

No. 2023-8029

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

Date: 6/20/2023

Subject Considered:

Alvin Mark Eiland
[REDACTED]
Sugar Land, Texas 77498

Default Order
SOAH Docket No. 454-23-18689
TDI Enforcement File No. 25514

General remarks and official action taken:

The subject of this default order is whether an Adjuster All Lines license should be issued to Alvin Mark Eiland (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 May 8, 2023, 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.

2023-8029

Commissioner's Order

Alvin Mark Eiland

SOAH Docket No. 454-23-18689

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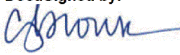
3. The department sent the Notice of Hearing and Original Petition to Respondent's last known address provided in writing to the department [REDACTED] Sugar Land, Texas 77498.
4. Respondent failed to file a written response to the Notice of Hearing within 20 days of the date the Notice of Hearing and Original Petition were mailed.

Conclusions of Law

1. The commissioner has jurisdiction under Texas law, including TEX. INS. CODE §§ 4001.002, 4005.101-4005.105, and 4101.051-4101.053; 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 2001.05; 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.

Order

It is ordered that Alvin Mark Eiland'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:

FC5D7EDDFB4F8...

Cassie Brown
Commissioner of Insurance

2023-8029

Commissioner's Order

Alvin Mark Eiland

SOAH Docket No. 454-23-18689

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Prepared and reviewed by:

Handwritten signature of Casey Seeboth in black ink, consisting of the letters 'C', 'S', and 'S' with a stylized flourish.

Casey Seeboth, Staff Attorney
Enforcement

2023-8029

Commissioner's Order
Alvin Mark Eiland
SOAH Docket No. 454-23-18689
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Affidavit

STATE OF TEXAS §

§

COUNTY OF TRAVIS §

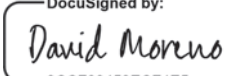
Before me, the undersigned authority, personally appeared David Moreno, who, being by me duly sworn, deposed as follows:

"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 Alvin Mark Eiland. I have confirmed that:

- a. The last mailing address provided to the department in writing by Alvin Mark Eiland is [REDACTED] Sugar Land, Texas 77498.
- b. The file maintained by Enforcement contains a Notice of Hearing and Original Petition, which were filed with the State Office of Administrative Hearings on May 8, 2023.
- c. On May 8, 2023, the Notice of Hearing and Original Petition addressed to Alvin Mark Eiland 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:

30CF09459E0F4E5...

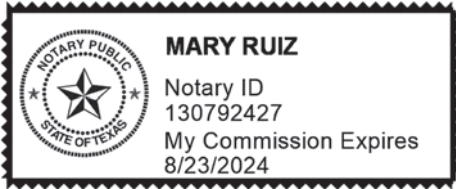
Affiant

2023-8029

Commissioner's Order
Alvin Mark Eiland
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SWORN TO AND SUBSCRIBED before me by means of an interactive two-way audio and video communication on 6/5/2023. This notarial act was an online notarization.

Notary Seal



Digital Certificate

DocuSigned by:
Mary Ruiz
795DC4D59167489...

Notary Public State of Texas

2023-8029

FILED
454-23-18689
5/8/2023 8:15 AM
STATE OFFICE OF
ADMINISTRATIVE HEARINGS
Pegah Nasrollahzadeh, CLERK

SOAH DOCKET NO. 454-23-18689.C
TDI ENFORCEMENT FILE NO. 25514

ACCEPTED
454-23-18689
5/8/2023 8:23:21 am
STATE OFFICE OF
ADMINISTRATIVE HEARINGS
Pegah Nasrollahzadeh, CLERK

TEXAS DEPARTMENT OF INSURANCE,

BEFORE THE STATE OFFICE

Petitioner

v.

OF

ALVIN MARK EILAND,

ADMINISTRATIVE HEARINGS

Respondent

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 **Tuesday, July 18, 2023, at 1:00 p.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.

EXHIBIT
A

2023-8029

Notice of Hearing

Alvin Mark Eiland

SOAH Docket No. 454-23-18689.C

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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

- (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; and

- (3) *(by mail, fax, or email)*
Casey Seeboth, Staff Attorney
Texas Department of Insurance
Enforcement, MC ENF

2023-8029

Notice of Hearing
Alvin Mark Eiland
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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.

A request to receive SOAH-issued documents by email does not change the procedures you must follow to file documents or exhibits with SOAH. Instructions on how to file documents and exhibits 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.

