

No. 2021-6729

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

**Date: 03/18/2021**

**Subject Considered:**

Miguel Angel Rubio

[REDACTED]  
El Paso, Texas 79924-4747

Default Order  
SOAH Docket No. 454-21-1021  
TDI Enforcement File No. 23034

**General remarks and official action taken:**

This is a default order taken against Miguel Angel Rubio (Respondent) because: he misappropriated, converted to his 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 an administrative action taken against him by a financial regulator of the United States. 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 January 13, 2021, 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.

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Commissioner's Order

Miguel Angel Rubio

SOAH Docket No. 454-21-1021

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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.
3. The department sent the Notice of Hearing and Original Petition to Respondent's last known address provided in writing to the department, [REDACTED], El Paso, Texas 79924. The Notice of Hearing and Original Petition were also sent by electronic mail and to an additional address associated with Respondent, [REDACTED] El Paso, Texas 79905.
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, 4051.051, 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.

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Commissioner's Order

Miguel Angel Rubio

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## Order

It is ordered that any licenses held by Miguel Angel Rubio are 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.

Commissioner of Insurance

DocuSigned by:  
By:  C77A87C8C21B435...

Doug Slape

Chief Deputy Commissioner

TEX. GOV'T CODE § 601.002

Commissioner's Order No. 2018-5528

Prepared and reviewed by:



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Anna Kalapach, Staff Attorney  
Enforcement Division

# 2021-6729

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Miguel Angel Rubio  
SOAH Docket No. 454-21-1021  
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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 Miguel Angel Rubio. I have confirmed that:

- a. The last mailing address provided to the department in writing by Miguel Angel Rubio is [REDACTED], El Paso, Texas 79924.
- b. The file maintained by the Enforcement Division contains a Notice of Hearing and Original Petition dated January 13, 2021, which were filed with the State Office of Administrative Hearings.
- c. On January 13, 2021, the Notice of Hearing and Original Petition addressed to Miguel Angel Rubio were mailed return receipt requested, to his last known address and an additional address, [REDACTED] El Paso, Texas 79905.

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

DocuSigned by:  
  
FD28CA3AECD3427... \_\_\_\_\_  
Affiant

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SWORN TO AND SUBSCRIBED before me by means of an interactive two-way audio and video communication on 2/5/2021, 2021. This notarial act was an online notarization.

## Notary Seal



## Digital Certificate

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

ACCEPTED **2021-6729**  
454-21-1021  
01/13/2021 11:36 AM  
STATE OFFICE OF  
ADMINISTRATIVE HEARINGS  
Donnie Roland, CLERK

FILED  
454-21-1021  
1/13/2021 11:32 AM  
STATE OFFICE OF  
ADMINISTRATIVE HEARINGS  
Donnie Roland, CLERK

**SOAH DOCKET NO. 454-21-1021  
TDI ENFORCEMENT FILE NO. 23034**

**TEXAS DEPARTMENT OF INSURANCE,**

**BEFORE THE STATE OFFICE**

**Petitioner**

**v.**

**OF**

**MIGUEL ANGEL RUBIO,**

**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 **Wednesday, June 30, 2021, 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 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](http://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**

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Notice of Hearing

Miguel Angel Rubio

SOAH Docket No. 454-21-1021

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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 LICENSES, 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 LICENSES, 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

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Notice of Hearing  
Miguel Angel Rubio  
SOAH Docket No. 454-21-1021  
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- (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

### 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](http://www.soah.texas.gov), click on the "E-Services" tab, then click the hyperlink "Request Service by Email (only for use by self-represented litigants)," 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.**



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Notice of Hearing  
Miguel Angel Rubio  
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If you have any questions, please contact me at the address or telephone number shown below.

Respectfully Submitted,



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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

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**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 13th day of January, 2021 to:

Miguel Angel Rubio  
[REDACTED]  
El Paso, TX 79924  
*Respondent Pro Se*

CM/RRR 9214 8901 9403 8329 6854 16:  
*Via email to* [REDACTED] and  
[REDACTED]

Miguel Angel Rubio  
[REDACTED]  
El Paso, TX 79905

CM/RRR: 9214 8901 9403 8329 6868 71



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Anna Kalapach

**TEXAS DEPARTMENT OF INSURANCE,**

**Petitioner**

**v.**

**MIGUEL ANGEL RUBIO,**

**Respondent**

**BEFORE THE STATE OFFICE**

**OF**

**ADMINISTRATIVE HEARINGS**

**ORIGINAL PETITION**

The Texas Department of Insurance seeks to take disciplinary action against Miguel Angel Rubio. 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, 4051.051, 4054.051 and TEX. GOV'T CODE §§ 2001.051-2001.178.

