

No. **2025-9170**

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

Date: 3/4/2025

Subjects Considered:

Oscar Gerardo Valencia
The Woodlands, Texas

ProActivo Risk Solutions Co. PLLC
PO Box 130627
Spring, Texas 77393-0627

Consent Order
SOAH Docket No. 454-24-04059
TDI Enforcement File Nos. 28966 and 32134

General remarks and official action taken:

This is a consent order with Oscar Gerardo Valencia (Valencia) and ProActivo Risk Solutions Co. PLLC (ProActivo). Valencia and ProActivo misappropriated, converted, or illegally withheld money belonging to an insurer or insured; engaged in fraudulent or dishonest acts or practices; and materially misrepresented the terms and conditions of an insurance policy or contract. Valencia and ProActivo agree to the revocation of their licenses.

Waiver

Valencia and ProActivo acknowledge that the Texas Insurance Code and other applicable law provide certain rights. Valencia and ProActivo waive all of these rights, and any other applicable procedural rights, in consideration of the entry of this consent order.

2025-9170

Commissioner's Order

Oscar Gerardo Valencia and ProActivo Risk Solutions Co. PLLC

SOAH Docket No. 454-24-04059

Page 2 of 13

Findings of Fact

Licensure

1. Valencia, individual identification number 533046, holds:
 - a. a risk manager license issued by TDI on March 25, 2003;
 - b. a general lines agent license with a property and casualty qualification issued by TDI on April 21, 2003; and
 - c. a life, accident, health, and HMO qualification issued by TDI on April 25, 2005.
2. ProActivo, firm identification number 84001, holds a general lines agency license with property and casualty and life, accident, health and HMO qualifications, both of which were issued by TDI on August 14, 2013.
3. Valencia is the sole member, manager, and designated responsible licensed person for ProActivo.

Prior Disciplinary History

4. On May 10, 2013, in Official Order No. 2511, the commissioner of insurance entered a disciplinary order against Valencia.
5. The commissioner found that Valencia circulated insurance binders using manufactured policy numbers representing coverage existed, when no coverage had been bound, in violation of TEX. INS. CODE §§ 4005.101(b)(5) and (b)(6).
6. The commissioner further found that Valencia engaged in the business of insurance under the assumed name "ProActivo Risk Solutions," which he failed to register with TDI, in violation of 28 TEX. ADMIN. CODE § 19.902(a).
7. In Order No. 2511, the commissioner ordered Valencia to pay a \$1,000 administrative penalty and to register the assumed name, "ProActivo Risk Solutions." TDI's records indicate the administrative penalty was paid.

2025-9170

Commissioner's Order

Oscar Gerardo Valencia and ProActivo Risk Solutions Co. PLLC

SOAH Docket No. 454-24-04059

Page 3 of 13

Summary of Misconduct

8. In 2018, Valencia and ProActivo sold a homeowners insurance policy to A.M., who owns a home located in The Woodlands, Texas. The mortgage holder for this home was Sierra Lending Group, LLC (Sierra).
9. For policy years 2018 through 2021, Valencia and ProActivo collected a total of approximately \$74,556 from A.M., through Sierra, which Sierra and A.M. believed to be premium for insurance coverage for A.M.'s home, but which Valencia and ProActivo only partially remitted or did not remit at all to any insurer.
10. Valencia and ProActivo concealed from A.M. and Sierra that the home was uninsured for three of those years, from 2019 through 2021. A.M. and his lienholder, Sierra, were unaware that his home was exposed to this risk of loss and liability.
11. To conceal the misappropriation and withheld funds, Valencia and ProActivo created multiple false insurance-related documents, including declaration pages, invoices, and receipts. Valencia and ProActivo gave these false documents to Sierra to conceal that A.M.'s home was uninsured because they not only kept and did not remit the premium payments to the insurer, but they also misrepresented to and overcharged Sierra the amount of premium due for A.M.'s homeowners coverage.

Policy Year 2018: Overcharging Insured and Withholding Payments

12. On December 15, 2017, Valencia and ProActivo sent an invoice for \$17,086 to Sierra for a homeowners insurance policy issued by AIG Property Casualty Company (AIG) to insure A.M.'s home for one year of coverage, from December 28, 2017, through December 28, 2018.
13. The annual premium for the AIG policy was actually \$10,004, not \$17,086. Valencia and ProActivo misrepresented the premium and overcharged A.M., through Sierra, by \$7,082.
14. On or about December 28, 2017, Sierra, on behalf of A.M., sent a check for \$17,086 to ProActivo. Valencia and ProActivo negotiated that check, which cleared Sierra's account on or about January 2, 2018.

