

No. 2020-6465

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

Date: 09/16/2020

Subject Considered:

Joy Marie Sonnier
[REDACTED]
Beaumont, Texas 77707-1817

Default Order
SOAH Docket No. 454-20-3922.C
TDI Enforcement File No. 18033

General remarks and official action taken:

The subject of this default order is whether a general lines agent license with a life, accident, and health qualification should be issued to Joy Marie Sonnier (Sonnier). Sonnier did not appear at the hearing on the merits. This order denies Sonnier'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 June 8, 2020, the Texas Department of Insurance filed a Notice of Hearing, attached as Exhibit A, and on June 5, 2020, 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 Sonnier's last known address provided in writing to the department, [REDACTED],

2020-6465

Commissioner's Order

Joy Marie Sonnier

SOAH Docket No. 454-20-3922.C

Page 2 of 5

██████████ 77707-1817. The Notice of Hearing and Original Petition were also sent by electronic mail.

4. After receiving proper notice of the date, time, and location of the hearing on the merits, Sonnier failed to appear for the hearing on August 4, 2020, as shown in the record in SOAH Docket No. 454-20-3922.C.

Conclusions of Law

1. The commissioner has jurisdiction pursuant to Texas law, including TEX. INS. CODE §§ 82.051-82.055, 84.021-84.044, 4001.002, 4005.101, 4005.102, 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 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 Sonnier's failure to appear in person or by legal representative at the hearing, the department is entitled to disposition by default pursuant to 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 pursuant to 28 TEX. ADMIN. CODE § 1.89.

2020-6465

Commissioner's Order

Joy Marie Sonnier

SOAH Docket No. 454-20-3922.C

Page 3 of 5

Order

It is ordered that Joy Marie Sonnier's application for a general lines agent license with a life, accident, and health qualification is denied.

Kent C. Sullivan
Commissioner of Insurance

By: 
Doug Slape
Chief Deputy Commissioner
Commissioner's Order No. 2018-5528

Prepared and reviewed by:



Stephanie Daniels, Staff Attorney
Enforcement Division

2020-6465

Commissioner's Order
Joy Marie Sonnier
SOAH Docket No. 454-20-3922.C
Page 4 of 5

Affidavit

STATE OF TEXAS §
 §
COUNTY OF TRAVIS §


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

"My name is Mary Ruiz 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 Sonnier. I have confirmed that:

- a. The last mailing address provided to the department in writing by [REDACTED] [REDACTED] Beaumont, Texas 77707-1817.
- b. The file maintained by the Enforcement Division contains a Notice of Hearing dated June 8, 2020, and an Original Petition dated June 5, 2020, which were filed with the State Office of Administrative Hearings.
- c. On June 8, 2020, the Notice of Hearing and Original Petition addressed to Sonnier were mailed certified, return receipt requested, to her last known address and sent by electronic mail.

Copies of the certified mail log maintained by the Enforcement Division is attached as Exhibit C.

DocuSigned by:

63E779DF94D747D...
Affiant

2020-6465

Commissioner's Order

Joy Marie Sonnier

SOAH Docket No. 454-20-3922.C

Page 5 of 5

SWORN TO AND SUBSCRIBED before me by means of an interactive two-way audio and video communication on August 13, 2020. This notarial act was an online notarization.

Notary Seal

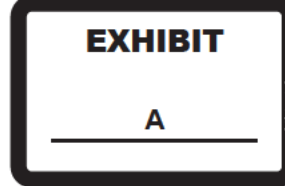


Digital Certificate

DocuSigned by:
Franchetta Alexander
ED54610E15BF40C...
Notary Public State of Texas

2020-6465

ACCEPTED
454-20-3922
6/8/2020 10:55 AM
STATE OFFICE OF
ADMINISTRATIVE HEARINGS
Donnie Roland, CLERK



FILED
454-20-3922
6/8/2020 10:49 AM
STATE OFFICE OF
ADMINISTRATIVE HEARINGS
Donnie Roland, CLERK

SOAH DOCKET NO. 454-20-3922.C
TDI ENFORCEMENT FILE NO. 18033

TEXAS DEPARTMENT OF INSURANCE,

Petitioner

v.