**Factual Allegations**

Licensure

1. Miguel Angel Rubio (Rubio), individual identification number 558335, previously held a limited lines agent license with the department, which expired on October 1, 2007. Rubio failed to renew in accordance with TEX. INS. CODE § 4003.007.
2. Rubio presently holds an active general lines agent license with a property and casualty qualification, issued by the department on November 30, 2007.
3. The department issued a life, accident, health, and HMO qualification to Rubio on October 23, 2008.

**EXHIBIT**

**B**

Misappropriation of Premium

4. On November 21, 2018, State Farm began an investigation of Rubio due to concerns involving timely deposits of premium funds, misappropriation of premium funds, commingling of funds, and deleted payments.
5. State Farm reviewed Rubio's agency's "Premium Fund Account," financial records, and reports for the period of April 2018 through September 2018.
6. On January 7, 2019, State Farm concluded the investigation which confirmed multiple occurrences over several months in which Rubio delayed applying customer premiums or did not apply premiums at all.
7. State Farm found instances in which Rubio received cash for premium payments, but those cash payments were not deposited into Rubio's Premium Fund Account. As a result, there was a cash shortage in that account.
8. The cash shortage resulted in a negative account balance which prevented State Farm from completing the payment process and pulling the funds from the Premium Fund Account.
9. Rubio made several miscellaneous cash deposits into the account to cover previous deficiencies, which also prevented State Farm from pulling funds from the Premium Fund Account.
10. Examples of Rubio's misapplication of funds as found during the audit, include:
  - a. an instance in which an insured, M.A., made a cash payment of \$85 to Rubio's agency. Rubio deposited the funds to the Premium Fund Account, but did not apply the funds to M.A.'s account. As a result, M.A.'s policy was canceled due to non-payment.
  - b. A customer, M.G., gave Rubio a cashier's check for \$96.20 dated July 9, 2018. M.G. wanted to suspend her monthly recurring payment and pay by check. However, the monthly recurring payment was not canceled and funds were withdrawn from M.G.'s account for July and August. Rubio deposited the cashier's check dated July 9, 2018, in his Premium Fund Account on September 19, 2018, but never applied it to M.G.'s policy.

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Miguel Angel Rubio  
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- c. an instance in which a customer, S.M., made cash payments which were deposited in Rubio's Premium Fund Account, but were not applied to S.M.'s policy in a timely manner. S.M. filed a complaint with State Farm and, as a result, S.M.'s account was credited \$190.32.
11. In other instances, Rubio informed State Farm that insureds paid their premiums, but he then failed to deposit those premiums into the Premium Fund Account and State Farm could not collect those premiums. State Farm treated those insureds as if they paid their premiums, but it resulted in a loss of premiums owed to State Farm.
12. As a result of the audit, State Farm decided to suspend Rubio's bank and securities authorizations on January 28, 2019. Rubio lost access to State Farm's banking system and State Farm reported the suspension to the Financial Industry Regulatory Authority (FINRA).
13. State Farm cancelled Rubio's appointment on March 8, 2019.
14. Due to failed attempts to collect premiums from the Premium Fund Account, State Farm estimates that there was a loss of approximately \$7,873.57. State Farm was able to collect \$5,273.65, but is still owed \$2,599.92.

### Barred by Financial Industry Regulatory Authority

15. On February 12, 2019, FINRA requested information and documentation from Rubio regarding his suspension by State Farm and later termination by State Farm. FINRA requested Rubio provide the documentation and information no later than February 26, 2019.
16. Rubio did not respond to FINRA's inquiry by February 26, 2019. As a result, on March 1, 2019, FINRA again requested documentation and information regarding Rubio's termination by State Farm. FINRA requested a response no later March 15, 2019.
17. On April 3, 2019, FINRA notified Rubio that pursuant to FINRA Rule 9552 he would be suspended from associating with any FINRA member in any capacity. The

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suspension would begin April 29, 2019, if Rubio did not take corrective action by complying with FINRA's previous requests for information.

