

No. 2020-6507

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

**Date:** 10/15/2020

**Subject Considered:**

Kristina Jean Henry  
[REDACTED]  
Galveston, TX 77550-5237

Default Order  
SOAH Docket No. 454-21-0131  
TDI Enforcement File No. 18365

**General remarks and official action taken:**

The subject of this default order is whether a general lines life, accident, health, and HMO license should be issued to Kristina Jean Henry (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 September 16, 2020, 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.

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Commissioner's Order

Kristina Henry

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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], Galveston, TX 77550-5237.
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 pursuant to Texas law, including TEX. INS. CODE §§ 82.051-82.055, 101.153, 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 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 Respondent's failure to file a written response to the Notice of 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.

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## Order

It is ordered that Kristina Jean Henry's application for a general lines life, accident, health, and HMO license is denied. A copy of this order will be provided to law enforcement and/or other appropriate administrative agencies for further investigation as may be warranted.

Commissioner of Insurance

DocuSigned by:  
  
By: \_\_\_\_\_  
C77A87C8C21B435...  
Doug Slape  
Chief Deputy Commissioner  
TEX. GOV'T CODE § 601.002  
Commissioner's Order No. 2018-5528

Prepared and reviewed by:



Nancy Williams, Staff Attorney  
Enforcement Division

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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 Kristina Jean Henry. I have confirmed that:

- a. The last mailing address provided to the department in writing by Kristina Jean Henry is [REDACTED], Galveston, TX 77550-5237.
- b. The file maintained by the Enforcement Division contains a Notice of Hearing and Original Petition dated September 16, 2020, which were filed with the State Office of Administrative Hearings.
- c. On September 16, 2020, the Notice of Hearing and Original Petition addressed to Kristina Jean Henry were mailed certified, return receipt requested, to her last known address: [REDACTED], Galveston, TX 77550-5237.

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

DocuSigned by:  
*David Moreno*  
8F5D0ED9886E47B...  
Affiant

SWORN TO AND SUBSCRIBED before me by means of an interactive two-way audio and video communication on 9/30/2020. This notarial act was an online notarization.

## Notary Seal



## Digital Certificate

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

**2020-6507**

ACCEPTED  
454-21-0131  
9/16/2020 10:31 AM  
STATE OFFICE OF  
ADMINISTRATIVE HEARINGS  
Donnie Roland, CLERK

FILED  
454-21-0131  
9/16/2020 9:48 AM  
STATE OFFICE OF  
ADMINISTRATIVE HEARINGS  
Donnie Roland, CLERK

**SOAH DOCKET NO. 454-21-0131  
TDI ENFORCEMENT FILE NO. 18365**

**TEXAS DEPARTMENT OF INSURANCE,**

**BEFORE THE STATE OFFICE**

**Petitioner**

**v.**

**OF**

**KRISTINA JEAN HENRY,**

**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, December 8, 2020, at 9:00 a.m.** 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](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 PURSUANT TO 1 TEX. ADMIN. CODE § 155.501 AND 28 TEX. ADMIN. CODE §§ 1.88 AND 1.89.**



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Notice of Hearing

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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) 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) Nancy Williams, Staff Attorney  
Texas Department of Insurance  
Enforcement Division, MC110-1A  
P.O. Box 149104  
Austin, Texas 78714-9104  
(512) 490-1020 (Fax)  
Nancy.Williams@tdi.texas.gov

## **2020-6507**

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Kristina Henry

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### **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](http://www.soah.texas.gov), click on the "E-Services" tab, then click the "eFiling" 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.



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Notice of Hearing

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Respectfully Submitted,



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Nancy Williams

State Bar No. 24058175

Texas Department of Insurance

Enforcement Division, MC110-1A

P.O. Box 149104

Austin, Texas 78714-9104

(512) 676-6338 (Direct)

(512) 490-1020 (Fax)

Nancy.Williams@tdi.texas.gov

ATTORNEY FOR THE PETITIONER

TEXAS DEPARTMENT OF INSURANCE

Enclosure: Original Petition

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

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Notice of Hearing

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**CERTIFICATE OF SERVICE**

I, Nancy Williams, certify that a true and correct copy of the *Notice of Hearing and the Original Petition* were sent via email to: [REDACTED], and by certified mail, return receipt requested, on this 16th day of September, 2020 to:

Kristina Jean Henry

[REDACTED]

Galveston, TX 77550-5237

*Respondent Pro Se*

*Via CM/RRR No.:*

9214 8901 9403 8321 0932 02



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Nancy Williams

454-21-0131

**SOAH DOCKET NO. 454-20-  
TDI ENFORCEMENT FILE NO. 18365**

**TEXAS DEPARTMENT OF INSURANCE,**

**Petitioner**

**v.**

**KRISTINA JEAN HENRY,**

**Respondent**

**BEFORE THE STATE OFFICE**

**OF**

**ADMINISTRATIVE HEARINGS**

**ORIGINAL PETITION**

The Texas Department of Insurance seeks to deny Kristina Jean Henry'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 pursuant to TEX. INS. CODE §§ 82.051-82.055, 4001.002, 4005.101, 4005.102, and 4054.051; TEX. GOV'T CODE §§ 2001.051-2001.178; 28 Tex. Admin. Code § 1.502; and Tex. Occ. Code §§ 53.021 – 53.023.

