

No. 2022-7290

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

Date: 04/07/2022

Subject Considered:

Donna Rena Thompson
[REDACTED]
Grand Prairie, Texas 75052

Default Order
SOAH Docket No. 454-22-1964
TDI Enforcement File No. 26381

General remarks and official action taken:

The subject of this default order is whether an adjuster all lines license should be issued to Donna Rena Thompson (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 March 2, 2022, the department filed a Notice of Hearing, attached as Exhibit A, and an Original Petition, attached as Exhibit B, previously filed on March 1, 2022, 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. On March 2, 2022, the department sent the Notice of Hearing and Original Petition to Respondent's last known address provided in writing to the department, [REDACTED]

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██████████ Grand Prairie, Texas 75052. 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, 4005.101, 4005.102, 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.

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Order

It is ordered that Donna Rena Thompson'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:

FC5D7EDDFFBB4F8...

Cassie Brown
Commissioner of Insurance

Prepared and reviewed by:



Amanda Atkinson Cagle, Staff Attorney
Enforcement Division

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 Donna Rena Thompson. I have confirmed that:

- a. The last mailing address provided to the department in writing by Donna Rena Thompson is [REDACTED] Grand Prairie, Texas 75052.
- b. The file maintained by the Enforcement Division contains a Notice of Hearing dated March 2, 2022, and an Original Petition dated March 1, 2022, which were filed with the State Office of Administrative Hearings.
- c. On March 2, 2022, the Notice of Hearing and Original Petition addressed to Donna Rena Thompson were mailed first-class and certified, return receipt requested, to her last known address.

Copies of the first-class mail log and certified mail log maintained by the Enforcement Division are attached as Exhibit C and Exhibit D, respectively."

DocuSigned by:

C8756DE8ABAD4BE...

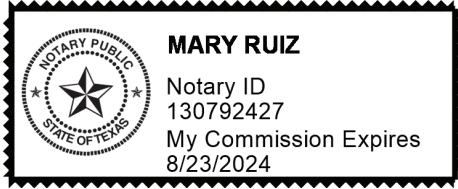
Affiant

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SWORN TO AND SUBSCRIBED before me by means of an interactive two-way audio and video communication on 3/31/2022. This notarial act was an online notarization.

Notary Seal



Digital Certificate

DocuSigned by:
Mary Ruiz
795DC4D59167489...

Notary Public State of Texas

2022-7290

FILED
454-22-1964
3/2/2022 10:01 AM
STATE OFFICE OF
ADMINISTRATIVE HEARINGS
Carol Hale, CLERK

**SOAH DOCKET NO. 454-22-1964
TDI ENFORCEMENT FILE NO. 26381**

TEXAS DEPARTMENT OF INSURANCE,

Petitioner

v.

DONNA RENA THOMPSON,

Respondent

BEFORE THE STATE OFFICE

ACCEPTED
454-22-1964
3/2/2022 10:07:48 am
STATE OFFICE OF
ADMINISTRATIVE HEARINGS
Carol Hale, CLERK

OF

ADMINISTRATIVE HEARINGS

NOTICE OF HEARING

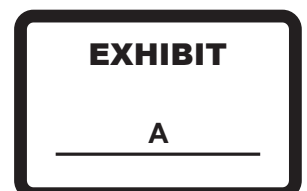
The Texas Department of Insurance seeks to deny your license application. This Notice of Hearing and the Original Petition, which is attached and incorporated for all purposes, states the allegations against you and the relief sought by the Department.

