

No. 2023-7941

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

Date: 05/08/2023

Subject Considered:

Kyle Terez Crockett

[REDACTED]
Houston, Texas 77021

Default Order
SOAH Docket No. 454-23-15495
TDI Enforcement File No. 28281

General remarks and official action taken:

The subject of this default order is whether an adjuster all lines license should be issued to Kyle Terez Crockett (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 31, 2023, 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].

2023-7941

Commissioner's Order

Kyle Terez Crockett

SOAH Docket No. 454-23-15495

Page 2 of 5

██████, Houston, Texas 77021. The Notice of Hearing and Original Petition were also sent by electronic mail to the Respondent.

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, 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.

2023-7941

Commissioner's Order
Kyle Terez Crockett
SOAH Docket No. 454-23-15495
Page 3 of 5

Order

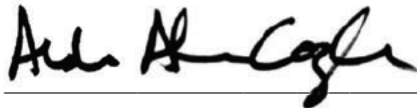
It is ordered that Kyle Terez Crockett's application is denied. A copy of this order will be provided to law enforcement or other appropriate administrative agencies for further investigation as may be warranted.

DocuSigned by:

FC5D7EDDFB4F8...

Cassie Brown
Commissioner of Insurance

Prepared and reviewed by:



Amanda Cagle, Staff Attorney
Enforcement

2023-7941

Commissioner's Order
Kyle Terez Crockett
SOAH Docket No. 454-23-15495
Page 4 of 5

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 Kyle Terez Crockett. I have confirmed that:

- a. The last mailing address provided to the department in writing by Kyle Terez Crockett is [REDACTED], Houston, Texas 77021.
- b. The file maintained by Enforcement contains a Notice of Hearing dated March 31, 2023, and an Original Petition dated March 28, 2023, which were filed together with the State Office of Administrative Hearings on March 31, 2023.
- c. On March 31, 2023, the Notice of Hearing and Original Petition addressed to Kyle Terez Crockett were mailed first-class and certified, return receipt requested, to his last known address.

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

DocuSigned by:

David Moreno

3424ED72F8734F1...

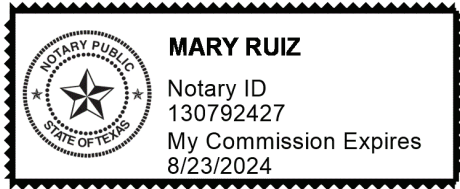
Affiant

2023-7941

Commissioner's Order
Kyle Terez Crockett
SOAH Docket No. 454-23-15495
Page 5 of 5

SWORN TO AND SUBSCRIBED before me by means of an interactive two-way audio and video communication on 4/27/2023. This notarial act was an online notarization.

Notary Seal



Digital Certificate

DocuSigned by:
Mary Ruiz
795DC4D59167489...

Notary Public State of Texas

2023-7941

Notice of Hearing

Kyle Terez Crockett

SOAH Docket No. 454-23-15495

Page 2 of 5

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

2023-7941

Notice of Hearing
Kyle Terez Crockett
SOAH Docket No. 454-23-15495
Page 3 of 5

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 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.

2023-7941

Notice of Hearing
Kyle Terez Crockett
SOAH Docket No. 454-23-15495
Page 4 of 5

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

Respectfully Submitted,



Amanda Cagle
State Bar No. 00783569
Texas Department of Insurance
Enforcement, 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, Fraud and Enforcement Division, MC ENF
Rachel Cloyd, Litigation Director, Enforcement, MC ENF
Administrative Review, MC CO-AAL

2023-7941

Notice of Hearing
Kyle Terez Crockett
SOAH Docket No. 454-23-15495
Page 5 of 5

CERTIFICATE OF SERVICE

I, Amanda 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 31st day of March, 2023 to:

Kyle Terez Crockett
[REDACTED]
Houston, Texas 77021

Via First Class U.S. Mail
& *Via CMRRR 9214 8901 9403 8309 3412 57*
& *Via Email* [REDACTED]



Amanda Cagle

2023-7941

SOAH DOCKET No. 454-23-15495

FILED
454-23-15495
3/28/2023 2:08 PM
STATE OFFICE OF
ADMINISTRATIVE HEARINGS
Carol Hale, CLERK

SOAH DOCKET NO. 454-_____
TDI ENFORCEMENT FILE NO. 28281

TEXAS DEPARTMENT OF INSURANCE,

Petitioner

v.

