

No. 2022-7338

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

**Date:** 06/15/2022

**Subject Considered:**

Rafael Adame  
[REDACTED]  
McAllen, Texas 78504

Default Order  
SOAH Docket No. 454-22-2193  
TDI Enforcement File No. 25214

**General remarks and official action taken:**

The subject of this default order is whether a General Agent Life, Health and Accident license should be issued to Rafael Adame (Respondent). Respondent did not appear at the hearing on the merits. This order denies Respondent's license application.

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

**Findings of Fact**

Failure to Appear at Hearing on the Merits

1. On March 25, 2022, the Texas Department of Insurance 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], McAllen, Texas 78504.

# 2022-7338

Commissioner's Order

Rafael Adame

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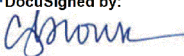
4. After receiving proper notice of the date, time, and location of the hearing on the merits, Respondent failed to appear for the hearing on May 11, 2022, as shown in the record in SOAH Docket No. 454-22-2193.

## Conclusions of Law

1. The commissioner has jurisdiction under Texas law, including TEX. INS. CODE §§ 82.051-82.055, 4001.002, 4001.102, 4001.105, 4005.101-4005.105, 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 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 appear in person or by legal representative at the 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.

## Order

It is ordered that Rafael Adame's application is denied. A copy of this order will be provided to law enforcement or other appropriate administrative agencies for further investigation as may be warranted.

DocuSigned by:  
  
FC5D7EDDFFB4F8...

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Cassie Brown  
Commissioner of Insurance

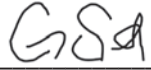
**2022-7338**

Commissioner's Order

Rafael Adame

Page 3 of 5

Prepared and reviewed by:



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Casey Seek oth, Staff Attorney  
Enforcement

**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 Rafael Adame. I have confirmed that:

- a. The last mailing address provided to the department in writing by Rafael Adame is [REDACTED] McAllen, Texas 78504.
- b. The file maintained by Enforcement contains a Notice of Hearing and Original Petition dated March 25, 2022, which were filed with the State Office of Administrative Hearings.
- c. On March 25, 2022, the Notice of Hearing and Original Petition addressed to Rafael Adame were mailed first-class and certified, return receipt requested, to his last known address.

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

DocuSigned by:  
 \_\_\_\_\_  
3F2B7693C9ED469...  
 Allstate

# 2022-7338

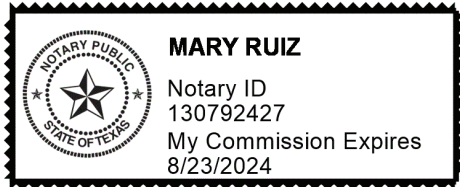
Commissioner's Order

Rafael Adame

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SWORN TO AND SUBSCRIBED before me by means of an interactive two-way audio and video communication on 5/25/2022. This notarial act was an online notarization.

## Notary Seal



## Digital Certificate

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

**2022-7338**

FILED  
454-22-2193  
3/25/2022 11:37 AM  
STATE OFFICE OF  
ADMINISTRATIVE HEARINGS  
Carol Hale, CLERK

**SOAH DOCKET NO. 454-22-2193  
TDI ENFORCEMENT FILE NO. 25214**

**TEXAS DEPARTMENT OF INSURANCE,**

**Petitioner**

**v.**

**RAFAEL ADAME,**

**Respondent**

**BEFORE THE STATE OFFICE**

ACCEPTED  
454-22-2193  
3/25/2022 11:59:23 am  
STATE OFFICE OF  
ADMINISTRATIVE HEARINGS  
Carol Hale, CLERK

**OF**

**ADMINISTRATIVE HEARINGS**

**NOTICE OF HEARING**

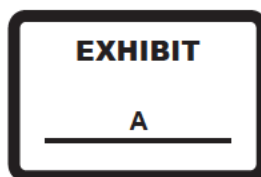
The Texas Department of Insurance seeks to deny your license application. This Notice of Hearing and the Original Petition, which is attached and incorporated for all purposes, states the allegations against you and the relief sought by the Department.

