



Charles G. Cooper
Commissioner

TEXAS DEPARTMENT OF BANKING

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PRESS RELEASE

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Texas Banking Commissioner Issues Emergency Order Relating to Hernandez Funeral Home, Inc. and Maria de la Luz Hernandez

On April 30, 2019, the Texas Banking Commissioner, Charles G. Cooper (Commissioner), issued an Emergency Order to Cease and Desist Activity and to Seize Prepaid Funeral Accounts and Records relating to the Hernandez Funeral Home, Inc. and its owner Maria de la Luz Hernandez (collectively Respondents) of Rosenberg, Texas. During a routine examination of Respondents' records, Department staff identified irregularities with the cancellations of prepaid funeral contracts. The Department has credible evidence indicating that refunds were never issued to the purchasers for these purported cancellations.

The Commissioner is authorized by Texas Finance Code (Finance Code) §154.412(a) to issue an order to seize accounts in which prepaid funeral funds may be held and to seize records that relate to the sale of prepaid funeral benefits if the Commissioner finds by examination or other credible evidence that Respondents misappropriated, converted, or illegally withheld or failed or refused to pay on demand money entrusted to Respondents. In addition, the Commissioner is authorized by Finance Code §154.408(a) to issue a cease and desist order to Respondents if the Commissioner finds by examination or other credible evidence that Respondents violated Finance Code Chapter 154.

The Commissioner found that Respondents misappropriated, converted, or illegally withheld or failed or refused to pay on demand money entrusted to Respondents. Therefore, the Commissioner issued an order directing the Department to seize Respondents' accounts and records related to the sale or cancellation of prepaid funeral benefits and directing Respondents to cease and desist from engaging in the solicitation, sale and cancellation of any prepaid funeral benefits contracts or acceptance of related funds. In addition, the Commissioner found that immediate and irreparable harm was threatened to the purchasers of the prepaid contracts and to the public. Thus, pursuant to Finance Code §§154.412(c) and 154.4081(a), the Commissioner issued the Emergency Order, which takes immediate effect. The full text of the [Emergency Order](#) can be viewed on the Department's website.

Inquiries regarding this matter should be directed to:

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