KYLE TEREZ CROCKETT,

Respondent

BEFORE THE STATE OFFICE

ACCEPTED
454-23-15495
3/28/2023 4:10:16 pm
STATE OFFICE OF
ADMINISTRATIVE HEARINGS
Carol Hale, CLERK

OF

ADMINISTRATIVE HEARINGS

ORIGINAL PETITION

The Texas Department of Insurance seeks to deny Kyle Terez Crockett'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 4101.051, 28 TEX. ADMIN. CODE § 1.502, TEX. OCC. CODE §§ 53.021-53.023, and TEX. GOV'T CODE §§ 2001.051-2001.178.

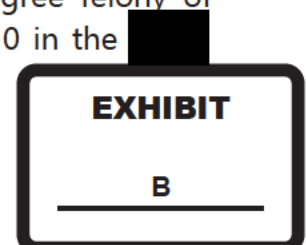
Factual Allegations

License Application

1. On June 30, 2021, Kyle Terez Crockett (Crockett) applied for an adjuster all lines license to be issued by the department.
2. On July 30, 2021, the department proposed to deny Crockett's application based on his criminal history. Crockett appealed that decision and made a written request for a hearing.

Felony Tampering with Government Records

3. On November 13, 2020, Crockett pled guilty to the second degree felony of tampering with a government record in Cause No. 167018701010 in the



██████████ Harris County, Texas. Crockett admitted to TDI that he had tried to fraudulently purchase a vehicle with a fake driver's license and fake social security number.

4. Crockett was placed on deferred adjudication community supervision for three years, with his community supervision set to expire on November 12, 2023.

Legal Allegations

1. Crockett has committed an act for which a license may be denied pursuant to TEX. INS. CODE § 4005.101(b) because he engaged in fraudulent or dishonest acts or practices, as contemplated by TEX. INS. CODE § 4005.101(b)(5).
2. Pursuant to TEX. OCC. CODE § 53.021(a) and (d), the commissioner may deny Crockett's application and consider him to have been convicted of felony tampering of a government record due to the following:
 - a. Crockett's has not completed the period of community supervision, pursuant to TEX. OCC. CODE § 53.021(d)(1)(B)(i); and
 - b. Pursuant to TEX. OCC. CODE § 53.021(d)(2), the department determined that:
 - i. Crockett continues to pose a threat to public safety; or
 - ii. employment of Crockett in the licensed occupation would create a situation in which he has the opportunity to repeat the prohibited conduct.
3. Crockett committed a felony offense and engaged in fraudulent or dishonest activity that directly relate to the duties and responsibilities of the licensed occupation, as contemplated in 28 TEX. ADMIN. CODE § 1.502(d) and (f).
4. Crockett committed an offense 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).
5. Crockett committed an offense for which fraud, dishonesty, or deceit is an essential element, as contemplated by 28 TEX. ADMIN. CODE § 1.502(e)(1).

2023-7941

Original Petition
Kyle Terez Crockett
Page 3 of 4

6. Crockett committed a felony involving moral turpitude, as contemplated in 28 TEX. ADMIN. CODE § 1.502(e)(3).
7. Department guidelines, 28 TEX. ADMIN. CODE § 1.502(c)-(e), emphasize that the department:
 - a. considers it very important that applicants be honest, trustworthy, and reliable;
 - b. may refuse to issue an original license and revoke a license if the department determines that the applicant has committed a felony or misdemeanor, or has engaged in fraudulent or dishonest activity 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 such a serious nature that it is of prime importance when determining fitness for licensure, pursuant to 28 TEX. ADMIN. CODE 1.502(e)(1); and
 - 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).

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 Kyle Terez Crockett'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.

2023-7941

Original Petition
Kyle Terez Crockett
Page 4 of 4

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Amanda Atkinson Cagle". The signature is fluid and cursive, with the first name "Amanda" and last name "Cagle" being the most prominent parts.

