE,

BEFORE THE STATE OFFICE

Petitioner

v.

OF

GLADIS BELTRAN HERNANDEZ,

ADMINISTRATIVE HEARINGS

Respondent

ORIGINAL PETITION

The Texas Department of Insurance seeks to take disciplinary action against Gladis Beltran Hernandez ("Respondent"). 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, 912.251, 4001.002, 4005.101, 4005.102, and 4051.201, and TEX. GOV'T CODE §§ 2001.051-2001.178.

Factual Allegations

Licensure

1. Gladis Beltran Hernandez ("Respondent") was issued a county mutual agent license by the Department on March 9, 2009.
2. Respondent is formerly known as Gladis Catalina Licon and notified the Department of her name change on June 22, 2012.

Unregistered Assumed Name

3. Respondent, under her former name, registered an assumed name in Montgomery County, Texas, for "Servicios Latinos" in 2006 and again in 2014 to provide insurance and income tax services.



4. On or about May 1, 2013, Respondent began working for Select General Agency, LLC ("Select"), a licensed managing general agency which writes insurance for Old American County Mutual Fire Insurance Company. Documents submitted to Select under her former name identified "Servicios Latinos" as the assumed name for her insurance agency, although the name was not registered with the Department.
5. Respondent has not filed an assumed name registration for "Servicios Latinos" with the Department, as required by 28 TEX. ADMIN. CODE § 19.902(a).

Misappropriation, Conversion, or Illegal Withholding of Money Belonging to Insurer

6. An audit conducted by Select identified \$89,624.14 in customer premiums that Respondent collected but failed to pay Select between March 2014 and January 2017.
7. On May 16, 2017, a document titled "Agreed Judgment between Servicios Latinos & Select General Agency, LLC," (the "Agreement") was executed by Respondent and David W. Day, on behalf of the Select, wherein Respondent agreed to repay the entire amount of \$89,624.14 in monthly installments of \$9,958.24 beginning on May 30, 2017.
8. Respondent failed to make any payments to Select pursuant to the Agreement.
9. On June 26, 2017, Select filed a civil suit against Respondent in the E-101st District Court of Dallas County, Texas, as cause number DC-17-07582, captioned *Select General Agency, LLC v. Gladys Beltran Hernandez*.
10. On October 5, 2017, a Default Final Judgment was entered in cause number DC-17-07582 because the Respondent failed to answer or otherwise appear. The Default Final Judgment concluded that the Respondent was indebted to Select for \$99,624.14, plus other costs, interest, and attorneys' fees.
11. To date, the Respondent has failed to make any payments to Select.

Legal Allegations

1. Respondent misappropriated, converted to the Respondent's own use, or illegally withheld money belonging to an insurer, as contemplated by TEX. INS. CODE § 4005.101(b)(4).
2. Respondent engaged in fraudulent or dishonest acts or practices, as contemplated by TEX. INS. CODE § 4005.101(b)(5).
3. Respondent has willfully violated an insurance law of this state, as contemplated by TEX. INS. CODE § 4005.101(b)(1).
4. Respondent failed to register the assumed name of her insurance agency, as contemplated by 28 TEX. ADMIN. CODE §19.902(a).

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

2020- 6298

Original Petition
Gladis Beltran Hernandez
Page 4 of 4

Respectfully Submitted,

A Kalapach

Anna Kalapach
State Bar No. 24083290
Texas Department of Insurance
Enforcement Division, MC110-1A
P.O. Box 149104
Austin, Texas 78714-9104
(512) 676-6326 (Direct)
(512) 490-1020 (Fax)
anna.kalapach@tdi.texas.gov

ATTORNEY FOR THE PETITIONER
TEXAS DEPARTMENT OF INSURANCE

Firm Mailing Book For Accountable Mail

Name and Address of Sender
 Texas Dept of Insurance
 Mail Code 110-1A
 333 Guadalupe St
 Austin TX 78701
 Mary Ruiz
 January 23, 2020

