

No. 2021-6939

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

**Date:** 07/28/2021

**Subject Considered:**

Van Tran

  
Palm Harbor, Florida 34684-1548

Default Order  
SOAH Docket No. 454-21-2729  
TDI Enforcement File No. 27063

**General remarks and official action taken:**

This is a default order taken against Van Tran (Respondent) because he: engaged in fraudulent or dishonest acts or practices; committed felony offenses and engaged in dishonest activity that directly relates to the duties and responsibilities of the licensed occupation; committed offenses for which fraud, dishonesty, or deceit is an essential element; committed offenses involving moral turpitude; does not hold a license in good standing as an adjuster in his home state of residence, and is no longer qualified to hold a license in Texas; failed to notify the department of two separate administrative actions taken against him by insurance regulators of other states; and failed to respond, on two separate occasions, to department inquiries. 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:

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Commissioner's Order

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## Findings of Fact

### Failure to Respond to Notice of Hearing

1. On June 24, 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. The department sent the Notice of Hearing and Original Petition to Respondent's last known address provided in writing to the department, [REDACTED], Palm Harbor, Florida 34684. The Notice of Hearing and Original Petition were also sent by electronic mail, fax, and an additional address associated with Respondent, [REDACTED], Saint Petersburg, Florida 33701.
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, 4003.007, 4005.101, 4005.102, 4005.107, 4101.004, 4101.051, 4101.053, 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.



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Commissioner's Order

Van Tran

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## Affidavit

**STATE OF TEXAS** §

§

**COUNTY OF TRAVIS** §

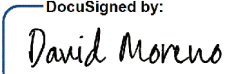
Before me, the undersigned authority, personally appeared David Moreno, who, being by me duly sworn, deposed as follows:

"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 Van Tran. I have confirmed that:

- a. The last mailing address provided to the department in writing by Van Tran is [REDACTED], Palm Harbor, Florida 34684.
- b. The file maintained by the Enforcement Division contains a Notice of Hearing dated June 24, 2021, and Original Petition dated June 23, 2021, which were filed with the State Office of Administrative Hearings.
- c. On June 24, 2021, the Notice of Hearing and Original Petition addressed to Van Tran were mailed certified, return receipt requested, to his last known address and an additional address, [REDACTED], Saint Petersburg, Florida 33701.

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

DocuSigned by:  
  
84ABEE88885947F...

Affiant

# 2021-6939

Commissioner's Order

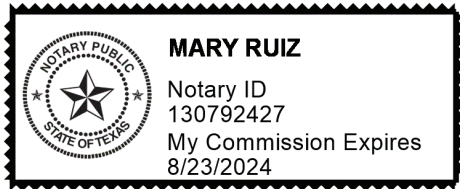
Van Tran

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SWORN TO AND SUBSCRIBED before me by means of an interactive two-way audio and video communication on 7/21/2021. This notarial act was an online notarization.

## Notary Seal



## Digital Certificate

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

**2021-6939**

FILED  
454-21-2729  
6/24/2021 9:20 AM  
STATE OFFICE OF  
ADMINISTRATIVE HEARINGS  
Carol Hale, CLERK

ACCEPTED  
454-21-2729  
06/24/2021 9:41 AM  
STATE OFFICE OF  
ADMINISTRATIVE HEARINGS  
Carol Hale, CLERK

**SOAH DOCKET NO. 454-21-2729  
TDI ENFORCEMENT FILE NO. 27063**

**TEXAS DEPARTMENT OF INSURANCE,**

**Petitioner**

**v.**

**VAN TRAN,**

**Respondent**

**BEFORE THE STATE OFFICE**

**OF**

**ADMINISTRATIVE HEARINGS**

**NOTICE OF HEARING**

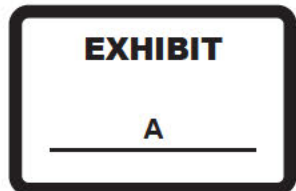
The Texas Department of Insurance seeks to take disciplinary action against you. This Notice of Hearing and the Original Petition, which is attached and incorporated for all purposes, states the allegations against you and the relief sought by the Department.

