

No. 2020-6387

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

Date: 07/07/2020

Subject Considered:

Amelia Madugal Peralta
4616 Yucca Drive
Laredo, Texas 78041

Default Order
SOAH Docket No. 454-20-3624.C
TDI Enforcement File No. 20471

General remarks and official action taken:

This is a default order taken against Amelia Madugal Peralta (Respondent) because she: misappropriated, converted to her own use, or illegally withheld money belonging to an insurer; engaged in fraudulent or dishonest acts or practices; willfully violated an insurance law of this state; failed to respond to the department's inquiry; and, failed to notify the department on a monthly basis of a change to her mailing address. 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 May 11, 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.

2020-6387

Commissioner's Order

Amelia Madugal Peralta

SOAH Docket No. 454-20-3624.C

Page 2 of 5

3. The department sent the Notice of Hearing and Original Petition to Respondent's last known address provided in writing to the department, 4616 Yucca Drive, Laredo, Texas 78041. The Notice of Hearing and Original Petition were also sent to the following two addresses: 6100 Bandera Rd., Ste 310, San Antonio, Texas 78238 and 6718 Springfield Ave, Apt 37, Laredo, Texas 78041. In addition, these documents were sent electronically to two email addresses associated with the Respondent.
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 pursuant to Texas law, including TEX. INS. CODE §§ 82.051-82.055, 4001.002, 4005.101, 4005.102, 4054.051, 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.

2020-6387

Commissioner's Order
Amelia Madugal Peralta
SOAH Docket No. 454-20-3624.C
Page 3 of 5

Order

It is ordered that Amelia Madugal Peralta's general lines 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: 
C77A87C8C21B435...
Doug Slape
Chief Deputy Commissioner
Commissioner's Order No. 2018-5528

Prepared and reviewed by:



Anna Kalapach, Staff Attorney
Enforcement Division

2020-6387

Commissioner’s Order
Amelia Madugal Peralta
SOAH Docket No. 454-20-3624.C
Page 4 of 5

Affidavit

STATE OF TEXAS §
 §
COUNTY OF TRAVIS §

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

“My name is Sonia Beck 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 Amelia Madugal Peralta. I have confirmed that:

- a. The last mailing address provided to the department in writing by Amelia Madugal Peralta is 4616 Yucca Drive, Laredo, Texas 78041.
- b. The file maintained by the Enforcement Division contains a Notice of Hearing and Original Petition dated May 11, 2020, which were filed with the State Office of Administrative Hearings.
- c. On May 11, 2020, the Notice of Hearing and Original Petition addressed to Amelia Madugal Peralta were mailed certified, return receipt requested, to her last known address and two additional addresses: 6100 Bandera Rd., Ste 310, San Antonio, Texas 78238, and 6718 Springfield Ave, Apt 37, Laredo, Texas 78041.

2020-6387

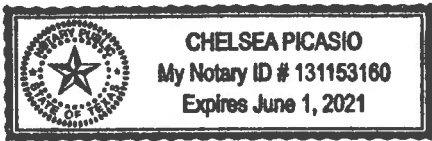
Commissioner's Order
Amelia Madugal Peralta
SOAH Docket No. 454-20-3624.C
Page 5 of 5

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

Affiant

SWORN TO AND SUBSCRIBED before me on June 16 2020.

(NOTARY SEAL)



Chelsea Picasio
Signature of Notary Public

Chelsea Picasio
Printed Name of Notary Public

ACCEPTED **2020-6387**
454-20-3624
5/11/2020 12:39 PM
STATE OFFICE OF
ADMINISTRATIVE HEARINGS
Donnie Roland, CLERK

FILED
454-20-3624
5/11/2020 12:16 PM
STATE OFFICE OF
ADMINISTRATIVE HEARINGS
Donnie Roland, CLERK

SOAH DOCKET NO. 454-20-3624.C
TDI ENFORCEMENT FILE NO. 20471

TEXAS DEPARTMENT OF INSURANCE,

BEFORE THE STATE OFFICE

Petitioner

v.

OF

AMELIA MADUGAL PERALTA,

ADMINISTRATIVE HEARINGS

Respondent

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 **Tuesday, August 11, 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.

**EXHIBIT
A**

2020-6387

Notice of Hearing

Amelia Madugal Peralta

SOAH Docket No. 454-20-3624.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

2020-6387

Notice of Hearing

Amelia Madugal Peralta

SOAH Docket No. 454-20-3624.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 "eFiling" 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.

2020-6387

Notice of Hearing

Amelia Madugal Peralta

SOAH Docket No. 454-20-3624.C

Page 4 of 5

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



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

2020-6387

Notice of Hearing
Amelia Madugal Peralta
SOAH Docket No. 454-20-3624.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 the following methods, on this 11th day of May, 2020 to:

Amelia Madugal Peralta
4616 Yucca Dr.
Laredo, TX 78041
Respondent Pro Se

Via CM/RRR No.: 9214890194038312235581
Via email to ameliaperalta11@gmail.com and
amyperalta0214@gmail.com

Amelia Madugal Peralta
6100 Bandera Rd., STE 310
San Antonio, TX 78238

Via CM/RRR No.: 9214890194038312235659

Amelia Madugal Peralta
6718 Springfield Ave, Apt 37
Laredo, TX 78041

Via CM/RRR No.: 9214890194038312235710



Anna Kalapach

**SOAH DOCKET NO. 454-20-3624.C
TDI ENFORCEMENT FILE NO. 20471**

TEXAS DEPARTMENT OF INSURANCE,

Petitioner

v.

