

No. 2023-8289

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

**Date:** 10/12/2023

**Subject Considered:**

Tony S. Randle

[REDACTED]  
Waco, Texas 76710-4547

Default Order  
SOAH Docket No. 454-23-24568  
TDI Enforcement File No. 31993

**General remarks and official action taken:**

The subject of this default order is whether a general life, accident and health license should be issued to Tony S. Randle (Respondent). Respondent did not respond to a Notice of Hearing filed by the Texas Department of Insurance (TDI). 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 July 31, 2023, TDI 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. TDI's factual allegations set out in the attached Notice of Hearing and Original Petition are incorporated in this order as findings of fact.
3. TDI sent the Notice of Hearing and Original Petition to Respondent's last known address provided in writing to the department, [REDACTED], Waco,

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Commissioner's Order

Tony S. Randle

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Texas 76710. The Notice of Hearing and Original Petition were also sent by electronic mail.

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, 4001.102, 4001.105, 4005.101-4005.105, and 4051.051; 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. TDI 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, TDI is entitled to disposition by default under 28 TEX. ADMIN. CODE §§ 1.88 and 1.89.
5. TDI'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.

# 2023-8289

Commissioner's Order

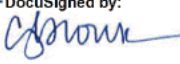
Tony S. Randle

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## Order

It is ordered that Tony S. Randle'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:  
  
FC5D7EDDFFB84F8...

Cassie Brown  
Commissioner of Insurance

Prepared and reviewed by:

  
Jeannie Ricketts, 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 Tony S. Randle I have confirmed that:

- a. The last mailing address provided to the department in writing by Tony S. Randle is [REDACTED] Waco, Texas 76710.
- b. The file maintained by Enforcement contains a Notice of Hearing and Original Petition dated July 31, 2023, which were filed with the State Office of Administrative Hearings.
- c. On July 31, 2023, the Notice of Hearing and Original Petition addressed to Tony S. Randle 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.”

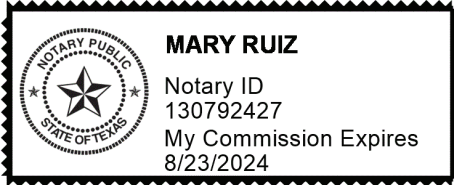
DocuSigned by:  
  
 C0956EE49FB3464...  
 Affiant

# 2023-8289

Commissioner's Order  
Tony S. Randle  
SOAH Docket No. 454-23-24568  
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SWORN TO AND SUBSCRIBED before me by means of an interactive two-way audio and video communication on 8/25/2023. This notarial act was an online notarization.

## Notary Seal



## Digital Certificate

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

**2023-8289**

FILED  
454-23-24568  
7/31/2023 11:05 AM  
STATE OFFICE OF  
ADMINISTRATIVE HEARINGS  
Amy Robles, CLERK

ACCEPTED  
454-23-24568  
7/31/2023 11:07:51 am  
STATE OFFICE OF  
ADMINISTRATIVE HEARINGS  
Amy Robles, CLERK

**SOAH DOCKET NO. 454-23-24568.C  
TDI ENFORCEMENT FILE NO. 31993**

**TEXAS DEPARTMENT OF INSURANCE,**

**Petitioner**

**v.**

**TONY S. RANDLE,**

**Respondent**

**BEFORE THE STATE OFFICE**

**OF**

**ADMINISTRATIVE HEARINGS**

**NOTICE OF HEARING**

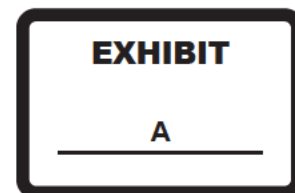
The Texas Department of Insurance seeks to deny your license application. This Notice of Hearing and the Original Petition, which is attached and incorporated for all purposes, states the allegations against you and the relief sought by the department.

