

No. **2023-7773**

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

Date: 02/06/2023

Subject Considered:

Elba Gabriela Mora
1671 Saint Stephen Pl.
El Paso, Texas 79936

Default Order
SOAH Docket No. 454-23-07201
TDI Enforcement File No. 29496

General remarks and official action taken:

This is a default order taken against Elba Gabriela Mora (Respondent) because Respondent misappropriated, converted to her own use, or illegally withheld money belonging to an insurer or insured, and Respondent engaged in fraudulent or dishonest acts or practices. 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 December 12, 2022, 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.

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Commissioner's Order

Elba Gabriela Mora

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3. The department sent the Notice of Hearing and Original Petition to Respondent's last known address provided in writing to the department, 1671 Saint Stephen Pl., El Paso, Texas 79936. The Notice of Hearing and Original Petition were also sent via eFile.
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 under Texas law, including TEX. INS. CODE §§ 82.051-82.055, 84.021-84.044, 4001.002, 4005.101, 4005.102, 4051.201, and 4054.051, and TEX. GOV'T CODE §§ 2001.051-2001.178.
2. The commissioner has authority to dispose of this case informally under 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 under 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 under 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 under 28 TEX. ADMIN. CODE § 1.89.

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Order

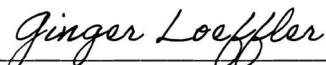
It is ordered that any licenses held by Elba Gabriela Mora are revoked. It is further ordered that Mora pay restitution to Reliable Life Insurance Company a/k/a Kemper Life in the amount of \$2,685.46. It is ordered that Mora pay the above restitution by cashier's check or money order within 60 days of the date of this order. Mora must provide written confirmation of payment to the department within 60 days of the date of this order by emailing it to EnforcementReports@tdi.texas.gov.

A copy of this order will be provided to law enforcement and other appropriate administrative agencies for further investigation as may be warranted.

DocuSigned by:

FC5D7EDDFFBB4F8...

Cassie Brown
Commissioner of Insurance

Prepared and reviewed by:



Ginger Loeffler, Director
Enforcement

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Affidavit

STATE OF TEXAS §

§

COUNTY OF TRAVIS §


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

"My name is David Moreno 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 Elba Gabriela Mora. I have confirmed that:

- a. The last mailing address provided to the department in writing by Elba Mora Gabriela is 1671 Saint Stephen Pl., El Paso, Texas 79936.
- b. The file maintained by Enforcement contains a Notice of Hearing and Original Petition dated December 12, 2022, which were filed with the State Office of Administrative Hearings.
- c. On December 12, 2022, the Notice of Hearing and Original Petition addressed to Elba Mora Gabriela were mailed certified, return receipt requested, to her last known address.

A copy of the certified mail log maintained by Enforcement is attached as Exhibit C."

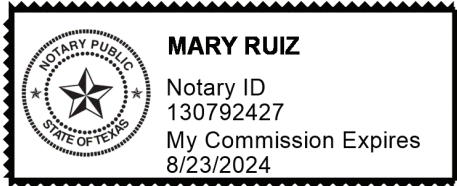
DocuSigned by:

563D04D4D9E649C... _____
Affiant

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Commissioner's Order
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SWORN TO AND SUBSCRIBED before me by means of an interactive two-way audio and video communication on 1/27/2023. This notarial act was an online notarization.

Notary Seal



Digital Certificate

DocuSigned by:
Mary Ruiz
795DC4D59167489...
Notary Public State of Texas

ACCEPTED
454-23-07201
12/12/2022 4:43:49 pm
2023-7773
STATE OFFICE OF
ADMINISTRATIVE HEARINGS
Kevin Garza, CLERK

FILED
454-23-07201
12/12/2022 2:32 PM
STATE OFFICE OF
ADMINISTRATIVE HEARINGS
Kevin Garza, CLERK

**SOAH DOCKET NO. 454-23-07201
TDI ENFORCEMENT FILE NO. 29496**

TEXAS DEPARTMENT OF INSURANCE,

Petitioner

v.

ELBA GABRIELA MORA,

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 **Wednesday, April 12, 2023, at 9:00 a.m.** The hearing will take place via videoconference using a videoconference platform controlled by the State Office of Administrative Hearings, unless otherwise ordered to proceed in another manner by the Administrative Law Judge.

The hearing shall be conducted under 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 UNDER 1 TEX. ADMIN. CODE § 155.501 AND 28 TEX. ADMIN. CODE §§ 1.88 AND 1.89.