2025-9170

Commissioner's Order

Oscar Gerardo Valencia and ProActivo Risk Solutions Co. PLLC

SOAH Docket No. 454-24-04059

Page 4 of 13

15. Without A.M.'s knowledge or consent, Valencia and ProActivo then:
 - a. kept the \$17,086;
 - b. arranged with AIG to pay the \$10,004 in premium in four installments; and
 - c. arranged for AIG to directly bill A.M. for those four installment payments.
16. To further conceal their misconduct, Valencia and ProActivo did not give AIG an accurate mailing address for A.M. Instead, they misrepresented A.M.'s mailing address as their own post office box address.
17. When AIG billed the first installment, Valencia and ProActivo failed to timely remit that premium. AIG then issued a notice of cancellation for non-payment, which was sent to Valencia's and ProActivo's post office box and not to A.M.
18. After Valencia and ProActivo late-paid the first installment, AIG reinstated the policy.
19. Valencia and ProActivo failed to timely remit premium for the remaining three installments. AIG issued three more notices of cancellation for non-payment of premium, followed by reinstatement of the policy each time Valencia and ProActivo late-paid an installment.

Policy Year 2019: Overcharging Insured, Failure to Remit Premium, and Policy Cancellation

20. On September 20, 2018, Valencia and ProActivo sent an invoice for \$17,126 to Sierra for the AIG policy to insure A.M.'s home for one year of coverage, from December 28, 2018, through December 28, 2019.
21. The premium for the AIG policy was actually \$10,974, not \$17,126. Valencia and ProActivo again misrepresented the premium and overcharged A.M., through Sierra, by over \$6,000.
22. On or about December 9, 2018, Sierra, on behalf of A.M., sent a check for \$17,126 to ProActivo. Valencia and ProActivo negotiated that check, which cleared Sierra's account on or about December 13, 2018.
23. However, Valencia and ProActivo did not remit that \$17,126 to AIG, nor did they return it to Sierra. Instead, they kept the money.

2025-9170

Commissioner's Order

Oscar Gerardo Valencia and ProActivo Risk Solutions Co. PLLC

SOAH Docket No. 454-24-04059

Page 5 of 13

24. On or about December 18, 2018, AIG sent past due renewal notices to A.M.'s mailing address, but which were actually sent to Valencia's and ProActivo's post office box. A.M. did not receive AIG's notices.
25. On or about December 29, 2018, AIG non-renewed A.M.'s policy due to non-payment of premium. Again, that notice was sent to Valencia's and ProActivo's post office box as they intended. A.M. did not receive AIG's notice of non-renewal and was unaware that his home was no longer insured.

January 2019: False Statements and Failure to Reinstate Non-Renewed Policy

26. On January 14, 2019, Valencia and ProActivo wrote to AIG, to request that A.M.'s policy be reinstated and falsely stated that A.M. had:

made a payment on his policy on 12/18/2018 with confirmation # [omitted] but apparently that payment did not go thru [sic] . . . My client made another payment today . . . for your consideration to reinstate.
27. Those representations were false because A.M. was unaware his policy had nonrenewed, he did not know his policy needed to be reinstated, and he did not request such reinstatement. Furthermore, A.M. did not make any payment to AIG on either December 18, 2018, or January 14, 2019.
28. AIG did not receive payment for A.M.'s policy on December 18, 2018.
29. However, AIG received \$2,743.50 on January 14, 2019, for A.M.'s policy, which was remitted from an American Express credit card account, purportedly in A.M.'s name because the remitter included a representation that the payment was from A.M.
30. Neither A.M. nor Sierra made that credit card payment. Valencia and ProActivo made the payment and admitted to TDI that they falsely represented to AIG that A.M. made that payment.
31. Despite the payment, on January 14, 2019, AIG denied the request to reinstate A.M.'s policy "[d]ue to the multiple late payments on this account since inception of December 2017."