A public hearing will be held before an Administrative Law Judge on **Tuesday, October 18, 2022, at 9:00 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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Donna Rena Thompson

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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)*
Amanda Atkinson Cagle, Staff Attorney
Texas Department of Insurance
Enforcement Division, MC ENF

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

Respectfully Submitted,



Amanda Atkinson Cagle
State Bar No. 00783569
Texas Department of Insurance
Enforcement Division, MC ENF
P.O. Box 12030
Austin, Texas 78711-2030
(512) 676-6342 (Direct)
(512) 490-1020 (Fax)
amanda.cagle@tdi.texas.gov

ATTORNEY FOR THE PETITIONER
TEXAS DEPARTMENT OF INSURANCE

Enclosure: Original Petition

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

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CERTIFICATE OF SERVICE

I, Amanda Atkinson Cagle, certify that a true and correct copy of the *Notice of Hearing and the Original Petition* were sent by the indicated methods, on this 2nd day of March, 2022 to:

Donna Rena Thompson

[REDACTED]

Grand Prairie, TX 75052

Via CM/RRR No.: 9214 8901 9403 8367 7579 15

& Via First Class U.S. Mail

& Via Email: [REDACTED]

& Via Email: [REDACTED]



Amanda Atkinson Cagle

2022-7290

FILED
454-22-1964
3/1/2022 11:33 AM
STATE OFFICE OF
ADMINISTRATIVE HEARINGS
Carol Hale, CLERK

SOAH DOCKET NO. 454- 22-1964
TDI ENFORCEMENT FILE NO. 26381

TEXAS DEPARTMENT OF INSURANCE,

Petitioner

v.

DONNA RENA THOMPSON,

Respondent

BEFORE THE STATE OFFICE

ACCEPTED
454-22-1964
3/1/2022 2:51:19 pm
STATE OFFICE OF
ADMINISTRATIVE HEARINGS
Carol Hale, CLERK

OF

ADMINISTRATIVE HEARINGS

ORIGINAL PETITION

The Texas Department of Insurance seeks to deny Donna Rena Thompson’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 4101.051; 28 TEX. ADMIN. CODE § 1.502; TEX. OCC. CODE §§ 53.021–53.023; and TEX. GOV’T CODE §§ 2001.051-2001.178.

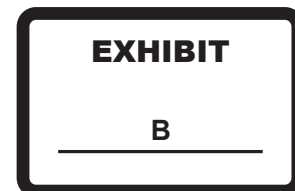
Factual Allegations

License Application

1. On September 18, 2020, Donna Rena Thompson (Thompson) applied for an adjuster all lines license to be issued by the department.
2. On October 21, 2020, the department proposed to deny Thompson’s application based on her criminal history. Thompson appealed that decision and made a written request for a hearing.

Material Misstatements in the Application

3. In Thompson’s application, she falsely answered "No" to both of the following questions:



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- a. have you ever been convicted of a misdemeanor, had a judgment withheld or deferred, or are you currently charged with committing a misdemeanor; and
- b. have you ever been convicted of a felony, had a judgment withheld or deferred, or are you currently charged with committing a felony?

Criminal History—Eight Convictions for Felony or Misdemeanor Thefts and Fraud

4. *1994 Misdemeanor Theft—Texas.* On February 4, 1994, Thompson pled guilty to misdemeanor theft in Cause Number 0465417 in Tarrant County Criminal Court Number Two. She was sentenced to 66 days confinement.
5. *1997 Two Counts of Felony Financial Transaction Card Fraud—Georgia.* On October 27, 1997, Thompson pled guilty to two counts of felony financial transaction card fraud in Case No. 97CR4623 in the Superior Court of DeKalb County, Georgia. She was sentenced to three years probation and ordered to pay restitution of \$1,779.90.
6. *2000 Two Convictions for Felony Credit Card Abuse—Texas.* On August 8, 2000, Thompson pled guilty to felony credit card abuse in Case Numbers 0747670D and 0747691D in the Criminal District Court Number One of Tarrant County, Texas. The terms of her plea bargain were nine months confinement in the State Jail Division of the Texas Department of Criminal Justice and to tell the court “how she got Judge Mitchell’s credit card number.”
7. *2000 Additional Conviction for Felony Credit Card Abuse—Texas.* On August 8, 2000, Thompson pled guilty to felony credit card abuse in Case Number 0747672D in the Criminal District Court Number One of Tarrant County, Texas. She was sentenced to nine months confinement in the State Jail Division of the Texas Department of Criminal Justice, to be served concurrently with sentence(s) rendered in Tarrant County.
8. *2004 Misdemeanor Theft—Texas.* On March 24, 2004, Thompson pled guilty to misdemeanor theft in Cause Number 0904727 in the County Criminal Court Number Seven of Tarrant County, Texas. She was sentenced to one day in jail and ordered to pay court costs of \$201. A warrant was subsequently issued for her arrest for failure to pay costs.