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Notice of Hearing

Alvin Mark Eiland

SOAH Docket No. 454-23-18689.C

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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, 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

Enclosures: Original Petition

SOAH's Order Scheduling Hearing on the Merits

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

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Notice of Hearing

Alvin Mark Eiland

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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 8th day of May, 2023 to:

Alvin Mark Eiland

by CM/RRR No.: 9214 8901 9403 8314 1184 17



Sugar Land, Texas 77498

by first-class mail

/s/ Casey Seeboth

Casey Seeboth

2023-8029

SOAH DOCKET No. 454-23-18689

FILED
454-23-18689
5/5/2023 12:32 PM
STATE OFFICE OF
ADMINISTRATIVE HEARINGS
Carol Hale, CLERK

SOAH DOCKET NO. 454-_____
TDI ENFORCEMENT FILE NO. 25514

TEXAS DEPARTMENT OF INSURANCE,

Petitioner

v.

ALVIN MARK EILAND,

Respondent

BEFORE THE STATE OFFICE

ACCEPTED
454-23-18689
5/5/2023 12:46:48 pm
STATE OFFICE OF
ADMINISTRATIVE HEARINGS
Carol Hale, CLERK

OF

ADMINISTRATIVE HEARINGS

ORIGINAL PETITION

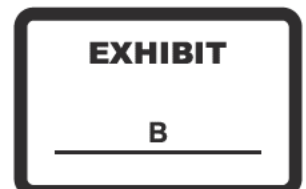
The Texas Department of Insurance seeks to deny Alvin Mark Eiland’s license application. In support of this petition, the department makes the following allegations upon information and belief:

Jurisdiction

The Commissioner of Insurance has jurisdiction over this matter under TEX. INS. CODE §§ 82.051-82.055, 4001.002, 4005.101, and 4101.051-4101.053; TEX. OCC. CODE §53.021; 28 TEX. ADMIN. CODE § 1.502; and TEX. GOV’T CODE §§ 2001.051-2001.178.

Factual Allegations

1. Alvin Mark Eiland (Eiland) submitted an application for an Adjuster All Lines license.
2. Eiland disclosed he was convicted of felony offenses.
3. In May 1999, Eiland was indicted for felony aggravated assault with a deadly weapon, cause number 31,794, Fort Bend County, Texas. Eiland was found guilty of misdemeanor assault. The jail sentence was suspended and Eiland was placed in community supervision for 24 months. Eiland was ordered to have no contact with the victim and to pay \$16,209 for child support.
4. In January 2008, Eiland was indicted for felony theft of aggregate value exceeding \$200,000, cause number 1148932, Harris County, Texas. Eiland pleaded guilty, and



on November 16, 2011, judgment was entered. Eiland was sentenced to 10 years imprisonment, and the sentence was discharged in October 2019.

5. In December 2009, Eiland was indicted for multiple counts of conspiracy and mail fraud, cause number H-09-00699, United States District Court, Houston, Texas. Eiland pleaded guilty to one count and judgment was entered on June 27, 2011. Eiland was sentenced to 48 months imprisonment and ordered to pay \$1,835,465 restitution to various mortgage lenders.
6. Conspiracy, mail fraud, and theft are offenses that involve dishonesty, as contemplated by 18 U.S.C. § 1033.

Legal Allegations

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

2023-8029

Original Petition
Alvin Mark Eiland
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Texas Department of Insurance
Enforcement, 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

2023-8029

Automated Certificate of eService

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Mary Ruiz on behalf of Casey Seebth

Bar No. 24070584

Enforcementgeneral@tdi.texas.gov

Envelope ID: 75359286

Filing Code Description: Request to Docket

Filing Description: Request to Docket General Docket Case 25514

Status as of 5/5/2023 12:48 PM CST

Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
Whitney Fraser		Whitney.Fraser@tdi.texas.gov	5/5/2023 12:32:21 PM	SENT
Casey Seebth		Casey.Seebth@tdi.texas.gov	5/5/2023 12:32:21 PM	SENT
Texas Department of Insurance		Enforcementgeneral@tdi.texas.gov	5/5/2023 12:32:21 PM	SENT
Chief Clerk		ChiefClerk@tdi.texas.gov	5/5/2023 12:32:21 PM	SENT

2023-8029



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: 05/08/2023

Shipped From:

Name: MC ENF M RUIZ

Address: 1601 CONGRESS AVENUE SUITE 6 900

City: AUSTIN

State: TX ZIP+4® 78711

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 0044 2653 41



SEEBOTH/25514



Firm Mailing Book For Accountable Mail

Name and Address of Sender

MC ENF M RUIZ
TEXAS DEPARTMENT OF INSURANCE
1601 CONGRESS AVENUE, SUITE 6.900
AUSTIN TX 78711

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 8314 1184 17

SEEBOTH/25514

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

ALVIN MARK EILAND
SUGAR LAND, TEXAS 77498

Affix Stamp Here

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

2023-8029

Table with columns: 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, ICRD Fee, SH Fee

Total Number of Pieces Listed by Sender: 1

Total Number of Pieces Received at Post Office: 1

Postmaster, Per (Name of receiving employee)