**Factual Allegations**

Licensing Application

1. On October 23, 2018, Kristina Jean Henry (Henry), submitted an application for a general lines agent license with a life, accident, health, and HMO qualification to the Texas department of Insurance (department).
2. In her license application, Henry falsely answered "NO," when asked whether a demand had been made or judgment rendered against her for overdue moneys by an insurer, insured, or producer.

**EXHIBIT**

**B**

10. Henry has been convicted of a felony as contemplated by TEX. INS. CODE § 4005.101(b)(8).

**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
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,



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Nancy Williams  
State Bar No. 24058175  
Texas Department of Insurance  
Enforcement Division, MC110-1A  
P.O. Box 149104  
Austin, Texas 78714-9104  
(512) 676-6338 (Direct)  
(512) 490-1020 (Fax)  
Nancy.Williams@tdi.texas.gov

ATTORNEY FOR THE PETITIONER  
TEXAS DEPARTMENT OF INSURANCE

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Original Petition  
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3. On January 9, 2019, the department proposed to deny Henry's license based on her failure to disclose the State Farm judgement against her and on her criminal history.

### Misrepresentation on Application

4. On July 10, 2017, State Farm filed a civil suit against Henry and a default order was entered against her on November 7, 2017, in favor of State Farm for \$73,197.45. In a letter received by the department on November 28, 2018, Henry indicated that she had received notice of the suit, thereby being made aware of the demand prior to completing her application with the department.

### Criminal History

5. On March 20, 2008, Henry was convicted of felony possession of marijuana in a drug free zone in the 122<sup>nd</sup> District Court, Galveston County, Texas in cause number 05072055.
6. On January 9, 2009, Henry was convicted of two counts of theft in County Court at Law 2, Galveston County, Texas in cause numbers 03283379 and 03284513.
7. On July 19, 2011, Henry pleaded guilty to Possession of a Controlled Substance and was sentenced to five years deferred adjudication. On December 20, 2016, the deferred adjudication sentence was extended an additional two years in the 122<sup>nd</sup> District Court, Galveston, Texas in cause number 11-CR-0333.
8. Court records indicate Henry has not maintained good standing during her probationary period and Henry has failed to provide documentation of a successful completion of probation and discharge from her felony offense in cause number 11-CR-0333.

### **Legal Allegations**

9. Henry has intentionally made a material misstatement in the license application, has attempted to obtain a license by fraud or misrepresentation, and has engaged in fraudulent or dishonest acts or practices, as contemplated by TEX. INS. CODE § 4005.101(b)(2),(3), and (5) respectively.

10. Henry has been convicted of a felony as contemplated by TEX. INS. CODE § 4005.101(b)(8).

**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
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,



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Nancy Williams  
State Bar No. 24058175  
Texas Department of Insurance  
Enforcement Division, MC110-1A  
P.O. Box 149104  
Austin, Texas 78714-9104  
(512) 676-6338 (Direct)  
(512) 490-1020 (Fax)  
Nancy.Williams@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: 09/16/2020  
 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

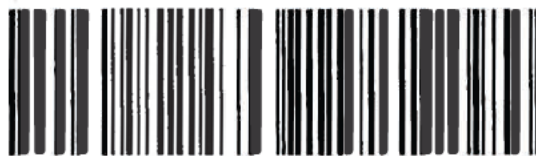
\*Start time for products with service guarantees will begin when mail arrives at the local Post Office™ and items receive individual processing and acceptance scans.

**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 0024 1589 60



Williams/18365





Firm Mailing Book For Accountable Mail

2020-6507

- 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
- 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

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

USPS Tracking/Article Number	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	SCRD Fee	SH Fee
1. 9214 8901 9403 8321 0932 02 Williams/18365	1.40	3.55	Handling Charge - if Registered and over \$50,000 in value				Adult Signature Required	Adult Signature Restricted Delivery	Restricted Delivery	Return Receipt	Signature Confirmation	Signature Confirmation Restricted Delivery	Special Handling



Postmaster, Per (Name of receiving employee)

*[Signature]*

Total Number of Pieces Listed by Sender: 1

Total Number of Pieces Received at Post Office: 1