

No. 2023-8325

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

Date: 11/6/2023

Subject Considered:

Derrick Jermaine Pierce


Dallas, TX 75241

Default Order
SOAH Docket No. 454-24-02079
TDI Enforcement File No. 31698

General remarks and official action taken:

The subject of this default order is whether an adjuster all lines license should be issued to Derrick Jermaine Pierce (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 October 4, 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.

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3. TDI sent the Notice of Hearing and Original Petition to Respondent's last known address provided in writing to the department, [REDACTED], Dallas, TX 75241.
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, 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. 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.

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Order

It is ordered that Derrick Jermaine Pierce'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:

/s/Erik Huhn

Erik Huhn, Staff Attorney
Enforcement

2023-8325

Commissioner's Order
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Affidavit

STATE OF TEXAS §

§

COUNTY OF TRAVIS §

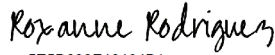
Before me, the undersigned authority, personally appeared Roxanne Rodriguez, who, being by me duly sworn, deposed as follows:

"My name is Roxanne Rodriguez 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 Derrick Jermaine Pierce. I have confirmed that:

- a. The last mailing address provided to the department in writing by Derrick Jermaine Pierce is [REDACTED], Dallas, TX 75241.
- b. The file maintained by Enforcement contains a Notice of Hearing and Original Petition dated October 4, 2023, which were filed with the State Office of Administrative Hearings.
- c. On October 4, 2023, the Notice of Hearing and Original Petition addressed to Derrick Jermaine Pierce were mailed certified, return receipt requested, to his last known address.

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

DocuSigned by:

5E5D233E12184B1...
Affiant

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SWORN TO AND SUBSCRIBED before me by means of an interactive two-way audio and video communication on 10/25/2023. This notarial act was an online notarization.

Notary Seal



Digital Certificate

DocuSigned by:
David Moreno
455E4109E15D4CD...
Notary Public State of Texas

FILED **2023-8325**
454-24-02079
10/4/2023 9:09 AM
STATE OFFICE OF
ADMINISTRATIVE HEARINGS
Crystal Rosas, CLERK

ACCEPTED
454-24-02079
10/4/2023 9:13:06 am
STATE OFFICE OF
ADMINISTRATIVE HEARINGS
Crystal Rosas, CLERK

SOAH DOCKET NO. 454-24-02079
TDI ENFORCEMENT FILE NO. 31698

TEXAS DEPARTMENT OF INSURANCE,

Petitioner

v.

DERRICK JERMAINE PIERCE,

Respondent

BEFORE THE STATE OFFICE

OF

ADMINISTRATIVE HEARINGS

NOTICE OF HEARING

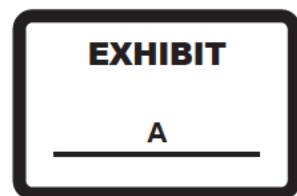
The Texas Department of Insurance seeks to deny your license application. This Notice of Hearing and the Original Petition, which is attached and incorporated for all purposes, states the allegations against you and the relief sought by the department.

A public hearing will be held before an Administrative Law Judge on **November 16, 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, 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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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)*
Erik Huhn, Staff Attorney
Texas Department of Insurance
Enforcement, MC ENF

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P.O. Box 12030
Austin, Texas 78711-2030
(512) 490-1020 (Fax)
Erik.Huhn@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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If you have any questions, please contact me at the address or telephone number shown below.

Respectfully Submitted,

/s/Erik Huhn

Erik Huhn
State Bar No. 24132806
Texas Department of Insurance
Enforcement, MC ENF
P.O. Box 12030
Austin, Texas 78711-2030
(512) 676-6355 (Direct)
(512) 490-1020 (Fax)
Erik.Huhn@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

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CERTIFICATE OF SERVICE

I, Erik Huhn, 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 4th day of October, 2023 to:

Derrick Jermaine Pierce



Dallas, TX 75241

Respondent Pro Se

Via CM/RRR No: 9214890194038332500171

/s/Erik Huhn

Erik Huhn

FILED **2023-8325**
454-24-02079
9/28/2023 1:39 PM
STATE OFFICE OF
ADMINISTRATIVE HEARINGS
April Bermea , CLERK

SOAH Docket No. 454-24-02079

ACCEPTED
454-24-02079
9/28/2023 2:52:54 pm
STATE OFFICE OF
ADMINISTRATIVE HEARINGS
April Bermea , CLERK

SOAH DOCKET NO. 454-_____
TDI ENFORCEMENT FILE NO. 31698

TEXAS DEPARTMENT OF INSURANCE,

BEFORE THE STATE OFFICE

Petitioner

v.

