

No. 2020-6537

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

Date: 10/28/2020

Subject Considered:

Jabari Asim Jackson
[REDACTED]
Texarkana, Texas 75501

Default Order
SOAH Docket No. 454-21-0098.C
TDI Enforcement File No. 17604

General remarks and official action taken:

The subject of this default order is whether a general lines agent license should be issued to Jabari Asim Jackson (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 September 10, 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.

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Commissioner's Order

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3. The department sent the Notice of Hearing and Original Petition to Respondent's last known address provided in writing to the department, [REDACTED] Texarkana, Texas 75501.
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, 4001.105, 4005.101-4005.105, and 4054.051; 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 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

Jabari Asim Jackson

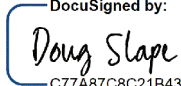
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Order

It is ordered that Jabari Asim Jackson's application 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.

Commissioner of Insurance

DocuSigned by:
Doug Slape
By:  C77A87C8C21B435.....

Doug Slape
Chief Deputy Commissioner
TEX. GOV'T CODE § 601.002
Commissioner's Order No. 2018-5528

Prepared and reviewed by:

/s/ Patrick Quigley
Patrick Quigley, Staff Attorney
Enforcement Division

2020-6537

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Jabari Asim Jackson
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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 Jabari Asim Jackson. I have confirmed that:

- a. The last mailing address provided to the department in writing by Jabari Asim Jackson is [REDACTED], Texarkana, Texas 75501.
- b. The file maintained by the Enforcement Division contains a Notice of Hearing and Original Petition dated September 10, 2020, which were filed with the State Office of Administrative Hearings.
- c. On September 10, 2020, the Notice of Hearing and Original Petition addressed to Jabari Asim Jackson 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:

David Moreno

D31982586A67464...

Affiant

2020-6537

Commissioner's Order

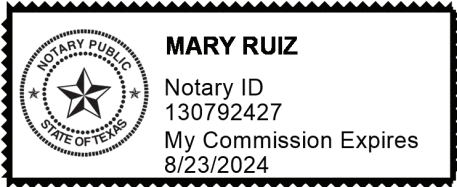
Jabari Asim Jackson

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SWORN TO AND SUBSCRIBED before me by means of an interactive two-way audio and video communication on 10/2/2020. This notarial act was an online notarization.

Notary Seal

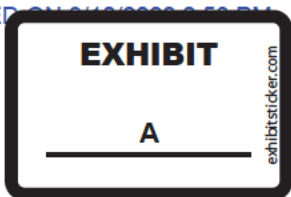


Digital Certificate

DocuSigned by:
Mary Ruiz
795DC4D59167489...
Notary Public State of Texas

ACCEPTED
454-21-0098
9/10/2020 3:32 PM
STATE OFFICE OF
ADMINISTRATIVE HEARINGS
Donnie Roland, CLERK

2020-6537



FILED
454-21-0098
9/10/2020 2:58 PM
STATE OFFICE OF
ADMINISTRATIVE HEARINGS
Donnie Roland, CLERK

SOAH DOCKET NO. 454-21-0098.C
TDI ENFORCEMENT FILE NO. 17604

TEXAS DEPARTMENT OF INSURANCE,

Petitioner

v.

JABARI ASIM JACKSON,

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 **Wednesday, December 9, 2020, at 9:00 AM**. 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, 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.

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Notice of Hearing

Jabari Asim Jackson

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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) 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) Patrick Quigley, Staff Attorney
Texas Department of Insurance
Enforcement Division, MC110-1A
P.O. Box 149104
Austin, Texas 78714-9104
(512) 490-1020 (Fax)
Patrick.quigley@tdi.texas.gov

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Notice of Hearing

Jabari Asim Jackson

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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, 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.

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

Respectfully Submitted,

/s/ Patrick Quigley

Patrick Quigley

State Bar No. 16430320

Texas Department of Insurance

Enforcement Division, MC110-1A

P.O. Box 149104

Austin, Texas 78714-9104

(512) 676-6335 (Direct)

Patrick.quigley@tdi.texas.gov

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Notice of Hearing

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ATTORNEY FOR THE PETITIONER
TEXAS DEPARTMENT OF INSURANCE

Enclosure: Original Petition

cc: Leah Gillum, Deputy Commissioner, Enforcement Division, MC-110-1A
Ginger Loeffler, Litigation Director, Enforcement Division, MC-110-1A
Administrative Review, MC107-1A

CERTIFICATE OF SERVICE

I, Patrick Quigley, certify that a true and correct copy of the *Notice of Hearing and the Original Petition* were sent by certified mail, return receipt requested, on September 10, 2020 to:

Jabari Asim Jackson



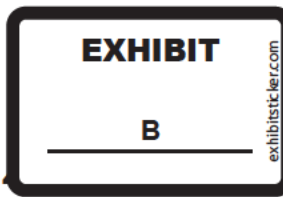
Texarkana, Texas 75501

Via CM/RRR No.:

9214 8901 9403 8320 7259 82

/s/ Patrick Quigley

Patrick Quigley



TEXAS DEPARTMENT OF INSURANCE,

Petitioner

v.