9. *2012 Misdemeanor Theft—Texas*. On November 8, 2012, Thompson was indicted for felony theft in Cause Number 1303633D in the 371st District Court of Tarrant County, Texas. On December 5, 2012, Thompson pled guilty to class B misdemeanor theft and was sentenced to 180 days confinement in the Tarrant County Jail.
10. *2016 Misdemeanor Theft—Texas*. On September 29, 2015, Thompson was indicted for felony theft in Cause Number 1430382D in the Criminal District Court Number Two of Tarrant County, Texas. On February 29, 2016, Thompson pled guilty to class B misdemeanor theft and was sentenced to one day confinement in the Tarrant County Jail.

Legal Allegations

1. Thompson has committed an act for which a license may be denied pursuant to TEX. INS. CODE § 4005.101(b) because she:
 - a. intentionally made a material misstatement in the license application, as contemplated by TEX. INS. CODE § 4005.101(b)(2);
 - b. attempted to obtain a license by fraud or misrepresentation, as contemplated by TEX. INS. CODE § 4005.101(b)(3);
 - c. engaged in fraudulent or dishonest acts or practices, as contemplated by TEX. INS. CODE § 4005.101(b)(5); and
 - d. has been convicted of a felony, as contemplated by TEX. INS. CODE § 4005.101(b)(8).
2. Thompson committed felony and misdemeanor offenses and has engaged in fraudulent or dishonest activity that directly relates to the duties and responsibilities of the licensed occupation, as contemplated in 28 TEX. ADMIN. CODE § 1.502(d) and (f).
3. Thompson committed offenses TDI considers to be of such serious nature that they are of prime importance in determining fitness for licensure or authorization, as contemplated by 28 TEX. ADMIN. CODE § 1.502(e).

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4. Thompson committed multiple offenses for which fraud, dishonesty, or deceit is an essential element as contemplated by 28 TEX. ADMIN. CODE § 1.502(e)(1).
5. Thompson committed multiple felonies involving moral turpitude, as contemplated by 28 TEX. ADMIN. CODE § 1.502(e)(3).
6. Thompson committed multiple offenses with the essential elements of a theft offense, as contemplated by 28 TEX. ADMIN. CODE § 1.502(e)(4)(F).
7. Pursuant to TEX. OCC. CODE § 53.021(a)(1), the commissioner may deny Thompson's application because she has been convicted of offenses that directly relate to the duties and responsibilities of the licensed occupation.
8. 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;
 - c. considers any offense for which fraud, dishonesty, or deceit is an essential element to be of prime importance when determining fitness for licensure, pursuant to 28 TEX. ADMIN. CODE § 1.502(e)(1);
 - d. considers any felony involving moral turpitude to be of such a serious nature that it is of prime importance when determining fitness for licensure, pursuant to 28 TEX. ADMIN. CODE § 1.502(e)(3); and,
 - e. considers any offense with the essential elements of a theft offense to be of prime importance when determining fitness for licensure, pursuant to 28 TEX. ADMIN. CODE § 1.502(e)(4)(F).
9. Thompson has been convicted of multiple felonies involving dishonesty or breach of trust, as specified in 18 U.S.C. § 1033, and requiring 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 Donna Rena Thompson's license application;
2. denying consent to allow Donna Rena Thompson to engage or participate in the business of insurance under 18 U.S.C. § 1033; and
3. granting any other just and appropriate relief to which the department may be entitled to by law.

