

No. 2020-6296

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

**Date:** MAR 25 2020

**Subject Considered:**

Carlos Lizardi, Jr  
[REDACTED]  
McKinney, TX 75070-2492

Default Order  
SOAH Docket No. 454-20-2410.C  
TDI Enforcement File No. 17487

**General remarks and official action taken:**

The subject of this default order is whether an adjuster all lines license should be issued to Carlos Lizardi, Jr (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 February 5, 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.

3. The department sent the Notice of Hearing and Original Petition to Respondent's last known address provided in writing to the department, [REDACTED] McKinney, TX 75070-2492. The department sent an additional Notice of Hearing and Original Petition to Respondent's stated temporary address, [REDACTED] Saylorsburg, PA 18353-8391.
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, 4001.002, 4001.102, 4101.051, and 4005.101-4005.105; 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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Commissioner's Order

Carlos Lizardi, Jr.

SOAH Docket No. 454-20-2410.C

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**Order**

It is ordered that Carlos Lizardi, Jr's application for an adjuster all lines 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.

Kent C. Sullivan  
Commissioner of Insurance

By: \_\_\_\_\_

  
Doug Slape  
Chief Deputy Commissioner  
Commissioner's Order No. 2018-5528

Prepared and reviewed by:



\_\_\_\_\_  
Nancy Williams, Staff Attorney  
Enforcement Division

**Affidavit**

**STATE OF TEXAS**           §  
  §  
**COUNTY OF TRAVIS**       §

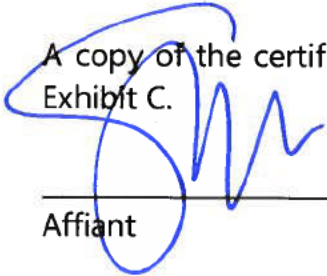
Before me, the undersigned authority, personally appeared Sonia Beck who, being by me duly sworn, deposed as follows:

"My name is Sonia Beck 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 Carlos Lizardi, Jr. I have confirmed that:

- a. The last mailing address provided to the department in writing by Carlos Lizardi, Jr. is [REDACTED] McKinney, TX 75070-2492.
- b. The file maintained by the Enforcement Division contains a Notice of Hearing and Original Petition dated February 5, 2020, which were filed with the State Office of Administrative Hearings.
- c. On February 5, 2020, the Notice of Hearing and Original Petition addressed to Carlos Lizardi, Jr. were sent certified mail, return receipt requested, to his last known address and one additional address.

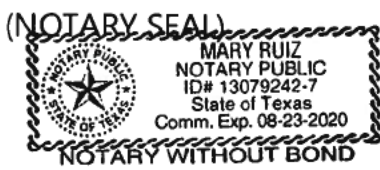
A copy of the certified mail log maintained by the Enforcement Division is attached as Exhibit C.




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Affiant

SWORN TO AND SUBSCRIBED before me on February 27, 2020.





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Signature of Notary Public

Mary Ruiz

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Printed Name of Notary Public

SOAH DOCKET NO. 454-20-2410.C  
TDI ENFORCEMENT FILE NO. 17487

TEXAS DEPARTMENT OF INSURANCE,

BEFORE THE STATE OFFICE

Petitioner

v.

OF

CARLOS LIZARDI JR,

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 **Wednesday, June 3, 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.**



PROJECT DATE: 20200623 14330 ACCOUNT NUMBER: 2813 PROJECT DESCRIPTION: SOAH DOCKET FILE NO. 454-20-2410.C TDI ENFORCEMENT FILE NO. 17487 CARLOS LIZARDI JR-NUM

**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

### 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 "Email Service" 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.**

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Notice of Hearing

Carlos Lizardi Jr

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

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

Mandy Meeseey, Litigation Director, Enforcement Division, MC-110-1A

Administrative Review, MC107-1A



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Notice of Hearing

Carlos Lizardi Jr

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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 by regular, first-class mail and by certified mail, return receipt requested, on this 5th day of February, 2020 to:

Carlos Lizardi Jr

[REDACTED]

McKinney, TX 75070-2492

Via CM/RRR No.: 9214 8901 9403 8305 6160 38

Carlos Lizardi Jr

[REDACTED]

Saylorsburg, PA 18353-8391

Via CM/RRR No.: 9214 8901 9403 8305 6161 51

*Respondent Pro Se*



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Nancy Williams



License Application

4. On April 23, 2018, Lizardi submitted an application for an adjuster license.
5. The Department proposed to deny his application on September 20, 2018 based on Lizardi's criminal history.

Texas Criminal Equivalent

6. Lizardi's conviction for Sexual Misconduct in Case No. 01030291 contains the essential elements of Texas Penal Code Section 22.011(a)(1)(A), which criminalizes sexual assault as a felony in the second degree.
7. Lizardi's conviction for Endangering the Welfare of a Child in Case No. 01030291 contains the essential elements of Texas Penal Code Section 22.041(c), which criminalizes Abandoning or Endangering a Child as a state jail felony.

**Legal Allegations**

1. Lizardi committed a sexually violent offense, as defined by Article 62.001, Code of Criminal Procedures, as contemplated under TEX. OCC. CODE § 53.021(a)(3).
2. Lizardi was convicted of committing criminal acts with the essential elements to constitute felony offenses under Texas law, as contemplated under 28 TEX. ADMIN. CODE § 1.502(e)(4)(B) and TEX. INS. CODE § 4005.101(b)(8).
3. Department guidelines, 28 TEX. ADMIN. CODE § 1.502(d)-(e), emphasize that TDI:
  - a. may refuse to issue an original license if the department determines that the applicant has committed a misdemeanor that directly relates to the duties and responsibilities of the licensed occupation; and
  - b. considers the offenses of sexual misconduct and endangering the welfare of a child, 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 Lizardi's license application; and
2. granting any other just and appropriate relief to which the Department may be entitled to by law.

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

2020-6296



IP  
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: 02/05/2020

Shipped From:

Name: S BECK

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	2
Total	2

\*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

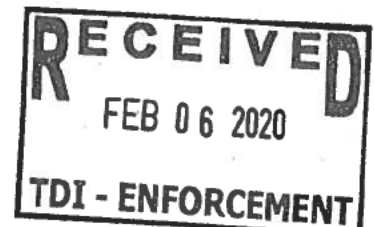
USPS EMPLOYEE: Please scan upon pickup or receipt of mail. Leave form with customer or in customer's mail receptacle.

USPS SCAN AT ACCEPTANCE



9275 0901 1935 6200 0020 0736 56

N.Williams 17487





Firm Mailing Book For Accountable Mail

2020 6296

Name and Address of Sender

S. Beck  
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 Restricted Delivery

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

USPS Tracking/Article Number	Addressee (Name, Street, City, State, & ZIP Code™)	Postage (Extra Service Fee)	Handling Charge - if Registered and over \$50,000 in value	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 8305 6160 38 N. Williams 17487	CARLOS LIZARDI, JR [REDACTED] MCKINNEY TX 75070-2492	1.60	3.55							1.70			
2. 9214 8901 9403 8305 6161 51 N. Williams 17487	CARLOS LIZARDI, JR [REDACTED] PA 19353-3391	1.60	3.55							1.70			
			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**  
FEB 06 2020  
**TDI - ENFORCEMENT**

Total Number of Pieces Listed by Sender: 2  
 Total Number of Pieces Received at Post Office: 2  
 Postmaster, Per (Name of receiving employee):