

No. 2021-6961

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

Date: 08/12/2021

Subject Considered:

William Earl Garrett

[REDACTED]
Dallas, Texas 75206

Default Order
SOAH Docket No. 454-21-2767
TDI Enforcement File No. 23932

General remarks and official action taken:

The subject of this default order is whether a general lines life, accident, and health license should be issued to William Earl Garrett (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

1. On June 29, 2021, 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] [REDACTED] Dallas, TX 75206, and to the electronic mail address on file with the department.

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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, and 4054.051; TEX. OCC. CODE §§ 53.021-53.023; 28 TEX. ADMIN. CODE § 1.502; TEX. ADMIN. CODE § 1.502(e); 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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Order

It is ordered that William Earl Garrett's license 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:

By: C77A87C8C21B435...
Doug Slape
Chief Deputy Commissioner
TEX. GOV'T CODE § 601.002
Commissioner's Order No. 2018-5528

Prepared and reviewed by:



Nancy Williams, Staff Attorney
Enforcement Division

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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 William Earl Garrett. I have confirmed that:

- a. The last mailing address provided to the department in writing by William Earl Garrett is [REDACTED] Dallas, TX 75206.
- b. The file maintained by the Enforcement Division contains a Notice of Hearing and Original Petition dated June 29, 2021, which were filed with the State Office of Administrative Hearings.
- c. On June 29, 2021, the Notice of Hearing and Original Petition addressed to William Earl Garrett were sent by certified mail, 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
28D4CA385A6B4FE... _____

Affiant

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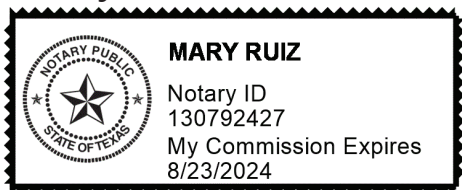
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SWORN TO AND SUBSCRIBED before me by means of an interactive two-way audio and video communication on 7/27/2021. This notarial act was an online notarization.

Notary Seal



Digital Certificate

DocuSigned by:
Mary Ruiz
795DC4D59167489...

Notary Public State of Texas

FILED **2021-6961**
454-21-2767
6/29/2021 3:36 PM
STATE OFFICE OF
ADMINISTRATIVE HEARINGS
Carol Hale, CLERK

ACCEPTED
454-21-2767
06/29/2021 3:42 PM
STATE OFFICE OF
ADMINISTRATIVE HEARINGS
Carol Hale, CLERK

**SOAH DOCKET NO. 454-21-2767
TDI ENFORCEMENT FILE NO. 23932**

TEXAS DEPARTMENT OF INSURANCE,

BEFORE THE STATE OFFICE

Petitioner

v.

OF

WILLIAM EARL GARRETT,

ADMINISTRATIVE HEARINGS

Respondent

NOTICE OF HEARING

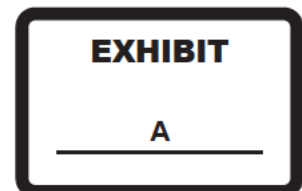
The Texas Department of Insurance seeks to take disciplinary action against you. This Notice of Hearing and the Original Petition, which is attached and incorporated for all purposes, states the allegations against you and the relief sought by the Department.

A public hearing will be held before an Administrative Law Judge on **Tuesday, October 5, 2021, 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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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 REVOCATION OF YOUR LICENSE, ISSUANCE OF A CEASE AND DESIST ORDER, AND IMPOSITION OF ADMINISTRATIVE PENALTIES, 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, ISSUANCE OF A CEASE AND DESIST ORDER, AND IMPOSITION OF ADMINISTRATIVE PENALTIES, 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 12030, MC GC-CCO
Austin, