

No. 2022-7148

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

Date: 01/05/2022

Subject Considered:

Elliott Alcantar
[REDACTED]
El Paso, TX 79935

Default Order
SOAH Docket No. 454-22-0747
TDI Enforcement File No. 26260

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 Elliott Alcantar (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 November 9, 2021, 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.
3. The department sent the Notice of Hearing and Original Petition to Respondent's last known address provided in writing to the department, [REDACTED] El Paso,

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TX 79935. 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 4101.051; 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. The department 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, 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.

2022-7148

Commissioner's Order

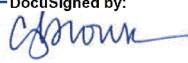
Elliott Alcantar

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Order

It is ordered that Elliott Alcantar'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

Prepared and reviewed by:

L. Merida

Latoya Merida, Staff Attorney
Enforcement Division

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Elliott Alcantar
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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 Elliott Alcantar. I have confirmed that:

- a. The last mailing address provided to the department in writing by Elliott Alcantar is [REDACTED] El Paso, TX 79935.
- b. The file maintained by the Enforcement Division contains a Notice of Hearing and Original Petition dated November 9, 2021, which were filed with the State Office of Administrative Hearings.
- c. On November 9, 2021, the Notice of Hearing and Original Petition addressed to Elliott Alcantar were mailed certified, return receipt requested, to his last known address.

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

DocuSigned by:

CA9EA58DE702479... _____

Affiant

2022-7148

Commissioner's Order

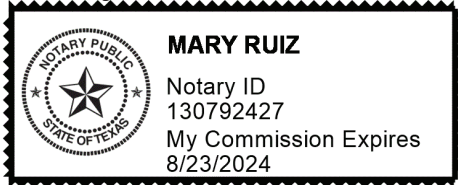
Elliott Alcantar

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SWORN TO AND SUBSCRIBED before me by means of an interactive two-way audio and video communication on 11/30/2021. This notarial act was an online notarization.

Notary Seal



Digital Certificate

DocuSigned by:
Mary Ruiz
795DC4D59167489...

Notary Public State of Texas

2022-7148

FILED
454-22-0747
11/9/2021 9:08 AM
STATE OFFICE OF
ADMINISTRATIVE HEARINGS
Carol Hale, CLERK

**SOAH DOCKET NO. 454-22-0747
TDI ENFORCEMENT FILE NO. 26260**

TEXAS DEPARTMENT OF INSURANCE,

BEFORE THE STATE OFFICE

Petitioner

ACCEPTED
454-22-0747
11/9/2021 9:29:32 am
STATE OFFICE OF
ADMINISTRATIVE HEARINGS
Carol Hale, CLERK

v.

OF

ELLIOTT ALCANTAR,

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 **Monday, February 14, 2022, 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

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Notice of Hearing

Elliott Alcantar

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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/e-filing-soah
- (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)*
Latoya Merida, Staff Attorney
Texas Department of Insurance
Enforcement Division, MC ENF

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Elliott Alcantar

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P.O. Box 12030
Austin, Texas 78711-2030
(512) 490-1020 (Fax)
Latoya.merida@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 with SOAH. You may file documents with SOAH by mail, fax, or electronically. To file electronically, you must use eFileTexas. Instructions on using eFileTexas 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

Elliott Alcantar

SOAH Docket No. 454-22-0747

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

Respectfully Submitted,

L. Merida

Latoya Merida
State Bar No. 24089625
Texas Department of Insurance
Enforcement Division, MC ENF
P.O. Box 12030
Austin, Texas 78711-2030
(512) 676-6344 (Direct)
(512) 490-1020 (Fax)
Latoya.merida@tdi.texas.gov

ATTORNEY FOR THE PETITIONER
TEXAS DEPARTMENT OF INSURANCE

Enclosure: Original Petition

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

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Elliott Alcantar

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CERTIFICATE OF SERVICE

I, Latoya Merida, certify that a true and correct copy of the *Notice of Hearing and the Original Petition* were sent by certified mail, return receipt requested and via email, on this 9th day of November 2021 to:

Elliott Alcantar

[REDACTED]

El Paso, TX 79935

Respondent Pro Se

CM/RRR: 9214 8901 9403 8358 7186 80

Via Email: [REDACTED]

L. Merida

Latoya Merida

2022-7148

FILED
454-22-0747
11/8/2021 9:39 AM
STATE OFFICE OF
ADMINISTRATIVE HEARINGS
Carol Hale, CLERK

SOAH DOCKET NO. 454- 22-0747
TDI ENFORCEMENT FILE NO. 26260

TEXAS DEPARTMENT OF INSURANCE,

BEFORE THE STATE OFFICE

Petitioner

ACCEPTED
454-22-0747
11/8/2021 4:45:59 pm
STATE OFFICE OF
ADMINISTRATIVE HEARINGS
Carol Hale, CLERK

v.

OF

ELLIOTT ALCANTAR,

ADMINISTRATIVE HEARINGS

Respondent

ORIGINAL PETITION

The Texas Department of Insurance seeks to deny Elliott Alcantar’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, 4005.102, and 4054.051, and TEX. GOV’T CODE §§ 2001.051-2001.178.

Factual Allegations

License Application

1. On July 21, 2020, Elliott Alcantar (Alcantar) applied for a general lines life, accident, health, and HMO license to be issued by the Texas Department of Insurance (TDI).
2. On September 25, 2020, TDI proposed to deny Alcantar’s application based on his criminal history. Alcantar appealed that decision and made a written request for a hearing that was received on October 23, 2020.

Criminal History

3. On March 19, 2018, Alcantar pleaded guilty to two counts of the 1st degree felony offense of Aggravated Assault Against a Public Servant in Cause No. 20160D05186

EXHIBIT

B

in the 171st District Court in El Paso, County, Texas, for an offense occurring on or about August 19, 2016. Alcantar's adjudication of guilt was deferred, and he was placed on Community Supervision for 10 years starting March 19, 2018.

Legal Allegations

1. Alcantar has committed a felony or misdemeanor that directly relates to the business of insurance, as contemplated in TEX. INS. CODE § 53.021-53.023 and 28 TEX. ADMIN. CODE § 1.502(d).
2. Alcantar committed an offense that TDI considers to be of such serious nature that it is of prime importance in determining fitness for licensure or authorization, as contemplated by 28 TEX. ADMIN. CODE § 1.502(e)(4)(B).
3. 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 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 an assault offense to be of such a serious nature that it is of prime importance when determining fitness for licensure. 28 TEX. ADMIN. CODE § 1.502(e)(4)(B).

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 Elliott Alcantar'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,

L. Merida

Latoya Merida
State Bar No. 24089625
Texas Department of Insurance
Enforcement Division, MC ENF
P.O. Box 12030
Austin, Texas 78711-2030
(512) 676-6344 (Direct)
(512) 490-1020 (Fax)
Latoya.merida@tdi.texas.gov

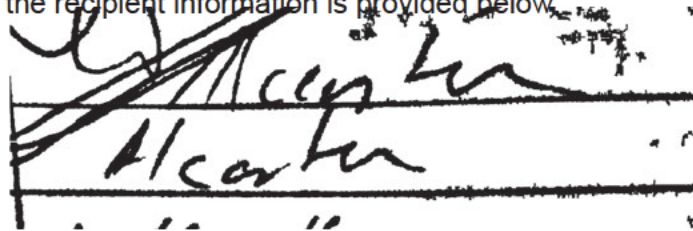
ATTORNEY FOR THE PETITIONER
TEXAS DEPARTMENT OF INSURANCE

Date Produced: 11/22/2021

ConnectSuite Inc.:

The following is the delivery information for Certified Mail™/RRE item number 9214 8901 9403 8358 7186 80. Our records indicate that this item was delivered on 11/20/2021 at 08:40 a.m. in EL PASO, TX 79935. The scanned image of the recipient information is provided below.

Signature of Recipient :



A handwritten signature in black ink, appearing to read "Elliott Alcantar", is written over a horizontal line. Below the line, the name "Alcantar" is printed in a bold, sans-serif font.

Address of Recipient :



A solid black rectangular redaction box covers the recipient's address information.

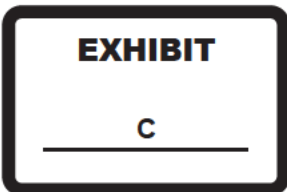
Thank you for selecting the Postal Service for your mailing needs. If you require additional assistance, please contact your local post office or Postal Service representative.

Sincerely,
United States Postal Service

The customer reference number shown below is not validated or endorsed by the United States Postal Service. It is solely for customer use.

This USPS proof of delivery is linked to the customers mail piece information on file as shown below:

ELLIOTT ALCANTAR
[REDACTED]
EL PASO, TX 79935



Customer Reference Number: C3048988.17724291
Return Reference Number merida/26260