Exhibit A

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Notice of Hearing

Elba Gabriela Mora

SOAH Docket No. 454-23-07201

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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, 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, IMPOSITION OF ADMINISTRATIVE PENALTIES, 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) *(by mail, fax, or electronically)*
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);
www.soah.texas.gov
- (2) *(by mail, fax, or email)*
Chief Clerk
Texas Department of Insurance
P.O. Box 12030, MC GC-CCO
Austin, Texas 78711-2030
(512) 490-1064 (Fax)
chiefclerk@tdi.texas.gov; and
- (3) *(by mail, fax, or email)*
Cassie Tigue, Staff Attorney

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Notice of Hearing

Elba Gabriela Mora

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Texas Department of Insurance
Enforcement, MC ENF
P.O. Box 12030
Austin, Texas 78711-2030
(512) 490-1020 (Fax)
Cassie.Tigue@tdi.texas.gov

Receiving Documents Electronically and Filing Documents with SOAH

The State Office of Administrative Hearings (SOAH) offers you the ability to electronically receive orders and other documents issued by SOAH by email instead of by mail. If you want to receive SOAH-issued documents by email, follow the instructions on SOAH's website: www.soah.texas.gov.

A request to receive SOAH-issued documents by email does not change the procedures you must follow to file documents or exhibits with SOAH. Instructions on how to file documents and exhibits are on SOAH's website. SOAH's website also includes guidance for representing yourself.

Important Security Notice (for In-Person Hearings ONLY)

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.

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

Respectfully Submitted,



Cassie Tighe
State Bar No. 2409994
Texas Department of Insurance
Enforcement, MC ENF
P.O. Box 12030
Austin, Texas 78711-2030
(512) 676-6356 (Direct)
(512) 490-1020 (Fax)
Cassie.Tighe@tdi.texas.gov

ATTORNEY FOR THE PETITIONER
TEXAS DEPARTMENT OF INSURANCE

Enclosure: Original Petition

cc: Leah Gillum, Deputy Commissioner, Fraud and Enforcement Division, MC ENF
Ginger Loeffler, Litigation Director, Enforcement, MC ENF
Administrative Review, MC CO-AAL

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Notice of Hearing

Elba Gabriela Mora

SOAH Docket No. 454-23-07201

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CERTIFICATE OF SERVICE

I, Cassie Tigue, certify that a true and correct copy of the *Notice of Hearing and the Original Petition* were sent by certified mail, return receipt requested and via eFile, on this 12th day of December, 2022 to:

Elba Gabriela Mora
1671 Saint Stephen Pl.
El Paso, Texas 79936
Email: dalinsa28@gmail.com
Respondent Pro Se

Via CM/RRR No.: 9214 8901 9403 8398 3111 17



Cassie Tigue

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454-23-07201

FILED
454-23-07201
12/6/2022 4:02 PM
STATE OFFICE OF
ADMINISTRATIVE HEARINGS
Giselle Quintero, CLERK

ACCEPTED
454-23-07201
12/6/2022 4:27:56 pm
STATE OFFICE OF
ADMINISTRATIVE HEARINGS
Giselle Quintero, CLERK

SOAH DOCKET NO. 454-_____
TDI ENFORCEMENT FILE NO. 29496

TEXAS DEPARTMENT OF INSURANCE,

BEFORE THE STATE OFFICE

Petitioner

v.

OF

ELBA GABRIELA MORA,

ADMINISTRATIVE HEARINGS

Respondent

ORIGINAL PETITION

The Texas Department of Insurance seeks to take disciplinary action against Elba Gabriela Mora. 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 under TEX. INS. CODE §§ 82.051-82.055, 84.021-84.044, 4001.002, 4005.101, 4005.102, 4051.201, and 4054.051, and TEX. GOV'T CODE §§ 2001.051-2001.178.

Factual Allegations

Licensure

1. Elba Gabriela Mora (Mora), individual identification number 2283686, holds a general lines agent license with a life, accident, and health qualification originally issued by the Texas Department of Insurance on February 3, 2021.
2. Mora also holds a county mutual agent license originally issued by the department on May 10, 2021.
3. Mora previously held a temporary general lines agent license with a life, accident, and health qualification originally issued by the department on November 9, 2020, and a temporary county mutual agent license originally issued by the department on November 10, 2020.

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Original Petition
Elba Gabriela Mora
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4. Mora was appointed with the Reliable Life Insurance Company (Reliable) a/k/a Kemper Life from November 2020, until September 2021.

Background and Misconduct

5. When an agent's appointment is terminated with Reliable, regardless of the reason for termination, a member of Reliable's management team conducts an audit. The audit includes visiting each insured the agent was responsible for and comparing the payment records to the insured's premium receipt records.
6. Discrepancies occur when an agent collects premium payments but does not enter the transaction into Reliable's premium payment application.
7. An audit was conducted after Mora ceased working for the company which revealed there was a deficiency in the amount of \$3,229.31. Mora's bond, in the amount of \$655.63, was applied to the deficiency. Shortly thereafter, Reliable discovered an additional discrepancy in the amount of \$111.78.
8. Mora currently owes Reliable \$2,685.46.