JABARI ASIM JACKSON,

Respondent

BEFORE THE STATE OFFICE

OF

ADMINISTRATIVE HEARINGS

ORIGINAL PETITION

The Texas Department of Insurance seeks to deny Jabari Asim Jackson's (Jackson) 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, 84.021-82.044, 4001.002, 4005.101, 4005.102, and 4054.051; 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 August 13, 2018, Jackson applied for a general lines license with a life, accident, and health qualification to the department.
2. The department proposed to deny Jackson's application on September 26, 2018, based on his criminal history. Jackson appealed that decision and made a timely written request for a hearing.

Criminal History

3. On August 4, 2009, Jackson pled guilty to the offense of injury to a child, a third-degree felony, and was placed on community supervision for eight years, in the 202nd District Court of Bowie County, Texas in cause number 04F0602-202.

4. On July 18, 2018, Jackson completed his supervision, and the 202nd District Court ordered cause number 04F0602-202 dismissed.

Legal Allegations

1. Pursuant to TEX. OCC. CODE §§ 53.021(c)-(d), the commissioner may deny Jackson's application and consider him to have been convicted of an offense for which he received deferred adjudication, if after consideration of the factors in TEX. OCC. CODE §§ 53.022 and 53.023(a), the commissioner determines that:
 - a. Jackson has not completed his period of supervision or;
 - b. Jackson has not completed his period of supervision less than five years before the date he applied for the license; and
 - c. Jackson may pose a continued threat to public safety; or
 - d. Jackson's employment in the business of insurance would give him the opportunity to repeat the prohibited conduct.
2. Jackson committed acts for which a license may be denied because:
 - a. Based on his prior criminal history, he committed a felony, as contemplated by TEX. INS. CODE § 4005.101(b)(8).
3. In accordance with the requirements of Texas Occupations Code § 53.025, the department has developed guidelines relating to the matters which the department will consider in determining whether to grant, deny, suspend, or revoke any license or authorization under its jurisdiction. Those crimes which the department considers to be of such serious nature that they are of prime importance in determining fitness for licensure or authorization include injury to a child, 28 TEX. ADMIN. CODE § 1.502(e)(4)(B).
4. Jackson committed an offense with the essential elements of assault, as contemplated in 28 TEX. ADMIN. CODE § 1.502(e)(4)(B) and TEX. OCC. CODE §§ 53.021-53.023.
5. Department guidelines, 28 TEX. ADMIN. CODE § 1.502(c)-(e), emphasize that TDI:

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Original Petition
Jabari Asim Jackson
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- 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; and
- c. Considers the assaultive offense of injury to a child to be of such a serious nature that it is of prime importance in determining fitness for licensure.

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 respondent's license application; and
2. Any other just and appropriate relief to which the department may be entitled to by law.

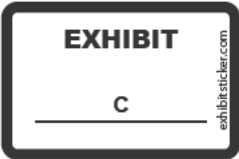
Respectfully Submitted,

/s/ Patrick Quigley

Patrick Quigley, Staff Attorney
State Bar No. 16430320
Texas Department of Insurance
Enforcement Division, MC110-1A
P.O. Box 149104
Austin, Texas 78714-9104
(512) 676-6335 (Direct)
(512) 490-1020 (Fax)
Patrick.quigley@tdi.texas.gov

ATTORNEY FOR THE PETITIONER
TEXAS DEPARTMENT OF INSURANCE

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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: 09/10/2020

Shipped From:

Name: MC 110-1A M RUIZ

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	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 0024 0573 00

QUIGLEY/17604



Name and Address of Sender

MC 110-1A M RUIZ
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
Signature Confirmation Restricted Delivery

USPS Tracking/Article Number

1. 9214 8901 9403 8320 7259 82

QUIGLEY/17604

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

JABARI ASIM JACKSON
TEXARKANA TX 75501

Affix Stamp Here

(for additional copies of this receipt).
Postmark with Date of Receipt.

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Table with columns: 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, SM Fee. Includes a 'Handling Charge - if Registered and over \$50,000 in value' row.

Total Number of Pieces Listed by Sender: 1

Total Number of Pieces Received at Post Office: 1

Postmaster, Per (Name of receiving employee)

Tracking History



Tracking #: 9214890194038320725982

Recipient: JABARI ASIM JACKSON
[REDACTED]
TEXARKANA TX 75501

Date & Time	Event Type	Event	Event Location
09/10/2020 14:46		PRE-SHIPMENT INFO SENT USPS AWAITS ITEM	AUSTIN, TX, 78701
09/10/2020 21:30		ORIGIN ACCEPTANCE	AUSTIN, TX, 78701
09/10/2020 22:45		PROCESSED THROUGH USPS FACILITY	AUSTIN, TX, 78710
09/11/2020 09:02		DEPART USPS FACILITY	AUSTIN, TX, 78710
09/12/2020 10:40		PROCESSED THROUGH USPS FACILITY	SHREVEPORT, LA, 71102
09/13/2020 01:40		PROCESSED THROUGH USPS FACILITY	SHREVEPORT, LA, 71102
09/13/2020 02:08		DEPART USPS FACILITY	SHREVEPORT, LA, 71102
09/14/2020 05:47		PROCESSED THROUGH USPS FACILITY	SHREVEPORT, LA, 71102
09/15/2020 15:01		DELIVERED LEFT WITH INDIVIDUAL	TEXARKANA, TX, 75501