A public hearing will be held before an Administrative Law Judge on **Wednesday, May 11, 2022, 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.**



## 2022-7338

Notice of Hearing

Rafael Adame

SOAH Docket No. 454-22-2193

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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) *(by mail, fax, or electronically)*  
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);  
[www.soah.texas.gov/e-filing-soah](http://www.soah.texas.gov/e-filing-soah)
- (2) *(by mail, fax, or email)*  
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](mailto:chiefclerk@tdi.texas.gov); **and**
- (3) *(by mail, fax, or email)*  
Casey Seeboth, Staff Attorney  
Texas Department of Insurance  
Enforcement Division, MC ENF

## 2022-7338

Notice of Hearing

Rafael Adame

SOAH Docket No. 454-22-2193

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P.O. Box 12030  
Austin, Texas 78711-2030  
(512) 490-1020 (fax)  
Casey.Seeboth@tdi.texas.gov

### **Receiving Documents Electronically and Filing Documents with SOAH**

The State Office of Administrative Hearings (SOAH) offers you the ability to electronically receive orders and other documents issued by SOAH by email instead of by mail. If you want to receive SOAH-issued documents by email, follow the instructions on SOAH's website: [www.soah.texas.gov](http://www.soah.texas.gov).

A request to receive SOAH-issued documents by email does not change the procedures you must follow to file documents with SOAH. You may file documents with SOAH by mail, fax, or electronically. To file electronically, you must use eFileTexas. Instructions on using eFileTexas are on SOAH's website. SOAH's website also includes guidance for representing yourself.

### **Important Security Notice** (for In-Person Hearings ONLY)

**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.**



## 2022-7338

Notice of Hearing  
Rafael Adame  
SOAH Docket No. 454-22-2193  
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If you have any questions, please contact me at the address or telephone number shown below.

Respectfully Submitted,

/s/ Casey Seeboth  
Casey Seeboth  
State Bar No. 24070584  
Texas Department of Insurance  
Enforcement Division, MC ENF  
P.O. Box 12030  
Austin, Texas 78711-2030  
(512) 676-6337 (direct)  
(512) 490-1020 (fax)  
Casey.Seeboth@tdi.texas.gov


ATTORNEY FOR THE PETITIONER  
TEXAS DEPARTMENT OF INSURANCE

Enclosure: Original Petition

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

### CERTIFICATE OF SERVICE

I, Casey Seeboth, 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 25th day of March, 2022 to:

Rafael Adame  
  
McAllen, Texas 78504

CM/RRR No: 9214 8901 9403 8370 9283 26

/s/ Casey Seeboth  
Casey Seeboth

**2022-7338**

FILED  
454-22-2193  
3/24/2022 1:20 PM  
STATE OFFICE OF  
ADMINISTRATIVE HEARINGS  
Carol Hale, CLERK

**SOAH DOCKET NO. 454-22-2193**  
**TDI ENFORCEMENT FILE NO. 25214**

**TEXAS DEPARTMENT OF INSURANCE,**

**Petitioner**

**v.**

**RAFAEL ADAME,**

**Respondent**

**BEFORE THE STATE OFFICE**

ACCEPTED  
454-22-2193  
3/24/2022 3:20:23 pm  
STATE OFFICE OF  
ADMINISTRATIVE HEARINGS  
Carol Hale, CLERK

**OF**

**ADMINISTRATIVE HEARINGS**

**ORIGINAL PETITION**

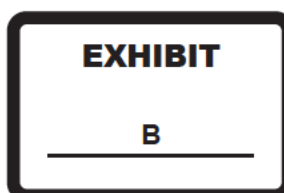
The Texas Department of Insurance seeks to deny Rafael Adame’s license application. In support of this petition, the department makes the following allegations upon information and belief:

**Jurisdiction**

The Commissioner of Insurance has jurisdiction over this matter under TEX. INS. CODE §§ 82.051-82.055, 4005.101, 4005.102, and 4054.051; TEX. OCC. CODE §§ 53.021-53.023; TEX. ADMIN. CODE § 1.502; and TEX. GOV’T CODE §§ 2001.051-2001.178.

**Factual Allegations**

1. Rafael Adame (Adame) submitted an application for a General Agent Life, Health and Accident license.
2. In 2007, Adame was convicted of felony mail fraud in case number 7:06CR01082 in the U.S. Southern District of Texas, McAllen Division. Adame submitted fraudulent applications for payment to a federal E-Rate program, which was enacted by Congress to foster connectivity between schools, libraries, and rural health facilities and the internet. Adame’s sentence included an order to pay \$106,514.20 restitution.
3. Mail fraud is an offense that involves dishonesty, as contemplated by 18 U.S.C. § 1033.



**Legal Allegations**

1. Adame has been convicted of a felony, as contemplated by TEX. INS. CODE § 4005.101(b)(8).
2. Adame has been convicted of an offense that is directly related to the duties and responsibilities of the licensed occupation, as contemplated by TEX. OCC. CODE § 53.021.
3. The factors listed in 28 TEX. ADMIN. CODE § 1.502(h) do not outweigh the serious nature of the criminal offense Adame committed. 28 TEX. ADMIN. CODE § 1.502(f).