Respectfully Submitted,



Amanda Atkinson Cagle
State Bar No. 00783569
Texas Department of Insurance
Enforcement Division, MC ENF
P.O. Box 12030
Austin, Texas 78711-2030
(512) 676-6342 (Direct)
(512) 490-1020 (Fax)
amanda.cagle@tdi.texas.gov

ATTORNEY FOR THE PETITIONER
TEXAS DEPARTMENT OF INSURANCE

2022-7290

Firm Mailing Book For Accountable Mail

SH Fee	SCRD Fee	SC Fee	RR Fee	RD Fee	ASRD Fee	ASR Fee	Insured Value	Actual Value if Registered	Handling Charge	Extra Service Fee	Postage
											1.36

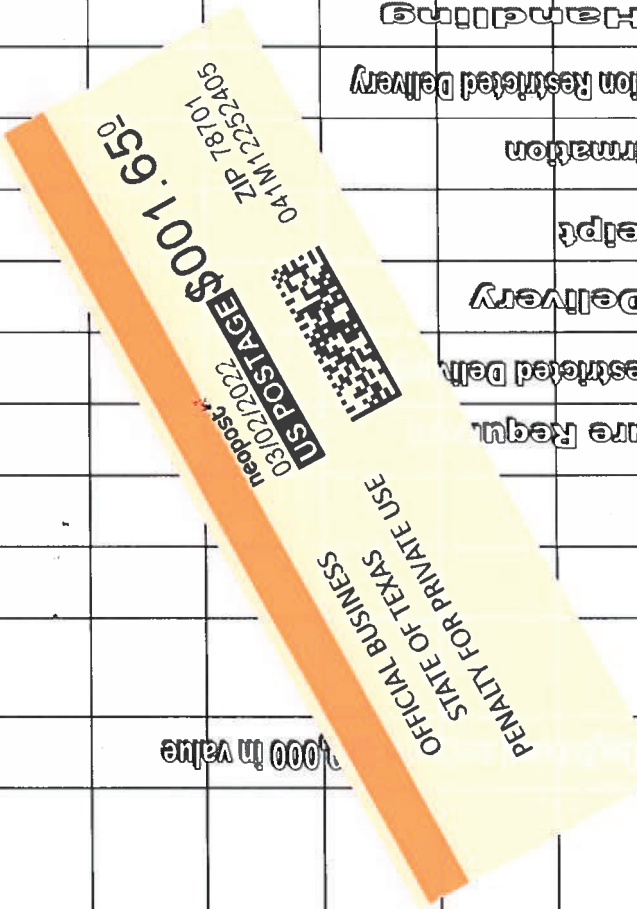
Name and Address of sender
 Texas Dept of Insurance
 Mail Code 110-1A
 333 Guadalupe St
 Austin TX 78701
 Mary Ruiz
 March 2, 2022

Check type of mail or service
 Adult Signature Required
 Adult Signature Restricted Delivery
 Certified Mail
 Certified Mail Restricted Delivery
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 Priority Mail
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 Signature Confirmation
 Signature Confirmation Restricted Delivery

USPS Tracking/Article Number
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Address (Name, Street, City, State, & Zip Code)
 DONNA RENA THOMPSON
 GRAND PRAIRIE, TX 75052

Affix Stamp Here
 (if issued as an international certificate of mailing or for additional copies of this receipt). Postmark with Date of Receipt



Handling Charge: \$1000 in value

Adult Signature Required
 Adult Signature Restricted Delivery
 Restricted Delivery
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2022-7290

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Name and Address of Sender
 MC 110-1A M RUIZ
 TEXAS DEPARTMENT OF INSURANCE
 333 GUADALUPE ST
 AUSTIN TX 78701

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
1.56	3.75	Handling Charge - if Registered and over \$50,000 in value							1.85			
						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)

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

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Complete in link 2022-7290 Privacy Notice: For more information on USPS privacy policies visit usps.com/privacy-policy.