OF

DERRICK JERMAINE PIERCE,

ADMINISTRATIVE HEARINGS

Respondent

ORIGINAL PETITION

The Texas Department of Insurance (TDI) seeks to deny Derrick Jermaine Pierce’s (Pierce) license application. In support of this petition, TDI makes the following allegations upon information and belief:

Jurisdiction

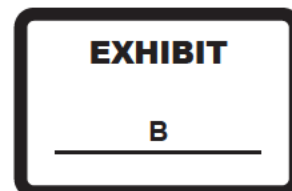
The commissioner of insurance has jurisdiction over this matter under TEX. INS. CODE §§ 82.051-82.055, 4001.002, 4005.101, 4005.102, 4101.051; TEX. OCC. CODE §§ 53.021-53.023; 28 TEX. ADMIN. CODE § 1.502; and TEX. GOV’T CODE §§ 2001.051-2001.178.

Factual Allegations

1. On November 23, 2022, Pierce applied for an adjuster all lines license. Pierce disclosed his criminal history on his application.
2. On January 30, 2023, TDI sent a proposed summary denial letter to Pierce denying his application based on his criminal history. Pierce requested a hearing on the denial.

Criminal History:

Case no. F-0053323-HV – Unlawful Possession with Intent to Deliver a Controlled Substance, to-wit: Cocaine



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3. On March 22, 2001, Pierce pleaded guilty to Unlawful Possession with Intent to Deliver a Controlled Substance, to-wit: Cocaine, a first-degree felony, in the 292nd Judicial District Court of Dallas County. The court placed Pierce on deferred adjudication community supervision for 10 years and fined him \$1,500.
4. On August 24, 2001, Pierce was adjudicated guilty after he violated the terms of his probation and was sentenced to 5 years in the Texas Department of Criminal Justice (TDCJ) and fined \$1,500.
5. On February 3, 2003, Pierce was released on mandatory supervision from TDCJ custody.
6. On June 5, 2006, Pierce was discharged from mandatory supervision.

Case no. F-0152056-TV – Unlawfully Carrying a Weapon, to-wit: Handgun

7. On August 24, 2001, while on probation for case no. F-0053323-HV, Pierce pleaded guilty and was convicted of Unlawfully Carrying a Weapon, to-wit: Handgun, a state jail felony, in the 292nd Judicial District Court of Dallas County.
8. The court sentenced Pierce to 365 days in the TDCJ and fined him \$1,500.00.

Case no. F-0458432-H – Unlawful Possession with Intent to Deliver a Controlled Substance, to-wit: Cocaine

9. On September 14, 2005, while on mandatory supervision for case no. F-0053323-HV, Pierce was tried by a jury and convicted of Unlawful Possession with Intent to Deliver a Controlled Substance, to-wit: Cocaine, a first-degree felony, in the Criminal District Court of Dallas County. The court sentenced Pierce to 15 years confinement in the TDCJ.

Case no. 14-05852 – Conspiracy: UPCS with Intent to Sell Greater than 300 Grams of Cocaine

10. On December 2, 2015, Pierce was convicted of Conspiracy: UPCS with Intent to Sell Greater than 300 Grams of Cocaine, a felony offense, in the Criminal Court for Shelby County, Tennessee. The court sentenced Pierce to 12 years confinement in Trousdale Turner Correctional Facility and fined him \$2,000.

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11. On January 22, 2019, Pierce was released on parole from Trousdale Turner Correctional Facility.
12. Pierce is currently on parole.

Legal Allegations

1. Pierce has been convicted of a criminal felony involving dishonesty or a breach of trust, as specified in 18 U.S.C. 1033, requiring written consent from the commissioner of insurance to engage or participate in the business of insurance.
2. TDI may deny Pierce's license application because he has been convicted of a felony, as contemplated under TEX. INS. CODE § 4005.101(b)(8).
3. TDI may deny Pierce's license application because he has committed an offense of such serious nature that it is of prime importance in determining fitness of licensure, as contemplated by 28 TEX. ADMIN. CODE § 1.502(e)(3) & (e)(4)(G).
4. The factors listed in 28 TEX. ADMIN. CODE § 1.502(h) do not outweigh the serious nature of Pierce's criminal history, as 28 TEX. ADMIN. CODE § 1.502(f) contemplates.