2025-9170

Commissioner's Order

Oscar Gerardo Valencia and ProActivo Risk Solutions Co. PLLC

SOAH Docket No. 454-24-04059

Page 6 of 13

32. Throughout this time, A.M. remained unaware his policy had been canceled. Valencia and ProActivo did not inform A.M. or Sierra that the home wasn't insured and continued to conceal that fact by belatedly remitting some money to AIG in an attempt to reinstate coverage.

AIG's Termination

33. On July 19, 2019, AIG terminated its producer agreements with both Valencia and ProActivo and canceled their appointments. Neither Valencia nor ProActivo had any authority to act for or on behalf of AIG as an agent after AIG terminated them.

Policy Year 2020: False AIG Policy

34. Even though A.M. had no coverage after December 29, 2018, and Valencia and ProActivo did not hold appointments with AIG after July 19, 2019, they continued to mislead both A.M. and Sierra into believing A.M. had insurance by invoicing A.M., through Sierra, for alleged premium, as if an AIG policy was still in force.
35. On December 3, 2019, Valencia and ProActivo sent an invoice for \$20,126 and a purported declarations page to Sierra, on behalf of A.M., for what they misrepresented as proof of an AIG policy providing one year of coverage, from December 15, 2019, through December 15, 2020.
36. On or about December 9, 2019, Sierra sent a check for \$20,126 to ProActivo. Valencia and ProActivo negotiated that check, which cleared Sierra's account on or about December 13, 2019.
37. Valencia and ProActivo kept that money, did not remit it to AIG, and did not return it to Sierra or A.M.

Policy Year 2021: Additional False AIG Policy

38. On or about December 4, 2020, Valencia and ProActivo sent an invoice for \$20,218 and a purported declarations page to Sierra on behalf of A.M., for what they misrepresented as proof of an AIG policy providing one year of coverage, from December 15, 2020, through December 15, 2021.

2025-9170

Commissioner's Order

Oscar Gerardo Valencia and ProActivo Risk Solutions Co. PLLC

SOAH Docket No. 454-24-04059

Page 7 of 13

39. On or about December 4, 2020, Sierra sent a check for \$20,218 to ProActivo. Valencia and ProActivo negotiated that check, which cleared Sierra's account on or about December 10, 2020.
40. Valencia and ProActivo kept that money, did not remit it to AIG, and did not return it to Sierra or A.M.

Discovery of the Misconduct and Subsequent Efforts to Conceal

41. On October 13, 2021, A.M. received a false Notice of Cancellation, purportedly issued by AIG, and sent to A.M. at his residence.
42. On October 28, 2021, Sierra emailed Valencia and ProActivo and requested that they provide Sierra with proof of insurance, declarations pages, and records of the checks sent to AIG by Valencia and ProActivo.
43. On October 29, 2021, Valencia and ProActivo emailed numerous false insurance documents to Sierra that they created and used to conceal their misconduct, including:
 - a. two receipts purportedly issued by AIG for payments of:
 - i. \$17,086 dated December 10, 2017; and
 - ii. \$17,126 dated December 18, 2018;
 - b. one declaration page purportedly issued by AIG for the policy period of December 15, 2018, through December 15, 2019;
 - c. two receipts purportedly issued by Travelers Personal Insurance Company (Travelers) for payments of:
 - i. \$20,085 for a policy purportedly effective September 24, 2019;
 - ii. \$20,218 for a policy purportedly effective September 24, 2020;
 - d. three declarations pages purportedly issued by Travelers to a named insured whose name is similar to A.M. with A.M.'s residential address, for three, one-year policy periods from September 2019 to September 2022.

2025-9170

Commissioner's Order

Oscar Gerardo Valencia and ProActivo Risk Solutions Co. PLLC

SOAH Docket No. 454-24-04059

Page 8 of 13

44. On October 31, 2021, Valencia and ProActivo falsely claimed that the insurance premiums that Sierra had sent over the past three years were held by AIG and Travelers "at the Unclaimed Property Department."
45. Valencia and ProActivo then sent three wire transfers to AIG from ProActivo's bank account, specifically:
 - a. \$20,218 on November 1, 2021;
 - b. \$2,743.50 on November 2, 2021; and,
 - c. \$20,085 on November 2, 2021.
46. On November 2, 2021, AIG received the first transfer, and attempted to return the full amount of \$20,218 to A.M. by check on November 18, 2021, but sent it to the post office box address AIG had on file for A.M., which was Valencia's and ProActivo's address.
47. On November 19, 2021, AIG received the other two wire transfers.
48. During that time frame, Valencia and ProActivo contacted AIG and falsely claimed that Sierra had sent the three wire transfers. They also requested that AIG reinstate A.M.'s policy from December 15, 2018, through December 15, 2021 "for audit purposes."
49. AIG, believing their representations that the wire transfers were associated with A.M.'s policies, returned those funds in the form of checks written to A.M., but again sent it to the post office box address AIG had on file for A.M., which was Valencia's and ProActivo's address.