JOY MARIE SONNIER,

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 **Tuesday, August 4, 2020, at 9:00 am.** The hearing will take place at the State Office of Administrative Hearings, located in the William P. Clements Building, 300 W. 15th Street, 4th Floor, Austin, Texas, 78701.

The hearing shall be conducted pursuant to 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 PURSUANT TO 1 TEX. ADMIN. CODE § 155.501 AND 28 TEX. ADMIN. CODE §§ 1.88 AND 1.89.

2020-6465

Notice of Hearing

Joy Marie Sonnier

SOAH Docket No. 454-20-3922.C

Page 2 of 4

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) 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 149104, MC112-2A
Austin, Texas 78714-9104
(512) 490-1064 (Fax)
chiefclerk@tdi.texas.gov; and
- (3) Patrick Quigley, Staff Attorney
Texas Department of Insurance
Enforcement Division, MC110-1A
P.O. Box 149104
Austin, Texas 78714-9104
(512) 490-1020 (Fax)
Patrick.quigley@tdi.texas.gov

2020-6465

Notice of Hearing

Joy Marie Sonnier

SOAH Docket No. 454-20-3922.C

Page 3 of 4

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, click on the "E-Services" tab, then click the "Email Service" hyperlink, 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.

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

Respectfully Submitted,

/s/ Patrick Quigley

Patrick Quigley

State Bar No. 16430320

Texas Department of Insurance

Enforcement Division, MC110-1A

P.O. Box 149104

Austin, Texas 78714-9104

(512) 676-6335 (Direct)

Patrick.quigley@tdi.texas.gov

2020-6465

Notice of Hearing
Joy Marie Sonnier
SOAH Docket No. 454-20-3922.C
Page 4 of 4

ATTORNEY FOR THE PETITIONER
TEXAS DEPARTMENT OF INSURANCE

Enclosure: Original Petition

cc: Leah Gillum, Deputy Commissioner, Enforcement Division, MC-110-1A
Ginger Loeffler, Litigation Director, Enforcement Division, MC-110-1A
Administrative Review, MC107-1A

CERTIFICATE OF SERVICE

I, Patrick Quigley, certify that a true and correct copy of the *Notice of Hearing and the Original Petition* were sent by email, and by certified mail, return receipt requested, on June 8, 2020 to:

Joy Marie Sonnier

[REDACTED]

Beaumont, Texas 77707-1817

Via email: [REDACTED]

Via CM/RRR No.:

9214 8901 9403 8313 9989 35

/s/ Patrick Quigley

Patrick Quigley



SOAH DOCKET NO. 454-20-3922
TDI ENFORCEMENT FILE NO. 18033

TEXAS DEPARTMENT OF INSURANCE,

Petitioner

v.

JOY MARIER SONNIER,

Respondent

BEFORE THE STATE OFFICE

OF

ADMINISTRATIVE HEARINGS

ORIGINAL PETITION

The Texas Department of Insurance seeks to deny Joy Marie Sonnier's (Sonnier) 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 pursuant to TEX. INS. CODE §§ 82.051-82.055, 84.021-82.044, 4001.002, 4005.101, 4005.102, and 4054.051; 28 TEX. ADMIN. CODE § 1.502; TEX. OCC. CODE §§ 53.021 – 53.023; and TEX. GOV'T CODE §§ 2001.051-2001.178.

Factual Allegations

License Application

1. On November 6, 2018, Sonnier applied for a general lines agent license with a life, accident, and health qualification to the department.
2. The department proposed to deny Sonnier's application on December 11, 2018, based on her criminal history. Sonnier appealed that decision and made a timely written request for a hearing.