Relief Sought

If one or more of the above allegations is found to be true, TDI asks the Administrative Law Judge to enter a Proposal for Decision recommending that the commissioner of insurance issue an order:

1. Denying Pierce's license application, and
2. Imposing any other just and appropriate relief to which TDI may be entitled to by law.

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Respectfully Submitted,

Erik Huhn

Erik Huhn
State Bar No. 24132806
Texas Department of Insurance
Enforcement, MC ENF
P.O. Box 12030
Austin, Texas 78711-2030
(512) 676-6355 (Direct)
(512) 490-1020 (Fax)
Erik.Huhn@tdi.texas.gov

ATTORNEY FOR THE PETITIONER
TEXAS DEPARTMENT OF INSURANCE

2023-8325

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 Erik Huhn
Bar No. 24132806
Enforcementgeneral@tdi.texas.gov
Envelope ID: 80049185
Filing Code Description: Request to Docket
Filing Description: Request to Docket
Status as of 9/28/2023 2:57 PM CST

Associated Case Party: Chief Clerk

Name	BarNumber	Email	TimestampSubmitted	Status
Chief Clerk		ChiefClerk@tdi.texas.gov	9/28/2023 1:39:39 PM	SENT

Associated Case Party: Texas Department of Insurance

Name	BarNumber	Email	TimestampSubmitted	Status
Texas Department of Insurance		Enforcementgeneral@tdi.texas.gov	9/28/2023 1:39:39 PM	SENT
Whitney Fraser		Whitney.Fraser@tdi.texas.gov	9/28/2023 1:39:39 PM	SENT
Erik Huhn		Erik.Huhn@tdi.texas.gov	9/28/2023 1:39:39 PM	SENT

Associated Case Party: Derrick Jermaine Pierce

Name	BarNumber	Email	TimestampSubmitted	Status
Derrick Jermaine Pierce		[REDACTED]	9/28/2023 1:39:39 PM	SENT

2023-8325

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 Erik Huhn
Bar No. 24132806
Enforcementgeneral@tdi.texas.gov
Envelope ID: 80225778
Filing Code Description: Notice of Hearing
Filing Description: NOH pierce_OP
Status as of 10/4/2023 9:13 AM CST

Associated Case Party: Texas Department of Insurance

Name	BarNumber	Email	TimestampSubmitted	Status
Whitney Fraser		Whitney.Fraser@tdi.texas.gov	10/4/2023 9:09:21 AM	SENT
Texas Department of Insurance		Enforcementgeneral@tdi.texas.gov	10/4/2023 9:09:21 AM	SENT
Erik Huhn		Erik.Huhn@tdi.texas.gov	10/4/2023 9:09:21 AM	SENT
Leah Gillum		Leah.Gillum@tdi.texas.gov	10/4/2023 9:09:21 AM	SENT
Jodie Delgado		jodie.delgado@tdi.texas.gov	10/4/2023 9:09:21 AM	SENT

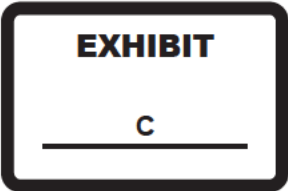
Associated Case Party: Chief Clerk

Name	BarNumber	Email	TimestampSubmitted	Status
Chief Clerk		ChiefClerk@tdi.texas.gov	10/4/2023 9:09:21 AM	SENT

Associated Case Party: Derrick Jermaine Pierce

Name	BarNumber	Email	TimestampSubmitted	Status
Derrick Jermaine Pierce		[REDACTED]	10/4/2023 9:09:21 AM	SENT

2023-8325



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: 10/04/2023
Shipped From:
Name: ENF R RODRIGUEZ
Address: 1601 CONGRESS AVE
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 0047 5733 44



Huhn/31698



Name and Address of Sender

ENF R. RODRIGUEZ
1601 CONGRESS AVE
STE 6.900
AUSTIN TX 78701

ENF

USPS Tracking/Article Number

1. 9214 8901 9403 8332 5001 71

Huhn/31698

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

DERRICK JERMAINE PIERCE
[Redacted]
DALLAS, TX 75241

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.

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
0.87	4.35	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

RECEIVED
OCT 06 2023
FDI - ENFORCEMENT

CANTON STATION
OCT 2023
JUSTIN TX
12345678910111213141516171819202122232425262728293031

Postmaster, Per (Name of receiving employee)

Total Number of Pieces Listed by Sender: 1
Total Number of Pieces Received at Post Office: 1