A public hearing will be held before an Administrative Law Judge on **Monday, October 23, 2023, at 9 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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Notice of Hearing

Tony S. Randle

SOAH Docket No. 454-23-24568.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](http://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](mailto:chiefclerk@tdi.texas.gov); and
  
- (3) *(by mail, fax, or email)*  
Jeannie Ricketts, Staff Attorney  
Texas Department of Insurance  
Enforcement, MC ENF

# 2023-8289

Notice of Hearing

Tony S. Randle

SOAH Docket No. 454-23-24568.C

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P.O. Box 12030  
Austin, Texas 78711-2030  
(512) 490-1020 (Fax)  
jeannie.ricketts@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 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

Tony S. Randle

SOAH Docket No. 454-23-24568.C

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If you have any questions, please contact me at the address or telephone number shown below.

Respectfully Submitted,

*/s/ Jeannie Ricketts*

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Jeannie Ricketts  
State Bar No. 24041774  
Texas Department of Insurance  
Enforcement, MC ENF  
P.O. Box 12030  
Austin, Texas 78711-2030  
(512) 676-6336 (Direct)  
(512) 490-1020 (Fax)  
Jeannie.Ricketts@tdi.texas.gov

ATTORNEY FOR THE PETITIONER  
TEXAS DEPARTMENT OF INSURANCE

Enclosure: Original Petition

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

**2023-8289**

Notice of Hearing

Tony S. Randle

SOAH Docket No. 454-23-24568.C

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**CERTIFICATE OF SERVICE**

I, Jeannie Ricketts, 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 31st day of July 2023 to:

Tony S. Randle

[REDACTED]

Waco, Texas 76710

*Respondent Pro Se*

[REDACTED]

*Via CM/RRR 9214 8901 9403 8324 4592 96:*

*Via Email*

*/s/ Jeannie Ricketts*

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Jeannie Ricketts

**2023-8289**

SOAH DOCKET No. 454-23-24568

FILED  
454-23-24568  
7/27/2023 3:20 PM  
STATE OFFICE OF  
ADMINISTRATIVE HEARINGS  
Carol Hale, CLERK

**SOAH DOCKET NO. 454-\_\_\_\_\_**  
**TDI ENFORCEMENT FILE NO. 31993**

**TEXAS DEPARTMENT OF INSURANCE,**

**Petitioner**

**v.**

**TONY S. RANDLE,**

**Respondent**

**BEFORE THE STATE OFFICE**

ACCEPTED  
454-23-24568  
7/27/2023 4:24:30 pm  
STATE OFFICE OF  
ADMINISTRATIVE HEARINGS  
Carol Hale, CLERK

**OF**

**ADMINISTRATIVE HEARINGS**

**ORIGINAL PETITION**

The Texas Department of Insurance (TDI) seeks to deny Tony S. Randle’s general life accident and health license application. In support of this petition, TDI makes the following allegations upon information and belief:

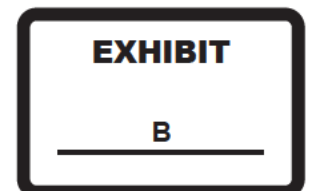
**Jurisdiction**

The Commissioner of Insurance has jurisdiction over this matter under TEX. INS. CODE §§ 82.051-82.055, 4001.002, 4005.101, 4005.102, and 4054.051; TEX. GOV’T CODE §§ 2001.051-2001.178; TEX. OCC. CODE §§ 53.021–53.023; and 28 TEX. ADMIN. CODE § 1.502.

**Factual Allegations**

License Application:

1. Tony S. Randle (Randle) applied for a general life, accident, and health license on or about November 25, 2022, and disclosed a criminal history.
2. On or about November 29, 2022, TDI requested that Randle provide certified copies of court documents for all of his offenses. Randle complied with TDI’s request.
3. On or about April 19, 2023, TDI proposed to deny his license application based on his criminal history.