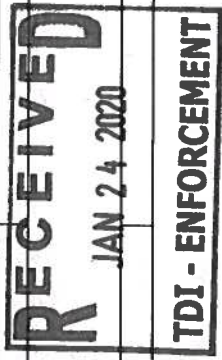
- Check type of mail or service
- Adult Signature Required
 - Adult Signature Restricted Delivery
 - Certified Mail
 - Certified Mail Restricted
 - Collect on Delivery (COD)
 - Insured Mail
 - Priority Mail
 - Priority Mail Express
 - Registered Mail
 - Return Receipt for Merchandise
 - Signature Confirmation
 - 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

2020-01-23

USPS Tracking/Article Number	Address (Name, Street, City, State, & Zip Code)	Postage	Handling Charge	Actual Value if Registered	Insured Value	Due Sender if COD	ASR Fee	ASRD Fee	Restricted Delivery	Return Receipt	Signature Confirmation	Signature Confirmation Restricted Delivery	Special Handling
KALAPACH17583	GLADIS BELTRAN HERNANDEZ 14405 WALTERS RD., STE. 870 HOUSTON, TX 77014	1.30											
	GLADIS BELTRAN HERNANDEZ 21807 PRAIRIE SPRINGS LN SPRING, TX 77379	1.30											
	GLADIS BELTRAN HERNANDEZ 5188 I-45 N 112 SPRING, TX 77386	1.30											
	GLADIS BELTRAN HERNANDEZ 23770 SPRINGWOODS VILLAGE PKWY, APT 370 SPRING, TX 77373-5099	1.30											
	GLADIS BELTRAN HERNANDEZ 327 GAMEWOOD DR. SPRING, TX 77386	1.30											
	GLADIS BELTRAN HERNANDEZ 25522 INTERSTATE 45 SPRING, TX 77386-1349	1.30											

Over \$50,000 in value



[Handwritten signature]



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.*

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

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

USPS Tracking/Article Number	Addressee (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
1. 9214 8901 9403 8304 7213 06 ANNA/17583	GLADIS BELTRAN HERNANDEZ 14405 WALTERS RD STE 870 HOUSTON TX 77014	1.30	3.50								1.60			
2. 9214 8901 9403 8304 7213 51	GLADIS BELTRAN HERNANDEZ 21807 PRAIRIE SPRING LN SPRING TX 77379	1.30	3.50								1.60			
3. 9214 8901 9403 8304 7213 75	GLADIS BELTRAN HERNANDEZ 5188 I-45 N 112 SPRING TX 77386	1.30	3.50								1.60			
4. 9214 8901 9403 8304 7216 10	GLADIS BELTRAN HERNANDEZ 327 GAMEWOOD DR SPRING TX 77386	1.30	3.50								1.60			
5. 9214 8901 9403 8304 7216 65	GLADIS BELTRAN HERNANDEZ 23770 SPRINGWOODS VILLAGE PKWY APT 370 SPRING TX 77375-5099	1.30	3.50								1.60			
6. 9214 8901 9403 8304 7217 19	GLADIS BELTRAN HERNANDEZ 25522 INTERSTATE 45 SPRING TX 77386-1349	1.30	3.50								1.60			

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

Adult Signature Required
 Adult Signature Restricted Delivery
 Restricted Delivery
 Return Receipt
 Signature Confirmation
 Signature Confirmation Restricted Delivery



RECEIVED
 JAN 24 2020
TDI - ENFORCEMENT



Total Number of Pieces Listed by Sender: 6
 Total Number of Pieces Received at Post Office: 6
 Postmaster, Per (Name of receiving employee)

2020-6298



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: 01/23/2020

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	6
Total	6

*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.

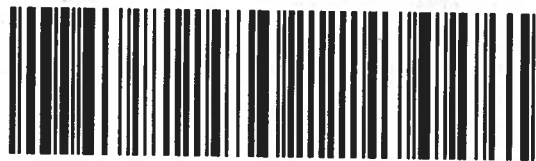
B. USPS Action

Note to RSS Clerk:

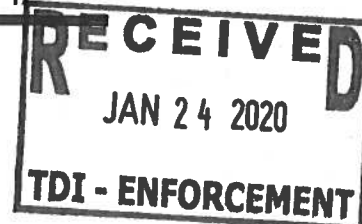
1. Home screen > Mailing/Shipping > More
2. Select Shipment Confirm
3. Scan or enter the barcode/label number from PS Form 5630
4. Confirm the volume count message by selecting Yes or No
5. Select Pay and End Visit to complete transaction

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 7583 42



ANNA/17583