Legal Allegations

1. Mora willfully violated an insurance law of this state as contemplated by TEX. INS. CODE § 4005.101(b)(1).
2. Mora misappropriated, converted to her own use, or illegally withheld money belonging to an insurer or insured in violation of TEX. INS. CODE § 4005.101(b)(4).
3. Mora engaged in fraudulent or dishonest acts or practices in violation of TEX. INS. CODE § 4005.101(b)(5).

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 Elba Gabriela Mora's licenses;

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Original Petition
Elba Gabriela Mora
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2. directing Elba Gabriela Mora to pay an administrative penalty under TEX. INS. CODE §§ 84.021 – 84.022;
3. directing Elba Gabriela Mora to make restitution to Reliable under TEX. INS. CODE § 82.053; and
4. imposing any other just and appropriate relief to which the department may be entitled to by law, including any combination of the above actions.

Respectfully Submitted,



Cassie Tigue
State Bar No. 24099994
Texas Department of Insurance
Enforcement, MC ENF
P.O. Box 12030
Austin, Texas 78711-2030
(512) 676-6356 (Direct)
(512) 490-1020 (Fax)
Cassie.Tigue@tdi.texas.gov

ATTORNEY FOR THE PETITIONER
TEXAS DEPARTMENT OF INSURANCE

2023-7773

Automated Certificate of eService

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Mary Ruiz on behalf of Cassie Tigue
Bar No. 24099994
Enforcementgeneral@tdi.texas.gov
Envelope ID: 70755445
Status as of 12/6/2022 4:30 PM CST

Associated Case Party: Chief Clerk

Name	BarNumber	Email	TimestampSubmitted	Status
Chief Clerk		ChiefClerk@tdi.texas.gov	12/6/2022 4:02:31 PM	SENT

Associated Case Party: Texas Department of Insurance

Name	BarNumber	Email	TimestampSubmitted	Status
Cassie Tigue		Cassie.Tigue@tdi.texas.gov	12/6/2022 4:02:31 PM	SENT
Ginger Loeffler		Ginger.Loeffler@tdi.texas.gov	12/6/2022 4:02:31 PM	SENT
Texas Department of Insurance		Enforcementgeneral@tdi.texas.gov	12/6/2022 4:02:31 PM	SENT

Associated Case Party: Elba Gabriela Mora

Name	BarNumber	Email	TimestampSubmitted	Status
Elba Gabriela Mora		dalinsa28@gmail.com	12/6/2022 4:02:31 PM	SENT

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Automated Certificate of eService

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Mary Ruiz on behalf of Cassie Tigue
Bar No. 24099994
Enforcementgeneral@tdi.texas.gov
Envelope ID: 70925661
Status as of 12/12/2022 4:44 PM CST

Associated Case Party: Texas Department of Insurance

Name	BarNumber	Email	TimestampSubmitted	Status
Ginger Loeffler		Ginger.Loeffler@tdi.texas.gov	12/12/2022 2:32:23 PM	SENT
Cassie Tigue		Cassie.Tigue@tdi.texas.gov	12/12/2022 2:32:23 PM	SENT
Texas Department of Insurance		Enforcementgeneral@tdi.texas.gov	12/12/2022 2:32:23 PM	SENT
Leah Gillum		Leah.Gillum@tdi.texas.gov	12/12/2022 2:32:23 PM	SENT
Catarina Tapia		Catarina.Tapia@tdi.texas.gov	12/12/2022 2:32:23 PM	SENT

Associated Case Party: Chief Clerk

Name	BarNumber	Email	TimestampSubmitted	Status
Chief Clerk		ChiefClerk@tdi.texas.gov	12/12/2022 2:32:23 PM	SENT

Associated Case Party: Elba Gabriela Mora

Name	BarNumber	Email	TimestampSubmitted	Status
Elba Gabriela Mora		dalinsa28@gmail.com	12/12/2022 2:32:23 PM	SENT

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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: 12/12/2022
Shipped From:
Name: MC ENF M RUIZ
Address: 1601 CONGRESS AVENUE SUITE 6 900
City: AUSTIN
State: TX ZIP+4® 78711

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 0041 0976 48

Exhibit C

TIGUE/29496



Name and Address of Sender

MC ENF M RUIZ
TEXAS DEPARTMENT OF INSURANCE
1601 CONGRESS AVENUE, SUITE 6.900
AUSTIN TX 78711

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

Affix Stamp Here

(for additional copies of this receipt).
Postmark with Date of Receipt.

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Table with columns: USPS Tracking/Article Number, 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, ST Fee. Includes address: ELBA GABRIELA MORA, 1671 SAINT STEPHEN PL., EL PASO, TEXAS 79936.

Total Number of Pieces Listed by Sender: 1
Total Number of Pieces Received at Post Office: 1

Postmaster, Per (Name of receiving employee)