Criminal History:

*Case no. 20143126CR2--Assault Family Violence*

4. On or about November 5, 2014, in case no. 20143126CR2, in the County Court at Law, McLennan County, Texas, Randle pleaded guilty to Class A misdemeanor Assault Family Violence. The court sentenced him to 15 months deferred adjudication. It ordered him to complete 15 hours of community service, a batterers intervention and protection program (BIPP), and a DWI/Drug Court Program. The court also ordered him to pay a \$400 deferred adjudication fee (rate: \$40 per month), \$277 for court costs (rate: \$40 per month), \$400 for court-appointed counsel (rate: \$35 per month), and \$100 to the Waco Family Abuse Center.
5. Effective January 29, 2016, the court discharged Randle from community supervision and dismissed the charges pending against him.

*Case no. 2016-1543-C1--Assault Family Violence with a Prior*

6. On or about October 31, 2017, in case no. 2016-1543-C1, in the 19<sup>th</sup> Judicial District Court of McClennan County, Texas, Randle pleaded guilty to third-degree felony Assault Family Violence with a Prior. He applied for community supervision probation.
7. On or about December 27, 2017, the court sentenced Randle to five years deferred adjudication probation and ordered him to serve 60 days in jail. His costs included: a \$750 fine (rate: \$15 per month), a \$450 BIPP fee, \$60 per month for supervision, \$65 (rate: \$5 per month) for pre-sentence investigation costs, and a \$25 Crimestoppers, Inc. fee. Once released from jail, the court ordered him to complete 300 hours community service, repeat BIPP, and comply with other conditions of supervision.
8. On or about August 23, 2018, the court issued an Order Amending Conditions of Deferred Adjudication, which required Randle to attend an Outpatient Substance Abuse Group Counseling Program and weekly Alcoholics Anonymous/Narcotics Anonymous meetings.

9. On or about October 15, 2018, the district attorney filed a Motion to Adjudicate Guilt because Randle violated the conditions of his probation by consuming marijuana, resisting and evading arrest, and failing to pay various court-ordered fines and fees.
10. On or about February 4, 2019, the court filed a Withdrawal of Motion to Adjudicate Guilt and issued an Order Amending Conditions of Deferred Adjudication. The court extended Randle's probation by three years starting December 26, 2022, and ordered him to be evaluated by a McClennan County behavioral health center and, if accepted, supervised within the county's mental health caseload.
11. On or about October 10, 2019, the court issued an order amending conditions of deferred adjudication. The court ordered that all costs Randle incurred since the date of his sentencing be paid to the district clerk of McLennan County through the McLennan County Community Supervision and Corrections Department at the rate of \$25 per month beginning 30 days from the order date.
12. Randle remains on probation until approximately December 26, 2025. To date, he has not paid any of his court costs.
13. The administrative law judge in a prior TDI contested case<sup>1</sup> held that second-degree felony aggravated assault constitutes fraudulent and dishonest conduct when: "[c]hoosing to put others at risk—either by driving while intoxicated or actually assaulting another person—is inherently 'untrustworthy' and dishonest."

### **Legal Allegations**

1. Randle engaged in fraudulent or dishonest acts or practices, as contemplated by TEX. INS. CODE § 4005.101(b)(5), 28 TEX. ADMIN. CODE § 1.502(e)(1), and prior SOAH decisions.
2. Randle committed offenses against the person as contemplated by TEX. OCC. CODE § 53.025 and 28 TEX. ADMIN. CODE § 1.502(e)(4)(B).
3. Under TEX. OCC. CODE § 53.025 and 28 TEX. ADMIN. CODE § 1.502(e)(4)(B), Randle committed third-degree felony assault, an offense of such a serious nature: as

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<sup>1</sup> *In Regard to the Application of Eduardo Innocente Iglesias for a General Life, Accident, and Health License* 2011 WL 761704 (Feb. 23, 2011).

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Original Petition

Tony S. Randle

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described by Penal Code Chapter 22, that TDI considers it of prime importance in determining fitness for licensure.

4. TDI guidelines and 28 TEX. ADMIN. CODE § 1.502(c)-(e), emphasize that TDI:
  - a. considers it very important that applicants be honest, trustworthy, and reliable;
  - b. may refuse to issue an original license if the department determines that the applicant has committed a felony or has engaged in fraudulent or dishonest activity that directly relates to the duties and responsibilities of the licensed occupation; and
  - c. considers the offense of felony assault to be of such a serious nature that it is of prime importance when determining fitness for licensure, as contemplated in 28 TEX. ADMIN. CODE § 1.502(e)(4)(B).

