

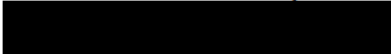
No. 2021-6763

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

Date: 04/01/2021

Subject Considered:

Rem Cin Sung


Dallas, Texas 75238-1902

Default Order
SOAH Docket No. 454-21-1002
TDI Enforcement File No. 21175

General remarks and official action taken:

The subject of this default order is whether a general lines agent license with a life, accident, and health qualification and a property and casualty qualification should be issued to Rem Cin Sung (Respondent). Respondent did not respond to a Notice of Hearing filed by the Texas Department of Insurance. This order denies Respondent's license application.

The following findings of fact and conclusions of law are adopted:

Findings of Fact

Failure to Respond to Notice of Hearing

1. On January 12, 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.
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

Rem Cin Sung

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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, [REDACTED] [REDACTED] Dallas, Texas 75238-1902. The Notice of Hearing and Original Petition were also sent by electronic mail.
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, 4001.102, 4001.105, 4005.101-4005.105, 4051.051, and 4054.051; TEX. OCC. CODE §§ 53.021-53.023; 28 TEX. ADMIN. CODE § 1.502; 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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Order

It is ordered that the general lines agent license with a life, accident, and health qualification and a property and casualty qualification previously surrendered by Rem Cin Sung is revoked. It is ordered that Rem Cin Sung's application is denied. 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

By: 
C77A87C8C21B435...

Doug Slape
Chief Deputy Commissioner
TEX. GOV'T CODE § 601.002
Commissioner's Order No. 2018-5528

Prepared and reviewed by:

/s/ Patrick Quigley

Patrick Quigley, Staff Attorney

Enforcement Division

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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 Rem Cin Sung. I have confirmed that:

- a. The last mailing address provided to the department in writing by Rem Cin Sung is [REDACTED] Dallas, Texas 75238-1902.
- b. The file maintained by the Enforcement Division contains a Notice of Hearing and Original Petition dated January 12, 2021, which were filed with the State Office of Administrative Hearings.
- c. On January 12, 2021, the Notice of Hearing and Original Petition addressed to Rem Cin Sung were mailed certified, return receipt requested, to her last known address.

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

DocuSigned by:

E453163E3AA24F9... _____
Affiant

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Commissioner's Order

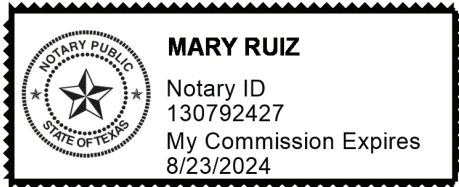
Rem Cin Sung

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SWORN TO AND SUBSCRIBED before me by means of an interactive two-way audio and video communication on 3/9/2021. This notarial act was an online notarization.

Notary Seal

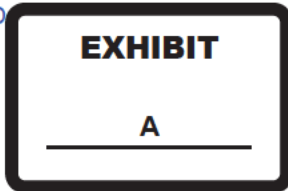


Digital Certificate

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

ACCEPTED
454-21-1002
01/12/2021 11:52 AM
STATE OFFICE OF
ADMINISTRATIVE HEARINGS
Donnie Roland, CLERK

2021-6763



FILED
454-21-1002
1/12/2021 11:15 AM
STATE OFFICE OF
ADMINISTRATIVE HEARINGS
Donnie Roland, CLERK

**SOAH DOCKET NO. 454-21-1002
TDI ENFORCEMENT FILE NO. 21175**

TEXAS DEPARTMENT OF INSURANCE,

Petitioner

v.

REM CIN SUNG,

Respondent

BEFORE THE STATE OFFICE

OF

ADMINISTRATIVE HEARINGS

NOTICE OF HEARING

The Texas Department of Insurance seeks to deny your license application. 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 **Thursday, April 29, 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, 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.

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Notice of Hearing

Rem Cin Sung

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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 DENIAL OF YOUR LICENSE APPLICATION, 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 DENIAL OF YOUR LICENSE APPLICATION, 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) Patrick Quigley, Staff Attorney
Texas Department of Insurance
Enforcement Division, MC110-1A
333 Guadalupe St
Austin, Texas 78701
(512) 490-1020 (Fax)
Patrick.quigley@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, 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.

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

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Notice of Hearing

Rem Cin Sung

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Respectfully Submitted,

/s/ Patrick Quigley

Patrick Quigley, Staff Attorney

State Bar No. 16430320

Texas Department of Insurance

Enforcement Division, MC110-1A

333 Guadalupe

Austin, Texas 78701

(512) 676-6335 (Direct)

(512) 490-1020 (Fax)

Patrick.quigley@tdi.texas.gov

ATTORNEY FOR THE PETITIONER

TEXAS DEPARTMENT OF INSURANCE

Enclosure: Original Petition

cc: Leah Gillum, Deputy Commissioner, Enforcement Division, MC-110-1A
Ginger Loeffler, Litigation Director, Enforcement Division, MC-110-1A
Administrative Review, MC107-1A

CERTIFICATE OF SERVICE

I, Patrick Quigley, certify that a true and correct copy of the *Notice of Hearing and the Original Petition* were sent by email and certified mail, return receipt requested, on January 12, 2021 to:

Rem Cin Sung

[REDACTED]
Dallas, Texas 75238-1902

Via CM/RRR No.:

9214 8901 9403 8329 5714 43

Via email: [REDACTED]

/s/ Patrick Quigley

Patrick Quigley



**SOAH DOCKET NO. 454-
TDI ENFORCEMENT FILE NO. 21175**

TEXAS DEPARTMENT OF INSURANCE,

BEFORE THE STATE OFFICE

Petitioner

v.