A public hearing will be held before an Administrative Law Judge on **Wednesday, October 13, 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](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 UNDER 1 TEX. ADMIN. CODE § 155.501 AND 28 TEX. ADMIN. CODE §§ 1.88 AND 1.89.**



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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

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Van Tran

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- (3) Anna Kalapach, Staff Attorney  
Texas Department of Insurance  
Enforcement Division, MC ENF  
P.O. Box 12030  
Austin, Texas 78711-2030  
(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

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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, MC ENF  
P.O. Box 12030  
Austin, Texas 78711-2030  
(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 ENF  
Rachel Cloyd, Litigation Director, Enforcement Division, MC ENF  
Administrative Review, MC CO-AAL

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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 24th day of June, 2021 to:

Van Tran

[REDACTED]

Palm Harbor, FL 34684

*Respondent Pro Se*

CM/RRR No: 9214 8901 9403 8343 1450 64

*Via Email to:*

[REDACTED]

*Via Fax to:*

[REDACTED]

Van Tran

[REDACTED]

Saint Petersburg, FL 33701

CM/RRR No: 9214 8901 9403 8343 1457 12



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Anna Kalapach

454-21-2729

**SOAH DOCKET NO. 454-\_\_\_\_\_**  
**TDI ENFORCEMENT FILE NO. 27063**

**TEXAS DEPARTMENT OF INSURANCE,**

**Petitioner**

**v.**

**VAN TRAN,**

**Respondent**

**BEFORE THE STATE OFFICE**

**OF**

**ADMINISTRATIVE HEARINGS**

**ORIGINAL PETITION**

The Texas Department of Insurance seeks to take disciplinary action against Van Tran. 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, 4003.007, 4005.101, 4005.102, 4005.107, 4101.004, 4101.051, 4101.053, and TEX. GOV'T CODE §§ 2001.051-2001.178.

**Factual Allegations**

Licensure and Home State Revocation

1. Van Tran (Tran), individual identification number 2037536, holds a non-resident adjuster license which was issued by the department on March 21, 2019.
2. Tran has a Texas non-resident license because he lives in Florida. This license type requires that Tran have a resident license in good standing in his home state, Florida.
3. On February 10, 2021, the Florida Department of Financial Services, Division of Insurance Agent and Agency Services, revoked all of Tran's licenses, appointments, and eligibility for licensure.

**EXHIBIT**

**B**

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4. Tran's non-resident license is set to expire on July 31, 2021. However, under TEX. INS. CODE § 4003.007, Tran may still attempt to renew his license.

### Criminal History

5. On September 4, 2019, Tran was arrested for intentionally using or installing an imaging device to secretly view, broadcast, or record a person for Tran's amusement, entertainment, sexual arousal, gratification, or profit, or for the purpose of degrading or abusing another person, without that person's knowledge and consent, who was undressing at a place and time when that person had a reasonable expectation of privacy. He was charged for this felony offense in case number 19-10694-CF-D, in the Sixth Judicial circuit Court in Pinellas County, Florida.
6. Tran pled guilty to three counts of Video Voyeurism in case number 19-10694-CF-D, on February 25, 2020. Tran received deferred adjudication for all three counts of Video Voyeurism. He was placed on probation for 18 months and has not completed his probation as of the date of this petition.
7. As part of Tran's probation, the court ordered that Tran have no contact with the victim, either directly or indirectly, and pay a mandatory \$302 to the Rape Crisis Program Trust Fund.

### Disciplinary Actions in Florida and South Carolina

8. On August 20, 2020, the Florida Department of Financial Services issued an Administrative Complaint against Tran alleging that on February 28, 2020, in the case number 19-10694-CF-D, Tran pled guilty to one count of Video Voyeurism, a felony. The Complaint alleged that Tran's adjudication of guilt was withheld.
9. Tran failed to answer the Administrative Complaint or request a proceeding in accordance with Florida statutes. As a result, the Chief Financial Officer of the Florida Department of Financial Services revoked all of Tran's licenses, appointments, and eligibility for licensure on February 10, 2021.
10. On April 21, 2021, the South Carolina Department of Insurance revoked Tran's license to do business as a non-resident insurance producer within the State of

South Carolina because Tran no longer held a license in good standing in his home state, Florida.

11. Tran has not notified the department of the administrative actions taken by other states' insurance regulators in Florida or South Carolina.

Failure to Respond to Inquiries

12. On April 29, 2021, the department mailed a request for information to Tran about the above matters, informing him that he must respond no later than 15 days after receipt of the inquiry. Tran received the request for information on May 3, 2021, at his business address of record with the department. A notice of the request for information was left at Tran's mailing address of record with the department, but the envelope was unclaimed and returned to the department. Tran did not respond to the department's inquiry.
13. The department mailed a second request for information to Tran on May 21, 2021, informing him that he must respond no later than 15 days after receipt of the inquiry. Tran received the request for information on May 24, 2021, at his business address of record with the department. A notice of the request for information was left at Tran's mailing address of record on May 24, 2021, but the envelope was unclaimed. Tran did not respond to the department's inquiry.