**Relief Sought**

If one or more of the above allegations is found to be true, TDI asks the ALJ to enter a Proposal for Decision recommending that the Commissioner of Insurance issue an order:

1. denying Randle's license application and
2. granting any other just and appropriate relief to which the TDI may be entitled to by law.

Respectfully Submitted,

*/s/Jeannie Ricketts*

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Jeannie Ricketts  
State Bar No. 24041774  
Texas Department of Insurance  
Enforcement, MC ENF  
P.O. Box 12030  
Austin, Texas 78711-2030  
(512) 676-6336 (Direct)  
(512) 490-1020 (Fax)  
Jeannie.Ricketts@tdi.texas.gov  
SBN: 24041774

ATTORNEY FOR THE PETITIONER  
TEXAS DEPARTMENT OF INSURANCE

**2023-8289**

**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 Jeannie Ricketts  
Bar No. 24041774  
Enforcementgeneral@tdi.texas.gov  
Envelope ID: 77956759  
Filing Code Description: Request to Docket  
Filing Description: Tony S Randle Request to Docket 7272023  
Status as of 7/27/2023 4:26 PM CST

Associated Case Party: Chief Clerk

Name	BarNumber	Email	TimestampSubmitted	Status
Chief Clerk		ChiefClerk@tdi.texas.gov	7/27/2023 3:20:49 PM	SENT

Associated Case Party: TDI

Name	BarNumber	Email	TimestampSubmitted	Status
Jeannie Ricketts		Jeannie.Ricketts@tdi.texas.gov	7/27/2023 3:20:49 PM	SENT
Whitney Fraser		Whitney.Fraser@tdi.texas.gov	7/27/2023 3:20:49 PM	SENT
Texas Department of Insurance		Enforcementgeneral@tdi.texas.gov	7/27/2023 3:20:49 PM	SENT

Associated Case Party: Tony S Randle

Name	BarNumber	Email	TimestampSubmitted	Status
Tony SRandle		[REDACTED]	7/27/2023 3:20:49 PM	SENT



**2023-8289**

**Automated Certificate of eService**

This automated certificate of service was created by the e filing system. The filer served this document via email generated by the e filing 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 Jeannie Ricketts  
Bar No. 24041774  
Enforcementgeneral@tdi.texas.gov  
Envelope ID: 78030575  
Filing Code Description: Notice of Hearing  
Filing Description: NOH OP 31993  
Status as of 7/31/2023 11:08 AM CST

Associated Case Party: TDI

Name	BarNumber	Email	TimestampSubmitted	Status
Whitney Fraser		Whitney.Fraser@tdi.texas.gov	7/31/2023 11:05:22 AM	SENT
Jeannie Ricketts		Jeannie.Ricketts@tdi.texas.gov	7/31/2023 11:05:22 AM	SENT
Texas Department of Insurance		Enforcementgeneral@tdi.texas.gov	7/31/2023 11:05:22 AM	SENT
Jodie Delgado		jodie.delgado@tdi.texas.gov	7/31/2023 11:05:22 AM	SENT
Leah Gillum		Leah.Gillum@tdi.texas.gov	7/31/2023 11:05:22 AM	SENT

Associated Case Party: Chief Clerk

Name	BarNumber	Email	TimestampSubmitted	Status
Chief Clerk		ChiefClerk@tdi.texas.gov	7/31/2023 11:05:22 AM	SENT

Associated Case Party: Tony S Randle

Name	BarNumber	Email	TimestampSubmitted	Status
Tony SRandle		[REDACTED]	7/31/2023 11:05:22 AM	SENT



2023-8289



# 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: 07/31/2023

Shipped From:

Name: MC ENF D MORENO

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 0046 0831 72

**EXHIBIT**

D