18. In addition, Rubio was notified that he may request a hearing and if he failed to request termination of his suspension within three months, he would automatically be barred on July 8, 2019, from associating with any FINRA member in any capacity.
19. On April 29, 2019, FINRA notified Rubio that, pursuant to FINRA Rule 9552, he was suspended from associating with any FINRA member in any capacity. If Rubio failed to request termination of his suspension within three months of the date of the notice, he would automatically be barred on July 8, 2019.
20. On July 8, 2019, FINRA notified Rubio that he was barred from associating with any FINRA member in any capacity, pursuant to FINRA Rule 9552(h). The notice informed Rubio how he could appeal this regulatory action to the U.S. Securities and Exchange Commission.
21. Rubio has not notified the department of the administrative action taken by FINRA, a financial regulator.

### Failure to Respond to Inquiries

22. On February 12, 2020, the department mailed a request for information to Rubio about the above matters, informing him that he must respond no later than 15 days after receipt of the inquiry. Rubio received the request for information on February 27, 2020, at Rubio's address of record with the department. Rubio did not respond to the department's inquiry.
23. The department mailed a second request for information to Rubio on May 11, 2020, informing him that he must respond no later than 15 days after receipt of the inquiry. Rubio received the request for information on May 14, 2020, at Rubio's two addresses of record with the department. Rubio did not respond to the department's inquiry.
24. On July 20, 2020, the department mailed a third request for information to Rubio, informing him that he must respond no later than 15 days after receipt of the inquiry. Rubio received the request for information on July 22, 2020, at one of

Rubio's addresses of record with the department. Rubio did not respond to the department's inquiry.

### **Legal Allegations**

1. Rubio has willfully violated insurance laws of this state, in violation of TEX. INS. CODE § 4005.101(b)(1).
2. Rubio has misappropriated, converted to his own use, or illegally withheld money belonging to an insurer, in violation of TEX. INS. CODE § 4005.101(b)(4).
3. Rubio has engaged in fraudulent or dishonest acts or practices, in violation of TEX. INS. CODE § 4005.101(b)(5).
4. Rubio failed to notify the department, on a monthly basis, of an administrative action taken against him by a financial regulator of the United States, in violation of TEX. INS. CODE § 4001.252(a)(3).
5. Rubio failed to respond, on three separate occasions, to the department's written inquiries not later than the 15<sup>th</sup> day after the date of each inquiry, in violation of TEX. INS. CODE § 38.001.

### **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 Miguel Angel Rubio's licenses; and
2. imposing any other just and appropriate relief to which the department may be entitled to by law, including any combination of the above actions.

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Original Petition  
Miguel Angel Rubio  
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Respectfully Submitted,



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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





Firm Mailing Book For Account

Name and Address of Sender  
 MC 110-1A D Moreno  
 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

USPS Tracking/Article Number

1. 9214 8901 9403 8329 6854 16

2. 9214 8901 9403 8329 6888 71

Kalapach/23034

Postage (Extra Service) Fee

Handling Charge

Actual Value if Registered

Insured Value

Due Sender if COD

ASR Fee

ASRD Fee

RD Fee

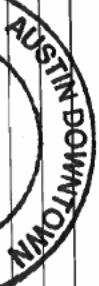
RR Fee

SC Fee

SCRD Fee

SH Fee

| 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 |
|--|-----------------|----------------------------|---------------|-------------------|--|----------|--------|--------|--------|----------|--------|
| 1.20   | 3.55            |                            |               |                   |  |          |        | 1.70   |        |          |        |
| 1.20   | 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: JAN 19 2021 (posting employee)

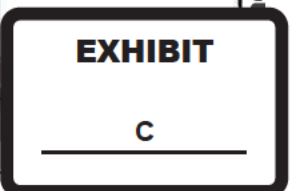
Complete in Ink

2021-6729

Total Number of Pieces Listed by Sender: 2  
 Total Number of Pieces Received at Post Office: 2

PS Form 3877, January 2017 (Page 1 of 1)  
 PSN 7530-02-000-9098 JobId: 2461531

Privacy Notice: For more information on USPS privacy policies, visit usps.com/privacypolicy.





# 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: 01/13/2021

Shipped From:

Name: MC 110-1A D MORENO

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                        | 2      |
| Total                        | 2      |

\*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:

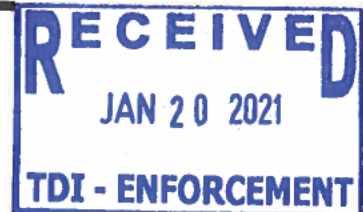
1. Home screen > Mailing/Shipping > More
2. Select Shipment Confirm
3. Scan or enter the barcode/label number from PS Form 5630
4. Confirm the volume count message by selecting Yes or No
5. Select Pay and End Visit to complete transaction

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 0026 3012 03



kalapach/23034