

No. 2020-6556

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

Date: 11/12/2020

Subject Considered:

Robert Alexander Burse
[REDACTED]
Denver, Colorado 80205

Default Order
SOAH Docket No. 454-21-0106
TDI Enforcement File No. 24973

General remarks and official action taken:

This is a default order taken against Robert Alexander Burse (Respondent) because he obtained his general lines agent license by misrepresentation. Respondent did not respond to a Notice of Hearing filed by the Texas Department of Insurance or appear at the hearing on the merits. This order revokes Respondent's license.

The following findings of fact and conclusions of law are adopted:

Findings of Fact

Failure to Respond to Notice of Hearing

1. On September 11, 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],

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Denver, Colorado 80205. The Notice of Hearing and Original Petition were also sent by first-class 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.

Failure to Appear at Hearing on the Merits

5. After receiving proper notice of the date, time and location of the hearing on the merits, Respondent failed to appear for the hearing on October 21, 2020, as shown in the record in SOAH Docket No. 454-21-0106.

Conclusions of Law

1. The commissioner has jurisdiction pursuant to Texas law, including TEX. INS. CODE §§ 82.051-82.055, 4054.051, and 4005.101; 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 and failure to appear in person or by legal representative at the 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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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 Robert Alexander Burse. I have confirmed that:

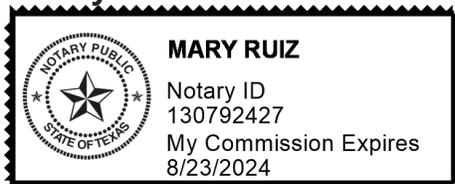
- a. The last mailing address provided to the department in writing by Robert Alexander Burse is [REDACTED], Denver, Colorado 80205.
- b. The file maintained by the Enforcement Division contains a Notice of Hearing and Original Petition dated September 11, 2020, which were filed with the State Office of Administrative Hearings.
- c. On September 11, 2020, the Notice of Hearing and Original Petition addressed to Robert Alexander Burse were mailed certified, return receipt requested, to his last known address.

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

DocuSigned by:
David Moreno
9B1D1C7A19334CA...
Affiant

SWORN TO AND SUBSCRIBED before me by means of an interactive two-way audio and video communication on 10/22/2020. This notarial act was an online notarization.

Notary Seal



Digital Certificate

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

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ACCEPTED
454-21-0106
9/11/2020 11:42 AM
STATE OFFICE OF
ADMINISTRATIVE HEARINGS
Jodi Brown, CLERK

FILED
454-21-0106
9/11/2020 11:40 AM
STATE OFFICE OF
ADMINISTRATIVE HEARINGS
Jodi Brown, CLERK

SOAH DOCKET NO. 454-21-0106.C
TDI ENFORCEMENT FILE NO. 24973

TEXAS DEPARTMENT OF INSURANCE,
Petitioner

v.

ROBERT ALEXANDER BURSE,
Respondent

BEFORE THE STATE OFFICE

OF

ADMINISTRATIVE HEARINGS

NOTICE OF HEARING

The Texas Department of Insurance is seeking disciplinary action against you. 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, October 21, 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 West 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.

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



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Notice of Hearing

Robert Alexander Burse

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OF HEARING ARE DEEMED ADMITTED AS TRUE AND THE RELIEF SOUGHT IN THE NOTICE OF HEARING, INCLUDING REVOCATION OF YOUR LICENSE, IMPOSITION OF ADMINISTRATIVE PENALTIES, AND/OR PAYMENT OF RESTITUTION, 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 REVOCATION OF YOUR LICENSE, IMPOSITION OF ADMINISTRATIVE PENALTIES, AND/OR PAYMENT OF RESTITUTION, IS GRANTED BY DEFAULT.

In accord with 28 TEX. ADMIN. CODE § 1.90(e) and 1 TEX. ADMIN. CODE §§ 155.101 and 155.105, you should send copies of your written response to:

- (1) Docketing Division
State Office of Administrative Hearing
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, MC112-2A
P.O. Box 149104
Austin, Texas 78714-9104
(512) 490-1064 (fax)
chiefclerk@tdi.texas.gov; and
- (3) Casey Seeboth, Staff Attorney
Texas Department of Insurance
Enforcement Division, MC110-1A
P.O. Box 149104
Austin, Texas 78714-9104
(512) 490-1020 (fax)
Casey.Seeboth@tdi.texas.gov.

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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 below.