Civil Judgment

50. On February 3, 2022, A.M. sued Valencia and ProActivo for deceptive trade practices, common law fraud, breach of contract, unjust enrichment, and negligent misrepresentation in case number 22-02-01506, in County Court at Law No. 6, Montgomery County, Texas (the "lawsuit").
51. During the lawsuit, Valencia and ProActivo gave A.M. copies of purported emails and false insurance documents showing Sierra purportedly making wire transfers

2025-9170

Commissioner's Order

Oscar Gerardo Valencia and ProActivo Risk Solutions Co. PLLC

SOAH Docket No. 454-24-04059

Page 9 of 13

to AIG in November 2021. A.M. initially believed those documents were authentic, and amended A.M.'s pleadings to include Sierra in the lawsuit as a defendant.

52. In the lawsuit, A.M. sought to recover money paid to Valencia and ProActivo for policy years 2019-21.
53. On July 26, 2023, A.M. reached a mediated settlement agreement with Valencia and ProActivo in which they agreed to pay A.M. the principal sum of \$100,000, with \$15,000 paid in a lump sum at closing of the settlement and \$85,000 over six years, with interest accruing at 5% per annum. On August 25, 2023, an Agreed Final Judgment was entered in the lawsuit against Valencia and ProActivo, finding them jointly and severally indebted to Plaintiff A.M. for the principal sum of \$113,562.19.

False Documents Given to TDI

54. During TDI's investigation, Valencia and ProActivo gave TDI numerous falsified documents, made misrepresentations, and concealed material information.
55. On June 8, 2022, TDI sent Valencia a request for information. In response, Valencia sent TDI several falsified or inauthentic documents, including:
 - a. a receipt purportedly issued by AIG for a payment of \$2,743.50 on December 18, 2018;
 - b. an email and letter purportedly issued by AIG canceling A.M.'s policy on December 28, 2018 "due to underwriting request;"
 - c. a purported application for homeowner's insurance submitted to Wellington;
 - d. emails purportedly sent by Sierra referencing a need for "policy documents that show the company logo . . . to satisfy the audit requirements from FDIC;"
 - e. emails purportedly sent to Sierra stating that no coverage is confirmed and referencing different policy applications;
 - f. an email and letter purporting to be from AIG declining coverage; and

2025-9170

Commissioner's Order

Oscar Gerardo Valencia and ProActivo Risk Solutions Co. PLLC

SOAH Docket No. 454-24-04059

Page 10 of 13

- g. an email purportedly sent from Valencia and ProActivo to Sierra stating that AIG declined coverage.
- 56. On July 14, 2023, TDI sent Valencia another request for information. In response, Valencia again sent TDI falsified or inauthentic documents, including a CapitalOne bank account statement.
- 57. On October 16, 2023, Valencia and ProActivo perpetuated their falsehoods and misrepresentations to TDI, claiming that in response to the inquiries dated June 8, 2022, and July 14, 2023, they had "told the whole truth and nothing but the truth."
- 58. In that correspondence, Valencia and ProActivo also falsely represented to TDI that they have no record of returned premiums for a policy issued by Wellington Risk Insurance Agency, Inc., for A.M.'s residence, when in fact, Valencia and ProActivo do have the records of these returned premiums.

