

No. 2024-8989

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

Date: 12/04/2024

Subject Considered:

Monica Pena
Buda, Texas 78610-3090

Default Order
TDI Enforcement File No. 33793

General remarks and official action taken:

This is a default order taken against Monica Pena (Respondent) because she submitted fictitious homeownership documents to an insurance company for unwarranted discounts. Respondent did not respond to a Notice of Allegations mailed by the Texas Department of Insurance (TDI). 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 Allegations

1. On October 28, 2024, TDI sent a Notice of Allegations, attached as Exhibit A, to Respondent.
2. TDI sent the Notice of Allegations to Respondent's last known address provided in writing to the department, [REDACTED] Buda, Texas 78610-3090.
3. Respondent received and waived an opportunity for a hearing because Respondent failed to send TDI a written response to the Notice of Allegations within 20 days after the date the Notice of Allegations was mailed.

2024 8989

Commissioner's Order

Monica Pena

Page 2 of 4

4. TDI's factual allegations set out in the attached Notice of Allegations are incorporated in this order as findings of fact.

Conclusions of Law

1. The commissioner has jurisdiction under Texas law, including TEX. INS. CODE § § 82.051-82.055, 4001.002, 4001.102, 4001.105, 4005.101-4005.105, and 4051.051; and TEX. GOV'T CODE §§ 2001.003(1) and 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.
3. TDI provided proper notice to Respondent under TEX. GOV'T CODE § § 2001.003(1), 2001.051, 2001.052, 2001.054, and 2001.056(4), and 28 TEX. ADMIN. CODE §§ 1.28, 1.47, and 19.906.
4. Based on Respondent's failure to send TDI a written response to the Notice of Allegations, the department is entitled to disposition by default under 28 TEX. ADMIN. CODE § 1.47.
5. Respondent failed to show compliance with the law.
6. TDI's factual and legal allegations set out in the attached Notice of Allegations are incorporated in this order and deemed admitted as true under 28 TEX. ADMIN. CODE § 1.47.

2024-8989

Commissioner's Order

Monica Pena

Page 3 of 4

Order

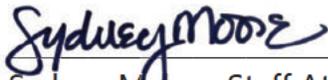
It is ordered that any licenses held by Monica Pena are revoked. A copy of this order will be provided to law enforcement or other appropriate administrative agencies for further investigation as may be warranted.

Signed by:

FC5D7EDDFFB84F8...

Cassie Brown
Commissioner of Insurance

Prepared and reviewed by:



Sydney Moore, Staff Attorney
Enforcement

Affidavit

STATE OF TEXAS §

§

COUNTY OF TRAVIS §

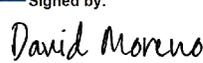
Before me, the undersigned authority, personally appeared David Moreno, who, being by me duly sworn, deposed as follows:

"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 Monica Pena. I have confirmed that:

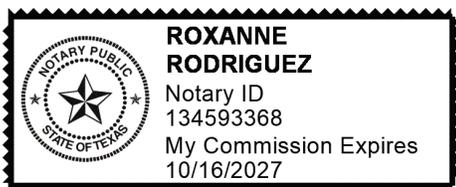
- a. The last mailing address provided to the department in writing by Monica Pena is [REDACTED], Buda, Texas 78610-3090.
- b. The file maintained by Enforcement contains a Notice of Allegations dated October 28, 2024, which was sent to Monica Pena.
- c. On October 28, 2024, the Notice of Allegations addressed to Monica Pena was 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 Enforcement are attached as Exhibit B and Exhibit C, respectively."

Signed by:

 8D4388B30CBD447...
 Affidavit

SWORN TO AND SUBSCRIBED before me by means of an interactive two-way audio and video communication on 11/20/2024. This notarial act was an online notarization.

Notary Seal



Digital Certificate

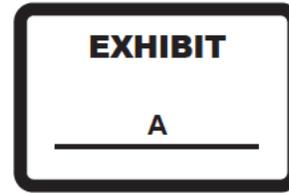
DocuSigned by:

 C3FD016A04434A6...
 Notary Public State of Texas

2024-8989

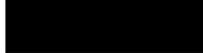


PO Box 12030 | Austin, TX 78711 | 800-578-4677 | tdi.texas.gov



October 28, 2024

Monica Pena



Buda, Texas 78610-3090

Via CM/RRR No.

9214890194038384714182

**TDI ENFORCEMENT CASE NO. 33793
NOTICE OF ALLEGATIONS AGAINST MONICA PENA**

The Texas Department of Insurance (TDI) seeks to take disciplinary action against you. This Notice states the allegations against you and the relief sought by TDI.

YOUR WRITTEN RESPONSE IS REQUIRED WITHIN 20 DAYS

YOU HAVE THE RIGHT TO A HEARING AND ARE INVITED TO SHOW COMPLIANCE WITH THE LAW. To request a hearing, you must send a written response to TDI within 20 days of the date this Notice was mailed.

If you fail to send a written response by the deadline, *you waive your right to a hearing*, and TDI may seek disposition by default under 28 TEX. ADMIN. CODE § 1.47, TEX. INS. CODE § 82.055, and TEX. GOV'T. CODE § 2001.056.

If you fail to send a written response by the deadline, without further notice to you, the commissioner of insurance may issue a default order that admits the factual matters asserted, deems all allegations as true, and orders the relief recommended in this Notice.