AMELIA MADUGAL PERALTA,

Respondent

BEFORE THE STATE OFFICE

OF

ADMINISTRATIVE HEARINGS

ORIGINAL PETITION

The Texas Department of Insurance seeks to take disciplinary action against Amelia Madugal Peralta. 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, 4001.002, 4005.101, 4005.102, 4054.051, and TEX. GOV'T CODE §§ 2001.051-2001.178.

Factual Allegations

Licensure

1. Amelia Madugal Peralta ("Peralta"), individual identification no. 1389643, previously held a county mutual agent license with the department, which expired on October 31, 2019. Peralta failed to renew in accordance with TEX. INS. CODE § 4003.007.
2. Peralta presently holds an active general lines agent license with a life, accident, health, and HMO qualification, issued by the department on January 12, 2015.

**EXHIBIT
B**

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

3. Since 2015, Peralta has held an appointment with Reliable Life Insurance Company ("Reliable") to perform the acts of an agent on Reliable's behalf. On November 20, 2017, Reliable cancelled Peralta's appointment.
4. An audit conducted by Reliable after that cancellation identified \$4,263.47 in customer premiums that Peralta collected, but failed to pay Reliable between February 2017 and November 2017. These funds were due and owing to Reliable.
5. The amount of Peralta's cash bond with Reliable, \$3,051.24, did not cover the entire amount of premiums due to Reliable. Reliable maintains that \$1,212.23 is the remaining balance owed to Reliable.
6. Peralta misappropriated, converted, or illegally withheld \$4,263.47 from Reliable, and continues to owe Reliable an additional \$1,212.23.

Failure to Respond to an Inquiry

7. On October 30, 2019, the department sent an inquiry to Peralta and informed her that she must respond not later than 15 days after receipt of the inquiry. Although the inquiry was sent to Peralta by email, her preferred method of correspondence, Peralta did not respond to the department's inquiry.
8. The department sent another inquiry to Peralta on December 30, 2019, and again informed her that she must timely respond. Although that inquiry was also sent to Peralta by email, Peralta did not respond.
9. On April 8, 2020, the department sent another inquiry to Peralta and again informed her that she must timely respond. This inquiry was sent to Peralta by email, first class mail, and certified mail return receipt requested. A return receipt shows that the inquiry mailed to Peralta at a Laredo address associated with Peralta was delivered. Peralta did not respond to the department's inquiry.

Failure to Notify Department of Change in Mailing Address

10. On December 9, 2019, the department sent an email to Peralta requesting that she update her current mailing address by making the proper filing with the department's Licensing Division. Peralta responded in an email dated December 27, 2019, but did not update her mailing address as requested.
11. On December 30, 2019, the department again sent an email to Peralta requesting that she update her current mailing address properly. Peralta did not respond and Peralta has not updated her mailing address of record with the department.

Legal Allegations

1. Peralta misappropriated, converted to her own use, or illegally withheld money belonging to an insurer, as contemplated by TEX. INS. CODE § 4005.101(b)(4).
2. Peralta engaged in fraudulent or dishonest acts or practices, as contemplated by TEX. INS. CODE § 4005.101(b)(5).
3. Peralta has willfully violated an insurance law of this state, as contemplated by TEX. INS. CODE § 4005.101(b)(1).
4. Peralta failed to respond to the department's inquiry in writing not later than the 15th day after the date of the inquiry, as contemplated by TEX. INS. CODE § 38.001.
5. Peralta failed to notify the department on a monthly basis of a change to her mailing address, as contemplated by TEX. INS. CODE § 4001.252(a)(1).

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 Amelia Madugal Peralta's license; and
2. any other just and appropriate relief to which the department may be entitled to by law.

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

2020-6387



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: 05/11/2020
Shipped From:
Name: MC 110-1A S BECK
Address: 333 GUADALUPE 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	3
Total	3

*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

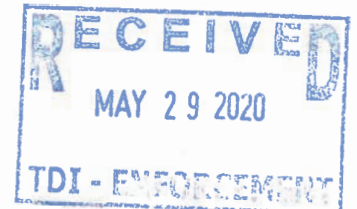
USPS EMPLOYEE: Please scan upon pickup or receipt of mail.
Leave form with customer or in customer's mail receptacle.

USPS SCAN AT ACCEPTANCE



9275 0901 1935 6200 0021 8766 38

KALAPACH 20471



**EXHIBIT
C**



Firm Mailing Book For Accountable Mail

2020-6387

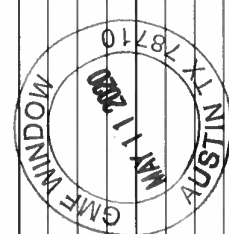
Name and Address of Sender
 MC 110-1A S. Beck
 Texas Department of Insurance
 333 Guadalupe St
 Austin TX 78701

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
 (If issued as an international certificate of mailing or for additional copies of this receipt).
 Postmark with Date of Receipt.

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	SH Fee
1. 9214 8901 9403 8312 2356 81 KALAPACH 20471	0.80	3.55								1.70			
2. 9214 8901 9403 8312 2356 89 78238	0.80	3.55								1.70			
3. 9214 8901 9403 8312 2357 10 78041	0.80	3.55								1.70			
			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)
SK

Total Number of Pieces Listed by Sender: 3
Total Number of Pieces Received by Post Office: 5

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Complete in Ink

PS Form 3877, April 2015 (Page 1 of 1)
PSN 7530-02-000-9098