Conclusions of Law

1. The commissioner has jurisdiction over this matter under TEX. INS. CODE §§ 82.051–82.055, 84.021–84.044, 4001.002, 4001.106, 4001.254, 4005.101, 4005.102, 4005.105, 4051.051, 4054.051, 4153.051, and 4153.151-4153.152; and TEX. GOV'T CODE §§ 2001.051-2001.178.
2. The commissioner has the authority to informally dispose of this matter as set forth in TEX. GOV'T CODE § 2001.056, and TEX. INS. CODE §§ 36.104 and 82.055.
3. Valencia and ProActivo have knowingly and voluntarily waived all procedural rights to which they 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. Valencia and ProActivo have committed acts for which a license holder may be disciplined under TEX. INS. CODE §§ 4005.101 and 4005.102 because they have:
 - a. willfully violated an insurance law of this state in violation of TEX. INS. CODE § 4005.101(b)(1);

2025-9170

Commissioner's Order

Oscar Gerardo Valencia and ProActivo Risk Solutions Co. PLLC

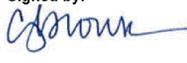
SOAH Docket No. 454-24-04059

Page 11 of 13

- b. misappropriated, converted, or illegally withheld money belonging to an insurer or insured in violation of TEX. INS. CODE § 4005.101(b)(4);
- c. engaged in fraudulent or dishonest acts or practices in violation of TEX. INS. CODE § 4005.101(b)(5); and
- d. materially misrepresented the terms and conditions of an insurance policy or contract in violation of TEX. INS. CODE § 4005.101(b)(6).

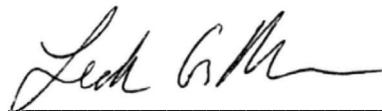
Order

It is ordered that any licenses held by Oscar Gerardo Valencia and ProActivo Risk Solutions Co. PLLC are revoked. Oscar Gerardo Valencia and ProActivo Risk Solutions Co. PLLC are barred from applying for the issuance of any permit, license, or other authorization issued or existing under the authority of the Commissioner of Insurance of the State of Texas for five years from the date of this order.

Signed by:

FC5D7EDDFB4F8...

Cassie Brown
Commissioner of Insurance

Recommended and reviewed by:



Leah Gillum, Deputy Commissioner
Fraud and Enforcement Division



Anna Kalapach, Staff Attorney
Enforcement

Commissioner's Order
Oscar Gerardo Valencia and ProActivo Risk Solutions Co. PLLC
SOAH Docket No. 454-24-04059
Page 12 of 13

Affidavit

STATE OF Texas §

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COUNTY OF Montgomery §

Before me, the undersigned authority, personally appeared Oscar Gerardo Valencia, who being by me duly sworn, deposed as follows:

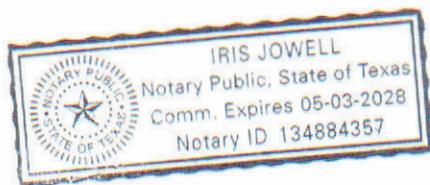
"My name is Oscar Gerardo Valencia. I am of sound mind, capable of making this statement, and have personal knowledge of these facts which are true and correct.

I have knowingly and voluntarily entered into the foregoing consent order and agree with and consent to the issuance and service of the same by the commissioner of insurance of the state of Texas."

Oscar Valencia 
Affiant

SWORN TO AND SUBSCRIBED before me on February 4th, 2025

(NOTARY SEAL)



Iris Jowell
Signature of Notary Public
Iris Jowell
Printed Name of Notary Public

Commissioner's Order
Oscar Gerardo Valencia and ProActivo Risk Solutions Co. PLLC
SOAH Docket No. 454-24-04059
Page 13 of 13

Affidavit

STATE OF TEXAS §

§

COUNTY OF Montgomery §

Before me, the undersigned authority, personally appeared Oscar Gerardo Valencia, who being by me duly sworn, deposed as follows:

"My name is Oscar Gerardo Valencia. I am of sound mind, capable of making this statement, and have personal knowledge of these facts which are true and correct.

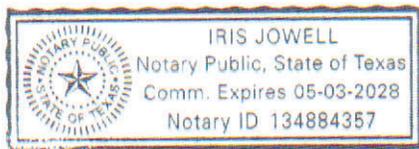
I hold the office of PRESIDENT and am the authorized representative of ProActivo Risk Solutions Co. PLLC. I am duly authorized by said organization to execute this statement.

ProActivo Risk Solutions Co. PLLC has knowingly and voluntarily entered into the foregoing consent order and agrees with and consents to the issuance and service of the same by the commissioner of insurance of the state of Texas."

Oscar Valencia
Affiant

SWORN TO AND SUBSCRIBED before me on February 4th, 2025.

(NOTARY SEAL)



Iris Jowell
Signature of Notary Public
Iris Jowell
Printed Name of Notary Public