You must send your written response by mail, fax, or email to:

Sydney Moore, Staff Attorney
Texas Department of Insurance
Enforcement, MC ENF
P.O. Box 12030
Austin, Texas 78711-2030
(512) 490-1020 (Fax)
sydney.moore@tdi.texas.gov

Jurisdiction

The commissioner of insurance has jurisdiction over this matter under TEX. INS. CODE §§ 82.051–82.055, 4001.002, 4005.101, 4005.102, 4051.051; and TEX. GOV'T CODE §§ 2001.003(1) and 2001.051–2001.178.

Factual Allegations

1. Monica Pena (Pena), individual identification number 829287, holds a general lines agent license with a property and casualty qualification issued by TDI on November 13, 2017.
2. Pena knowingly submitted altered and false homeownership documents to Farmers Insurance Exchange to obtain homeownership discounts for insureds that did not qualify for that discount.
3. The financial impact in lost premium to Farmers Insurance was \$2,413 as a result of the unearned discounts applied by Pena.

Legal Allegations

1. Pena engaged in fraudulent or dishonest acts or practices, as contemplated by TEX. INS. CODE § 4005.101(b)(5).

Relief Sought

TDI seeks the following relief:

1. revoking your license;
2. ordering you to cease and desist from certain activity or conduct;
3. directing you to pay an administrative penalty under TEX. INS. CODE §§ 84.021 and 84.022;
4. directing you to make restitution to any victim under TEX. INS. CODE § 82.053; and
5. imposing any other just and appropriate relief to which the department may be entitled to by law, including any combination of the above actions.

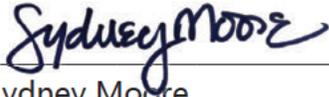
2024-8989

Notice of Allegations

Monica Pena

Page 3 of 4

Respectfully,



Sydney Moore

State Bar No. 24056052

Texas Department of Insurance

Enforcement, MC ENF

P.O. Box 12030

Austin, Texas 78711-2030

(512) 676-6339 (Direct)

(512) 490-1020 (Fax)

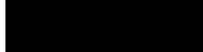
Sydney.moore@tdi.texas.gov

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

CERTIFICATE OF SERVICE

I, Sydney Moore, certify that a true and correct copy of this *Notice of Allegations Against Monica Pena* was sent by the following methods on this 28th day of October 28, 2024 to:

Monica Pena



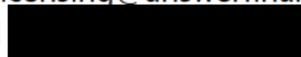
Buda, Texas 78610-3090

Via CM/RRR No.:9214890194038384714182

Via First Class Mail

Via Email: teamlicensing@answerfinancial.com

and



A handwritten signature in black ink that reads "Sydney Moore".

Sydney Moore

2024 8989

EXHIBIT

B

Firm Mailing Book For Accounts

Name and Address of Sender
Texas Dept of Insurance
Mail Code ENF
1601 Congress Avenue, Suite 6.900
Austin TX 78701
Roxanne Rodriguez
October 28, 2024

- Check type of mail or service
- Add Signature Required
- Add Signature Restricted Delivery
- Certified Mail
- Certified Mail Restricted Delivery
- Collect on Delivery (COD)
- Insured Mail
- Priority Mail
- First-Class 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

USPS Tracking/Article Number	Address (Name, Street, City, State, & ZIP Code)	Postage	Extra Service Fee	Handling Charge	Actual Value if Registered	Insured Value	Due Sender # COD	ASR Fee	ASRD Fee	RD Fee	RR Fee	SC Fee
Moore/33793	MONICA PENA BUDA, TEXAS 78610-3090	0.69										
												
												
												
Total Number of Pieces Listed by Sender	Total Number of Pieces Received at Post Office											
1	Y. Rodriguez											
Completed in Ink												

Handling Charge-If Registered and over \$50

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

Signature Confirmation Restricted Delivery
Special Handling

Privacy Note: For more information on USPS privacy policies, visit usps.com/privacy policy.

PS Form 3877, June 2015



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: 10/28/2024

Shipped From:

Name: ENF R RODRIGUEZ

Address: 1601 CONGRESS AVE

City: AUSTIN

State: TX ZIP+4® 78701

EXHIBIT

C

Type of Mail	Volume
Priority Mail Express®	
Priority Mail®	
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

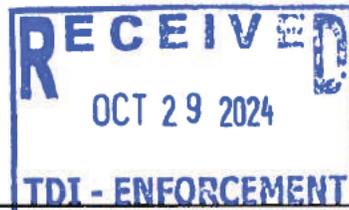
USPS EMPLOYEE: Please scan upon pickup or receipt of mail. Leave form with customer or in customer's mail receptacle.

USPS SCAN AT ACCEPTANCE



9275 0901 1935 6200 0056 6003 69

Moore/33793





Firm Mailing Book For Accountable Mail

2024 8989

Name and Address of Sender
ENF R. RODRIGUEZ
1601 CONGRESS AVE
STE 6.900
AUSTIN TX 78701

Affix Stamp Here
(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 8384 7141 82

Moore/33793

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

MONICA PENA
[REDACTED]
BUDA, TEXAS 78610-3090

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
0.69	4.85	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	Special Handling



Postmaster, Per (Name of receiving employee)

Y. Moore

Total Number of Pieces Listed by Sender: 1

Total Number of Pieces Received at Post Office: 1

Complete in Ink