Amanda Atkinson Cagle
State Bar No. 00783569
Texas Department of Insurance
Enforcement, 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

2023-7941

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 Amanda Cagle
Bar No. 783569
Enforcementgeneral@tdi.texas.gov
Envelope ID: 74086474
Filing Code Description: Request to Docket
Filing Description: Request to Docket
Status as of 3/28/2023 4:13 PM CST

Associated Case Party: Chief Clerk

Name	BarNumber	Email	TimestampSubmitted	Status
Chief Clerk		ChiefClerk@tdi.texas.gov	3/28/2023 2:08:12 PM	SENT

Associated Case Party: Texas Department of Insurance

Name	BarNumber	Email	TimestampSubmitted	Status
Amanda Cagle		Amanda.Cagle@tdi.texas.gov	3/28/2023 2:08:12 PM	SENT
Rachel Cloyd		Rachel.Cloyd@tdi.texas.gov	3/28/2023 2:08:12 PM	SENT
Texas Department of Insurance		Enforcementgeneral@tdi.texas.gov	3/28/2023 2:08:12 PM	SENT

Associated Case Party: Kyle Terez Crockett

Name	BarNumber	Email	TimestampSubmitted	Status
Kyle Terez Crockett		[REDACTED]	3/28/2023 2:08:12 PM	SENT

2023-7941

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 Amanda Cagle
Bar No. 783569
Enforcementgeneral@tdi.texas.gov
Envelope ID: 74206789
Filing Code Description: Notice of Hearing
Filing Description: Notice of Hearing and Original Petition
Status as of 3/31/2023 10:05 AM CST

Associated Case Party: Texas Department of Insurance

Name	BarNumber	Email	TimestampSubmitted	Status
Amanda Cagle		Amanda.Cagle@tdi.texas.gov	3/31/2023 10:03:31 AM	SENT
Rachel Cloyd		Rachel.Cloyd@tdi.texas.gov	3/31/2023 10:03:31 AM	SENT
Texas Department of Insurance		Enforcementgeneral@tdi.texas.gov	3/31/2023 10:03:31 AM	SENT
Leah Gillum		Leah.Gillum@tdi.texas.gov	3/31/2023 10:03:31 AM	SENT
Catarina Tapia		Catarina.Tapia@tdi.texas.gov	3/31/2023 10:03:31 AM	SENT

Associated Case Party: Chief Clerk

Name	BarNumber	Email	TimestampSubmitted	Status
Chief Clerk		ChiefClerk@tdi.texas.gov	3/31/2023 10:03:31 AM	SENT

Associated Case Party: Kyle Terez Crockett

Name	BarNumber	Email	TimestampSubmitted	Status
Kyle Terez Crockett		[REDACTED]	3/31/2023 10:03:31 AM	SENT

Firm Mailing Book For Accountable Mail

Name and Address of Sender
 Texas Dept of Insurance
 Mail Code ENF
 1601 Congress Avenue, Suite 6.900
 Austin TX 78711
 Mary Ruiz
 March 31, 2023

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

USPS Tracking/Article Number
 CAGLE/28281

Address (Name, Street, City, State, & Zip Code)
 KYLE TEREZ CROCKETT
 HOUSTON, TEXAS 77021

Postage

Actual Value if Registered	Insured Value	Due Sender #/COD	ASR Fee	ASRD Fee	RD Fee	RR Fee	SC Fee	SCRD Fee	SH Fee
Handling Charge	1000 in value								
Adult Signature Required								Signature Confirmation Restricted Delivery	
Adult Signature Restricted Delivery								Signature Confirmation	
Return Receipt									Special Handling

neopost®
 08/12/2028
 ZIP 78701
 04/IN/1252405

US POSTAGE \$001.850

OFFICIAL BUSINESS
 STATE OF TEXAS
 PENALTY FOR PRIVATE USE

RECEIVED
 APR 03 2023
 TDI - ENFORCEMENT



[Handwritten signature]

EXHIBIT
 C



Firm Mailing Book For Accountable Mail

2023-7941

Name and Address of Sender

MC ENF M RUIZ
TEXAS DEPARTMENT OF INSURANCE
1601 CONGRESS AVENUE, SUITE 6.900
AUSTIN TX 78711

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

USPS Tracking/Article Number

9214 8901 9403 8309 3412 57

CAGLE/28281

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

KYLE TEREZ CROCKETT L
[REDACTED]
HOUSTON, TEXAS 77021

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
1.74	4.15							2.10			
	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
APR 03 2023
TDI - ENFORCEMENT



Total Number of Pieces Listed by Sender: 1

Postmaster, Per (Name of receiving employee)

[Signature]

EXHIBIT

D