2020-6465

Original Petition
Joy Marie Sonnier
Page 2 of 4

Criminal History

3. On April 21, 2008, Sonnier pled guilty to burglary of a building, a state jail felony, in case number 08-02854 in the Criminal District Court of Jefferson County, Texas. Sonnier was placed on community supervision for five years, ordered to pay a fine of \$500.00, supervision fees of \$60.00 per month, court costs of \$215.00, PSI fee of \$350.00, attorney's fee of \$1,000.00, and a crime stoppers fee of \$50.00.
4. On August 18, 2008, Sonnier pled guilty to burglary of a vehicle, a class A misdemeanor offense, in the County Court at Law of Jefferson County, Texas in cause number 269148 and was sentenced to 30 days in jail.
5. On June 21, 2013, the Criminal District Court of Jefferson County, Texas entered a judgment adjudicating the guilt of Sonnier in case number 08-02854, based on Sonnier's pleas of true to counts 1, 2, 3, and 5 of the state's motion to adjudicate guilt. Sonnier committed the offense of injury to a child on or about January 20, 2012. Sonnier committed the offense of false report to a peace officer on or about January 30, 2012. Sonnier cohabitated with a person on felony probation. Sonnier failed to pay court assessed fees, and as of January 2, 2013, was \$4,499.00 in arrears. Sonnier was sentenced to two years incarceration in the State Jail Division of the Texas Department of Criminal Justice (TDCJ).
6. On July 14, 2014, Sonnier pled guilty to the offense of injury to a child, a first-degree felony, in case number 12-15729 in the Criminal District Court of Jefferson County, Texas. Sonnier was sentenced to five years incarceration in the Institutional Division of TDCJ. Sonnier was released from TDCJ on August 2, 2016 and discharged from parole on December 24, 2018.
7. Sonnier was convicted of one or more felonies involving dishonesty or breach of trust, as specified in 18 U.S.C. § 1033 and requires written consent from the commissioner of insurance to engage or participate in the business of insurance.

Legal Allegations

1. Sonnier committed acts for which a license may be denied because:
 - a. Based on her prior criminal history, she engaged in fraudulent or dishonest acts or practices, as contemplated by TEX. INS. CODE § 4005.101(b)(5).

- b. She committed a felony, as contemplated by TEX. INS. CODE § 4005.101(b)(8).
2. In accordance with the requirements of Texas Occupations Code § 53.025, the department has developed guidelines relating to the matters which the department will consider in determining whether to grant, deny, suspend, or revoke any license or authorization under its jurisdiction. 28 TEX. ADMIN. CODE § 1.502.
3. Sonnier committed an offense for which fraud, dishonesty, or deceit is an essential element, as contemplated in 28 TEX. ADMIN. CODE § 1.502(e)(1) and TEX. OCC. CODE §§ 53.021-53.023.
4. Sonnier committed an offense with the essential elements of burglary, as contemplated in 28 TEX. ADMIN. CODE § 1.502(e)(4)(F) and TEX. OCC. CODE §§ 53.021-53.023.
5. Department guidelines, 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 an offense that directly relates to the duties and responsibilities of the licensed occupation; and
 - c. Considers any offense for which fraud, dishonesty or deceit is an essential element, the offense of burglary, and the offense of injury to a child to be of prime importance when determining fitness for licensure.
6. Sonnier was convicted of a felony involving dishonesty or breach of trust, as specified in 18 U.S.C. § 1033 and requires written consent from the commissioner of insurance to engage or participate in the business of insurance.

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 respondent's license application; and

2020-6465

Original Petition
Joy Marie Sonnier
Page 4 of 4

2. 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/ Patrick Quigley

Patrick Quigley, Staff Attorney
State Bar No. 16430320
Texas Department of Insurance
Enforcement Division, MC110-1A
P.O. Box 149104
Austin, Texas 78714-9104
(512) 676-6335 (Direct)
(512) 490-1020 (Fax)
Patrick.quigley@tdi.texas.gov