OF

REM CIN SUNG,

Respondent

ADMINISTRATIVE HEARINGS

ORIGINAL PETITION

The Texas Department of Insurance seeks to take disciplinary action against Rem Cin Sung (Sung) and to deny Sung's license application. 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, 84.021-82.044, 4001.002, 4005.101, 4005.102, 4051.051, and 4054.051; 28 TEX. ADMIN. CODE § 1.502; TEX. OCC. CODE §§ 53.021 – 53.023; and TEX. GOV'T CODE §§ 2001.051-2001.178.

Factual Allegations

Previous Licensure and Background

1. On April 24, 2017, the department issued Sung a general lines agent license with a life, accident, and health qualification and a property and casualty qualification.
2. On August 31, 2018, Allstate Insurance Company canceled its appointment of Sung as an agent. Sung worked with Allstate agent Hayat and then began working for Allstate agent Castro. When Sung was working for Castro, she began rewriting policies which she had written with Hayat to earn more commissions.
3. Allstate found that for Sung to rewrite the policies into the same carrier she would "trick" the system into accepting the customer as new. Sung would intentionally

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Original Petition

Rem Cin Sung

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change the spelling of names and addresses to manipulate Allstate's database. Allstate found Sung would fraudulently cancel prior policies by manipulating the cancellation dates to meet certain parameters set forth by Allstate's guidelines. In addition, Ms. Sung would list fictitious information for the prior carrier to meet Allstate's guidelines for writing new business.

4. Sung admitted the fraudulent actions and that she knew it was wrong in a recorded interview with Allstate.
5. Sung surrendered her insurance license to TDI on November 7, 2018.
6. Allstate sent the department the notice of cancelation on February 12, 2019.

New License Application

7. On March 28, 2019—less than five months after her previous license surrender—Sung applied for a general lines agent license with a life, accident, and health qualification and a property and casualty qualification with the department.
8. On May 21, 2019, the department proposed to deny Sung's application because she committed an act for which a license may be denied due to her previous misconduct.
9. Sung timely requested a hearing for the denial of her application.

Legal Allegations

1. The department may institute a discipline proceeding for conduct committed before the effective date of a voluntary surrender of her agent license, as contemplated by TEX. INS. CODE § 4005.107.
2. Sung committed acts for which a license may be revoked and her application for a license may be denied because:
 - a. Based on her prior history as a licensed agent, she engaged in fraudulent or dishonest acts or practices, in violation of TEX. INS. CODE § 4005.101(b)(5).

Relief Sought

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Original Petition

Rem Cin Sung

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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 Sung's surrendered insurance agent license;
2. Denying Sung's license application; and
3. 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,

/s/ Patrick Quigley

Patrick Quigley, Staff Attorney

State Bar No. 16430320

Texas Department of Insurance

Enforcement Division, MC110-1A

333 Guadalupe

Austin, Texas 78701

(512) 676-6335 (Direct)

(512) 490-1020 (Fax)

Patrick.quigley@tdi.texas.gov

ATTORNEY FOR THE PETITIONER

TEXAS DEPARTMENT OF INSURANCE

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EXHIBIT

C



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: 01/12/2021

Shipped From:

Name: MC 110-1A M RUIZ

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	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 0026 2712 30

QUIGLEY/21175



Firm Mailing Book For Accountable Mail

Name and Address of Sender

MC 110-1A M RUIZ
Texas Department of Insurance
333 Guadalupe St
Austin Tx 78701

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

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- 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 5714 43

QUIGLEY/21175

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

REM CIN SUNG
75238-1902
DALLAS, TEXAS

Postage

1.20

Actual Value if Registered

Insured Value

Due Sender if COD

ASR Fee

ASRD Fee

RD Fee

RR Fee

SC Fee

SCRD Fee

Special Handling Fee

1.70

Handling Charge - if Registered and over \$50,000 in value

(Extra Service) Fee

3.55

Handling Charge

Total Number of Pieces Listed by Sender
1










Postmaster, Per (Name of receiving employee)

Tracking History

2021-6763

Tracking #: 9214890194038329571443

Recipient: REM CIN SUNG
[REDACTED]
DALLAS, TEXAS 75238-1902

Date & Time	Event Type	Event	Event Location
01/12/2021 11:16		PRE-SHIPMENT INFO SENT USPS AWAITS ITEM	AUSTIN, TX, 78701
01/13/2021 22:15		ORIGIN ACCEPTANCE	AUSTIN, TX, 78701
01/13/2021 23:30		PROCESSED THROUGH USPS FACILITY	AUSTIN, TX, 78710
01/14/2021 09:20		DEPART USPS FACILITY	AUSTIN, TX, 78710
01/14/2021 12:56		PROCESSED THROUGH USPS FACILITY	DALLAS, TX, 75260
01/15/2021 04:55		DEPART USPS FACILITY	DALLAS, TX, 75260
01/15/2021 06:14		ARRIVAL AT UNIT	DALLAS, TX, 75238
01/15/2021 06:25		OUT FOR DELIVERY	DALLAS, TX, 75238
01/15/2021 10:34		DELIVERED FRONT DESK/RECEPTION/MAIL ROOM	DALLAS, TX, 75238