**Legal Allegations**

1. Tran has engaged in fraudulent or dishonest acts or practices, as contemplated by TEX. INS. CODE § 4005.101(b)(5).
2. Tran pled guilty to offenses and received deferred adjudication in 2020. The department may consider this offense a conviction, as contemplated by TEX. OCC. CODE § 53.021(d), due to the following:
  - a. Tran has not completed the period of supervision for the offenses of Video Voyeurism; and

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- b. The department determined that Tran's employment as a licensed adjuster would create a situation in which he has an opportunity to repeat the prohibited act.
3. Tran committed offenses and has engaged in fraudulent or dishonest activity that directly relates to the duties and responsibilities of the licensed occupation, as contemplated in 28 TEX. ADMIN. CODE § 1.502(d) and (f).
4. Tran has committed offenses that the department considers to be of such a serious that they are of prime importance in determining fitness for licensure, as contemplated by 28 TEX ADMIN. CODE § 1.502(e)(1) and (e)(3), and TEX. OCC. CODE §§ 53.021 – 53.023.
5. Tran committed offenses for which fraud, dishonesty, or deceit is an essential element, as contemplated in 28 TEX. ADMIN. CODE § 1.502(e)(1).
6. Tran committed felonies involving moral turpitude, as contemplated in 28 TEX. ADMIN. CODE § 1.502(e)(3).
7. Department guidelines, 28 TEX ADMIN. CODE § 1.502(c)-(e), emphasize that the department:
  - a. considers it very important that license holders be honest, trustworthy, and reliable;
  - b. may revoke a license if the department determines that the license holder has committed a felony or misdemeanor that directly relates to the duties and responsibilities of the licensed occupation; and
  - c. considers the offenses of Video Voyeurism to be of such a serious nature that it is of prime importance when determining fitness for licensure. 28 TEX ADMIN. CODE § 1.502(e)(1) and (e)(3).
8. Tran does not hold a license in good standing as an adjuster in his home state of residence, as required by TEX. INS. CODE § 4101.053(a)(2)(B), and is no longer qualified to hold a non-resident license in Texas.

9. Tran failed to notify the department, on a monthly basis, of two separate administrative actions taken against him by insurance regulators of other states, in violation of TEX. INS. CODE § 4001.252(a)(3).
  
10. Tran failed to respond, on two 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 Van Tran's license; and
2. imposing any other just and appropriate relief to which the department may be entitled to by law.

Respectfully Submitted,



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Anna Kalapach  
State Bar No. 24083290  
Texas Department of Insurance  
Enforcement Division, MC ENF  
P.O. Box 12030  
Austin, Texas 78711-2030  
(512) 676-6326 (Direct)  
(512) 490-1020 (Fax)  
anna.kalapach@tdi.texas.gov  
ATTORNEY FOR THE PETITIONER  
TEXAS DEPARTMENT OF INSURANCE



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

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

USPS Tracking/Article Number

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

1. 9214 8901 9403 8343 1450 64

VAN TRAV PALM HARBOR, FL 34684

Postage 1.40

(Extra Service) Fee 3.60

Handling Charge

Actual Value if Registered

Insured Value

Due Sender if COD

ASR Fee

ASRD Fee

RD Fee

RR Fee 1.75

2. 9214 8901 9403 8343 1457 12

VAN TRAV SAINT PETERSBURG, FL 33701

Postage 1.40

(Extra Service) Fee 3.60

Handling Charge

Actual Value if Registered

Insured Value

Due Sender if COD

ASR Fee

ASRD Fee

RD Fee

RR Fee 1.75

kalapach/27063

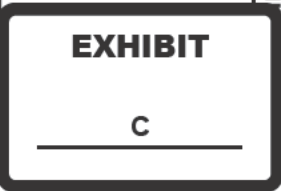
2021-6939

Total Number of Pieces Listed by Sender 2

Total Number of Pieces Received at Post Office

Postmaster: Per (Name of receiving employee)

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
1.40	3.60	Handling Charge - if Registered and over \$50,000 in value										
1.40	3.60											
						Adult Signature Required	Adult Signature Restricted Delivery	Restricted Delivery	Return Receipt	Signature Confirmation	Signature Confirmation Restricted Delivery	Special Handling





2021-6939



# 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: 06/24/2021

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 8432 29


kalapach/27063

# 2021-6939

Tracking #: 9214890194038343145712

Recipient: VAN TRAN

SAINT PETERSBURG, FL 33701

Date & Time	Event Type	Event	Event Location
06/24/2021 09:14		PRE-SHIPMENT INFO SENT USPS AWAITS ITEM	AUSTIN, TX, 78701
06/27/2021 13:44		PROCESSED THROUGH USPS FACILITY	SARASOTA, FL, 34260
06/28/2021 11:17		ARRIVAL AT UNIT	SAINT PETERSBURG, FL, 33701
06/28/2021 11:28		OUT FOR DELIVERY	SAINT PETERSBURG, FL, 33701
06/28/2021 14:56		DELIVERED LEFT WITH INDIVIDUAL	SAINT PETERSBURG, FL, 33701