

No. 2020-6380

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

Date: 06/29/2020

Subject Considered:

Daniel Sanchez
7613 Harvey Ave.
Brownsville, Texas 78526

Consent Order
TDI Enforcement File No. 15959

General remarks and official action taken:

The subject of this order is whether disciplinary action should be taken against Daniel Sanchez (Sanchez). The department alleges that Sanchez collected payment from an insured for coverage but did not forward the payment to the insurer. This order requires Sanchez to pay \$3,113 in restitution.

Waiver

Sanchez acknowledges that the Texas Insurance Code and other applicable laws provide certain rights. Sanchez waives all of these rights in consideration of the entry of this consent order. Pursuant to TEX. INS. CODE § 82.055(b), Sanchez agrees to this consent order with the express reservation that he does not admit to a violation of the Texas Insurance Code or of a rule and the existence of a violation is in dispute. Sanchez denies all liability but consents to this order to settle disputed claims.

Findings of Fact

Licensure

1. Sanchez, individual identification number 793327, holds a general lines agent license with a property and casualty qualification issued by the Texas Department of Insurance on April 9, 2014.

Background

2. From 2015 to 2017, Sanchez was working with another agent, Soraida Rodriguez (Rodriguez), in the insurance business.
3. Rodriguez, individual identification number 1426952, held a limited lines agent license and a personal lines property and casualty agent license. Rodriguez's licenses expired on September 30, 2019, due to her failure to comply with continuing education requirements.
4. Rodriguez maintained an office in Mission, Texas, while Sanchez maintained an office in Brownsville, Texas.

Dishonest Conduct

5. In October of 2016, Rodriguez was approached by ABBA Home Care to obtain a commercial liability policy. Rodriguez was new to the insurance industry at that time, and she maintains she was unsure whether she could write a commercial liability policy for a prospective insured or not. She claims she asked for guidance from Sanchez and he told her she was able to write the policy.
6. The application was submitted to Tapco Underwriters, Inc. (Tapco) with Sanchez's name listed as the agent. Tapco rejected the application because it claimed ABBA Home Care did not fully disclose the value of the company's annual earnings. Sanchez has stated to the department that he was not aware of the policy and that it was submitted without his knowledge.
7. ABBA Home Care has not received a full refund from either Rodriguez or Sanchez, but Sanchez agrees as part of this order to pay the restitution to ABBA Home Care.

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Unregistered Agency

8. Since 2015, Sanchez has been operating Apexx Insurance without proper registration with the department. On October 17, 2019, Sanchez submitted paperwork to register the agency name.

Other Unlicensed Activity

9. Sanchez does not hold a surplus lines agent license that is required to write surplus lines policies. Sanchez maintains that he did not write the above-mentioned policy and that he has no intention of writing any surplus lines policies in the future.
10. Sanchez agrees to comply with all licensing laws moving forward, including ensuring that all premiums are promptly paid.

Conclusions of Law

1. The commissioner has jurisdiction over this matter pursuant to TEX. INS. CODE §§ 82.001-82.056, 84.021-84.022, 4005.101, 4005.102, 4051.051, and TEX. GOV'T CODE §§ 2001.051-2001.178.
2. The commissioner has the authority to dispose of this case informally pursuant to the provisions of TEX. GOV'T CODE § 2001.056, TEX. INS. CODE §§ 36.104 and 82.055, and 28 TEX. ADMIN. CODE § 1.47.
3. Sanchez has knowingly and voluntarily waived all procedural rights to which he may have been entitled regarding the entry of this order, including, but not limited to, issuance and service of notice of intention to institute disciplinary action, notice of hearing, a public hearing, a proposal for decision, rehearing by the commissioner, and judicial review.
4. Sanchez misappropriated, converted to his own use or illegally withheld money belonging to an insurer, insured, or beneficiary in violation by TEX. INS. CODE § 4005.101(b)(4).
5. Sanchez has engaged in acts constituting the business of insurance without a license as defined by TEX. INS. CODE §§ 101.102, 981.051, and 4001.101.

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Order

It is ordered that Daniel Sanchez pay \$3,113 in restitution to ABBA Home Care c/o Reynaldo Gutierrez within 90 days from the date of this order. Sanchez must send written proof of payment of restitution in full to the Texas Department of Insurance, Attn: Enforcement Division 60851, MC 9999, P.O. Box 149104, Austin, Texas 78714-9104, within 10 days from the date of payment in full.

Kent C. Sullivan
Commissioner of Insurance

DocuSigned by:

Doug Slape

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By: _____

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

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Recommended and reviewed by:



Leah Gillum, Deputy Commissioner
Enforcement Division



Cassie Tighe, Staff Attorney
Enforcement Division

Approved as to form and content:



William Kimball, ATTORNEY
for DANIEL SANCHEZ

