

No. 2021-6933

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

Date: 07/21/2021

Subject Considered:

Delilah Luna
[REDACTED]
McAllen, Texas 78501

Default Order
SOAH Docket No. 454-21-2557
TDI Enforcement File No. 27281

General remarks and official action taken:

This is a default order taken against Delilah Luna (Respondent) because Respondent has been convicted of a felony and is imprisoned for that felony conviction. 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 June 9, 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.
3. On June 9, 2021, the department sent the Notice of Hearing and Original Petition to Respondent's last known address provided in writing to the department, [REDACTED]

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Commissioner's Order

Delilah Luna

SOAH Docket No. 454-21-2557

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██████████ McAllen, Texas 78501. The Notice of Hearing and Original Petition were also sent to one additional address associated with Respondent: ██████████
██████████, Dayton, Texas 77535.

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 under Texas law, including TEX. INS. CODE §§ 82.051-82.055, 4001.002, 4005.101, 4005.102, and 4054.201; 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 under 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 under 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 under 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 under 28 TEX. ADMIN. CODE § 1.89.

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Commissioner's Order

Delilah Luna

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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 Delilah Luna. I have confirmed that:

- a. The last mailing address provided to the department in writing by Delilah Luna is [REDACTED] McAllen, Texas 78501.
- b. The file maintained by the Enforcement Division contains a Notice of Hearing dated June 9, 2021, and an Original Petition dated June 7, 2021, which together were filed with the State Office of Administrative Hearings on June 9, 2021.
- c. On June 9, 2021, the Notice of Hearing and Original Petition addressed to Delilah Luna were mailed first-class and certified, return receipt requested, to her last known address and one additional address: [REDACTED], Dayton, Texas 77535.

Copies of the first-class mail log and certified mail log maintained by the Enforcement Division are attached as Exhibit C and Exhibit D, respectively."

DocuSigned by:

David Moreno

CD0D9C2DF0154A2...

Affiant

2021-6933

Commissioner's Order

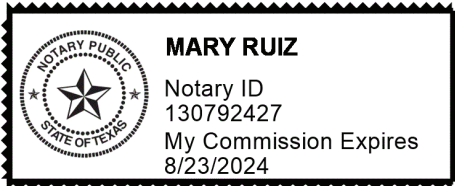
Delilah Luna

SOAH Docket No. 454-21-2557

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SWORN TO AND SUBSCRIBED before me by means of an interactive two-way audio and video communication on 7/9/2021. This notarial act was an online notarization.

Notary Seal



Digital Certificate

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

2021-6933

FILED
454-21-2557
6/9/2021 10:32 AM
STATE OFFICE OF
ADMINISTRATIVE HEARINGS
Carol Hale, CLERK

ACCEPTED
454-21-2557
06/09/2021 10:34 AM
STATE OFFICE OF
ADMINISTRATIVE HEARINGS
Carol Hale, CLERK

**SOAH DOCKET NO. 454-21-2557
TDI ENFORCEMENT FILE NO. 27281**

TEXAS DEPARTMENT OF INSURANCE,

Petitioner

v.

DELILAH LUNA,

Respondent

BEFORE THE STATE OFFICE

OF

ADMINISTRATIVE HEARINGS

NOTICE OF HEARING

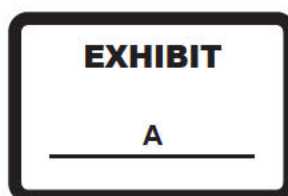
The Texas Department of Insurance seeks to take disciplinary action against you. This Notice of Hearing and the Original Petition, which is attached and incorporated for all purposes, states the allegations against you and the relief sought by the Department.

A public hearing will be held before an Administrative Law Judge on **Wednesday, September 8, 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 under 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 UNDER 1 TEX. ADMIN. CODE § 155.501 AND 28 TEX. ADMIN. CODE §§ 1.88 AND 1.89.



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Notice of Hearing

Delilah Luna

SOAH Docket No. 454-21-2557

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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 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 12030, MC GC-CCO
Austin, Texas 78711-2030
(512) 490-1064 (Fax)
chiefclerk@tdi.texas.gov; and
- (3) Sarah White, Staff Attorney
Texas Department of Insurance
Enforcement Division, MC ENF
P.O. Box 12030
Austin, Texas 78711-2030
(512) 490-1020 (Fax)
Sarah.white@tdi.texas.gov

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Notice of Hearing

Delilah Luna

SOAH Docket No. 454-21-2557

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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

Delilah Luna

SOAH Docket No. 454-21-2557

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Respectfully Submitted,



Sarah White

State Bar No. 24064622

Texas Department of Insurance

Enforcement Division, MC ENF

P.O. Box 12030

Austin, Texas 78711-2030

(512) 676-6354 (Direct)

(512) 490-1020 (Fax)

Sarah.white@tdi.texas.gov

ATTORNEY FOR THE PETITIONER

TEXAS DEPARTMENT OF INSURANCE

Enclosure: Original Petition

cc: Leah Gillum, Deputy Commissioner, Enforcement Division, MC ENF
Rachel Cloyd, Litigation Director, Enforcement Division, MC ENF
Administrative Review, MC CO-AAL