**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. denying Adame's license application; 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,

/s/ Casey Seeboth

Casey Seeboth

State Bar No. 24070584

Texas Department of Insurance

Enforcement Division, MC ENF

P.O. Box 12030

Austin, Texas 78711-2030

(512) 676-6337 (direct)

(512) 490-1020 (fax)

Casey.Seeboth@tdi.texas.gov

ATTORNEY FOR THE PETITIONER  
TEXAS DEPARTMENT OF INSURANCE

Name and Address of Sender		USPS Tracking/Article Number		Address (Name, Street, City, State, & Zip Code)		Postage		Handling Charge		Actual Value Registered		Insured Value		Use for RCT		SH Fee		SCRD Fee	
Texas Dept of Insurance Mail Code 110-1A 333 Guadalupe St Austin TX 78711 David Moreno March 25, 2022		Seeboth/25214		Rafael Adame McAllen, Texas 78504		132		Handling Charge \$1000 in value											
Check type of mail or service: <ul style="list-style-type: none"> <li><input type="checkbox"/> Adult Signature Required</li> <li><input type="checkbox"/> Adult Signature Restricted Delivery</li> <li><input type="checkbox"/> Certified Mail</li> <li><input type="checkbox"/> Certified Mail Restricted Delivery</li> <li><input type="checkbox"/> Collect on Delivery (COD)</li> <li><input type="checkbox"/> Insured Mail</li> <li><input type="checkbox"/> Priority Mail</li> <li><input type="checkbox"/> Priority Mail Express</li> <li><input type="checkbox"/> Registered Mail</li> <li><input type="checkbox"/> Return Receipt for Merchandise</li> <li><input type="checkbox"/> Signature Confirmation</li> <li><input type="checkbox"/> Signature Confirmation Restricted Delivery</li> </ul>																			
Affix Stamp Here MAR 25 2022 USPS ZIP 78701 SPS																			
Official Business STATE OF TEXAS PENALTY FOR PRIVATE USE neopost 03/25/2022 US POSTAGE \$001.65																			
Adult Signature Required Adult Signature Restricted Delivery Restricted Delivery Return Receipt Signature Confirmation Signature Confirmation Restricted Delivery Special Handling																			

EXHIBIT  
C

RECEIVED  
MAR 28 2022

TDI - ENFO...

Privacy Policy - For more information on USPS privacy policies, visit usps.com/privacy-policy.



**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: 03/25/2022  
 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	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**

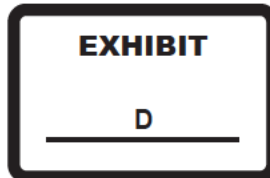
- Note to RSS Clerk:**
1. Home screen > Mailing/Shipping > More
  2. Select Shipment Confirm
  3. Scan or enter the barcode/label number from PS Form 5630
  4. Confirm the volume count message by selecting Yes or No
  5. Select Pay and End Visit to complete transaction

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

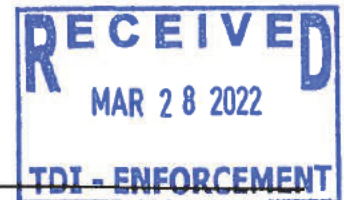
USPS SCAN AT ACCEPTANCE



9275 0901 1935 6200 0035 6412 84



Seeboth/25214





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 8370 9283 26

Seeboth/25214

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

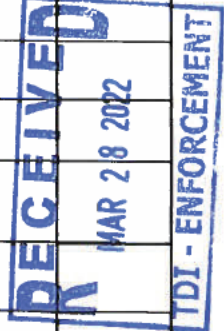
RAFAEL ADAME  
[REDACTED]  
MCALLEN, TEXAS 78504

Firm Mailing Book For Accountable Mail

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



Postage	(Extra Service) Fee	Handling Charge	Actual Value if Registered	Insured Value	Due to Sender if COD	ASRD Fee	RD Fee	RR Fee	SC Fee	SCRD Fee	SH Fee
1.36	3.75	Handling Charge - if Registered and over \$50,000 in value						1.85	Signature Confirmation	Signature Confirmation Restricted Delivery	Special Handling
						Adult Signature Required	Restricted Delivery	Return Receipt			
						Adult Signature Restricted Delivery					



Postmaster, Per (Name of receiving employee)

Total Number of Pieces Listed by Sender: 1  
Total Number of Pieces Received at Post Office: 1