Sincerely,

/s/ Casey Seeboth

Casey Seeboth

State Bar No. 24070584

Texas Department of Insurance

Enforcement Division, MC110-1A

P.O. Box 149104

Austin, Texas 78714-9104

(512) 676-6337

(512) 490-1020 (fax)

casey.seeboth@tdi.texas.gov

ATTORNEY FOR THE PETITIONER

TEXAS DEPARTMENT OF INSURANCE

enclosure: Original Petition

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Notice of Hearing

Robert Alexander Burse

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cc: Leah Gillum, Deputy Commissioner, Enforcement Division, MC110-1A
Whitney Fraser, Litigation Director, Enforcement Division, MC110-1A

Certificate of Service

I, Casey Seeboth, certify that a true and correct copy of the *Notice of Hearing* and *Original Petition* was sent by certified mail, return receipt requested, on September 11 2020 to:

Robert Alexander Burse



Denver, Colorado 80205

via CM/RRR No.:

9214 8901 9403 8320 7869 45

/s/ Casey Seeboth

Casey Seeboth

SOAH DOCKET NO. 454-20-____.C
TDI ENFORCEMENT FILE NO. 24973

TEXAS DEPARTMENT OF INSURANCE,
Petitioner

v.

ROBERT ALEXANDER BURSE,
Respondent

BEFORE THE STATE OFFICE

OF

ADMINISTRATIVE HEARINGS

ORIGINAL PETITION

The Texas Department of Insurance is seeking disciplinary action against Robert Alexander Burse. In support of this petition, TDI 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 – 82.056, 4054.051, and 4005.101; and TEX. GOV'T CODE §§ 2001.051 – 2001.178.

Factual Allegations

1. Robert Alexander Burse (Burse) holds a general lines agent license issued by TDI.
2. Burse applied for the license on July 22, 2019, and misrepresented on the application that he had not ever had judgment of a felony offense withheld or deferred.
3. In September 2005, Burse was indicted for grand theft, a felony offense, in Leon County, Florida. After Burse entered a plea of nolo contendere, the court deferred adjudication. The court ordered Burse to pay \$7,598.34 restitution, plus fines and court costs, ordered Burse to be confined in county jail for 60 days, and placed Burse on probation for five years.

Legal Allegations

1. Burse has intentionally made a material misstatement in the license application, as contemplated by TEX. INS. CODE § 4005.101(b)(2).
2. Burse has obtained or attempted to obtain a license by fraud or misrepresentation, as contemplated by TEX. INS. CODE § 4005.101(b)(3).

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Original Petition

Robert Alexander Burse

SOAH Docket No. 454-20-____.C

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Relief Sought

If these allegations are proved, the Commissioner of Insurance is authorized to revoke the general lines agent license issued to Robert Alexander Burse per TEX. INS. CODE §§ 82.051 and 4005.101; additionally, the Commissioner is authorized to impose other disciplinary measures per TEX. INS. CODE §§ 82.052–82.055.

Respectfully submitted,

/s/ Casey Seeboth

Casey Seeboth

State Bar No. 24070584

Texas Department of Insurance

Enforcement Division, MC110-1A

P.O. Box 149104

Austin, Texas 78714-9104

(512) 676-6337

(512) 490-1020 (fax)

casey.seeboth@tdi.texas.gov

ATTORNEY FOR THE PETITIONER
TEXAS DEPARTMENT OF INSURANCE



**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: 09/11/2020
 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

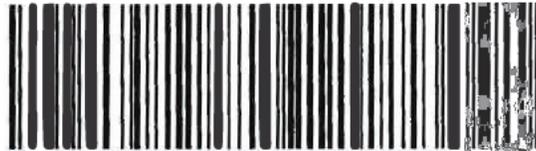
*Start time for products with service guarantees will begin when mail arrives at the local Post Office™ and items receive individual processing and acceptance scans.

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 0761 96



Seeboth/24973





Firm Mail **Book For Accountable Mail**

2020-6556

RECEIVED
SEP 14 2020
TDI - ENFORCEMENT

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

- 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

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

ROBERT ALEXANDER BURSE [REDACTED] DENVER CO 80205

USPS Tracking/Article Number

1. 9214 8901 9403 8320 7869 45

Seeboth/24973

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	
0.65	3.55	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



Postmaster, Per (Name of receiving employee)

[Signature]
Complete in Ink

Total Number of Pieces Listed by Sender: 1

Total Number of Pieces Received at Post Office: 1