ATTORNEY FOR THE PETITIONER
TEXAS DEPARTMENT OF INSURANCE



**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: 06/08/2020
 Shipped From:
 Name: MC 110-1A M RUIZ
 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 0022 3026 48

quigley/18033



Name and Address of Sender MC 110-1A M RUIZ Texas Department of Insurance 333 Guadalupe St Austin Tx 78701		Check type of mail or service <input type="checkbox"/> Adult Signature Required <input type="checkbox"/> Priority Mail Express <input type="checkbox"/> Adult Signature Restricted Delivery <input type="checkbox"/> Registered Mail <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Certified Mail Restricted Delivery <input type="checkbox"/> Signature Confirmation <input type="checkbox"/> Collect on Delivery (COD) <input type="checkbox"/> Signature Confirmation Restricted Delivery <input type="checkbox"/> Insured Mail <input type="checkbox"/> Priority Mail		Affix Stamp Here (if issued as an international certificate of mailing or for additional copies of this receipt) Postmark with Date of Receipt.											
USPS Tracking/Article Number	Addressee (Name, Street, City, State, & ZIP Code™)	Postage	(Extra Service) Fee	Handling Charge	Actual Value if Registered	Insured Value	Due Sender if COD	ASR Fee	ASRO Fee	RD Fee	RR Fee	SC Fee	SCRD Fee	SH Fee	
1. 9214 8901 9403 8313 9989 35	JOY MARIE SONNIER: [REDACTED] 7707-1017	1.40	3.55	Handling Charge - if Registered and over \$50,000 in value							1.70				
quigley/18033															
Total Number of Pieces Listed by Sender	Total Number of Pieces Received at Post Office	Postmaster, Per (Name of receiving employee)													
1															



Certificate of Completion

Envelope Id: 1C672870AB8846A79C08D68089C12346 Status: Completed
Subject: Please DocuSign: Default Order_18033_Sonnier.pdf
Source Envelope:
Document Pages: 15 Signatures: 2 Envelope Originator:
Certificate Pages: 5 Initials: 0 Franchetta Alexander
AutoNav: Enabled Franchetta.Alexander@tdi.texas.gov
Envelopeld Stamping: Disabled IP Address: 204.65.238.70
Time Zone: (UTC-06:00) Central Time (US & Canada)

Record Tracking

Status: Original Holder: Franchetta Alexander Location: DocuSign
8/13/2020 7:51:27 AM Franchetta.Alexander@tdi.texas.gov
Security Appliance Status: Connected Pool: FedRamp
Storage Appliance Status: Connected Pool: Texas Department of Insurance Location: DocuSign

Signer Events

Mary Ruiz
Mary.Ruiz@tdi.texas.gov
Security Level: Notarized Signing (Notary: Franchetta Alexander), Account Authentication (None), Access Code

Signature

DocuSigned by:

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Signature Adoption: Pre-selected Style
Using IP Address: 204.65.238.70

Timestamp

Sent: 8/13/2020 7:54:29 AM
Viewed: 8/13/2020 8:12:53 AM
Signed: 8/13/2020 8:49:58 AM

Electronic Record and Signature Disclosure:
Accepted: 8/13/2020 8:12:53 AM
ID: e4e0c34f-96f6-451d-9479-04384750094a

In Person Signer Events

Signature

Timestamp

Editor Delivery Events

Status

Timestamp

Agent Delivery Events

Status

Timestamp

Intermediary Delivery Events

Status

Timestamp

Certified Delivery Events

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Timestamp

Carbon Copy Events

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Witness Events

Signature

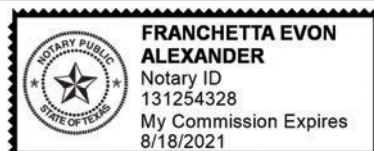
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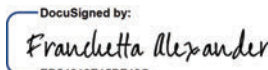
Notary Events

Signature

Timestamp

Notary Name: Franchetta Alexander
Notary Email: Franchetta.Alexander@tdi.texas.gov
Notary Address: 333 Gaudalupe St Austin TX 78701
Notary Signer: Mary Ruiz
Notary Designated By: Franchetta Alexander
Security Level: Email, Account Authentication (None)



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Using IP Address: 204.65.238.70

Sent: 8/13/2020 7:54:29 AM
Viewed: 8/13/2020 8:50:40 AM
Signed: 8/13/2020 8:50:53 AM
Freeform Signing

Electronic Record and Signature Disclosure:
Not Offered via DocuSign