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Notice of Hearing

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CERTIFICATE OF SERVICE

I, Sarah White, certify that a true and correct copy of the *Notice of Hearing and the Original Petition* were sent by regular, first-class mail and by certified mail, return receipt requested, on this 9th day of June, 2021 to:

Delilah Luna

[REDACTED]

McAllen, Texas 78501

CM/RRR: 9214890194038341889670

and Via First Class Mail

and via email. [REDACTED]

Delilah Luna, [REDACTED]

[REDACTED]

Dayton, Texas 77535

Respondent Pro Se

CM/RRR: 9214890194038341889809

and Via First Class Mail



Sarah White

454-21-2557

SOAH DOCKET NO. 454-_____
TDI ENFORCEMENT FILE NO. 27281

TEXAS DEPARTMENT OF INSURANCE,

BEFORE THE STATE OFFICE

Petitioner

v.

OF

DELILAH LUNA,

ADMINISTRATIVE HEARINGS

Respondent

ORIGINAL PETITION

The Texas Department of Insurance seeks to take disciplinary action against Delilah Luna. 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 under TEX. INS. CODE §§ 82.051-82.055, 4001.002, 4005.101, 4005.102, and 4054.201, TEX. OCC. CODE §§ 53.021-53.023, and 28 TEX. ADMIN. CODE § 1.502 and TEX. GOV'T CODE §§ 2001.051-2001.178.

Factual Allegations

Licensure

1. Delilah Luna (Luna), individual identification number 2063218, holds a life insurance not exceeding \$25,000 agent license originally issued by the department on May 29, 2019.

Criminal History

2. On March 31, 2021, Luna was convicted of the 3rd degree felony offense of assault family/household member by impeding breath/circulation in cause no. CR-0039-21-D, in the 206th District Court of Hidalgo County, Texas. The court sentenced Luna to five years imprisonment in the Texas Department of Criminal Justice (TDCJ) and ordered her to pay court costs.

EXHIBIT

B

3. Also, on March 31, 2021, Luna was convicted of the 1st degree felony offense of manufacturing delivery of controlled substance pg 1 >=4g<200g in cause no. CR-3473-19-D, in the 206th District Court of Hidalgo County, Texas. The court sentenced Luna to five years imprisonment in TDCJ and ordered her to pay court costs.
4. The court ordered the sentences to run concurrently.
5. Luna is currently incarcerated at the Lucile Plane State Jail, a unit of TDCJ.

Legal Allegations

1. Luna has committed acts for which a license holder may be disciplined under TEX. INS. CODE § 4005.101, as contemplated in TEX. INS. CODE § 4005.102.
2. Luna has been convicted of a felony, in violation of TEX. INS. CODE § 4005.101(b)(8).
3. Luna has been imprisoned following a felony conviction, resulting in revocation of her license by operation of law, pursuant to TEX. OCC. CODE § 53.021(b).

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 Luna's license 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.

Respectfully Submitted,



Sarah White

State Bar No. 24064622

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Original Petition

Delilah Luna

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Texas Department of Insurance
Enforcement Division, MC ENF
P.O. Box 12030
Austin, Texas 78711-2030
(512) 676-634 (Direct)
(512) 490-1020 (Fax)
Sarah.white@tdi.texas.gov

ATTORNEY FOR THE PETITIONER
TEXAS DEPARTMENT OF INSURANCE

Firm Mailing Book For Accountable Mail

Name and Address of Sender
 Texas Dept of Insurance
 Mail Code 110-1A
 333 Guadalupe St
 Austin TX 78701
 David Moreno
 June 9, 2021

- Check type of mail or service
- Adult Signature Required
 - Priority Mail Express
 - Adult Signature Restricted Delivery
 - Registered Mail
 - Certified Mail
 - Return Receipt for Merchandise
 - Certified Mail Restricted Delivery
 - Signature Confirmation
 - Signature Confirmation Restricted Delivery
 - Collect on Delivery (COD)
 - Insured Mail
 - Priority Mail

APIX 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 if COD	ASR Fee	ASRD Fee	RD Fee	RR Fee	SC Fee	SCRD Fee	SH Fee
White/27281	Delliah Luna McAllen, Texas 78501	1.20												
	Delliah Luna, [Redacted] Dayton, Texas 77535	1.20												

and over \$50,000 in value

US POSTAGE \$003.109
 ZIP 78701
 04-TM1232405
 OFFICIAL BUSINESS
 STATE OF TEXAS
 PENALTY FOR PRIVATE USE
 06/09/2021
 reposit-X



RECEIVED
 JUN 14 2021
 TDI - ENFORCEMENT

[Handwritten Signature]

222

EXHIBIT
 C

Adult Signature
 Adult Signature Restr
 Restricted Delive
 Return Receipt
 Signature Confirmation
 Signature Confirmation Restricted Delivery
 Special Handling

2021-6933



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: 06/09/2021
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 0029 4882 22

white/27281

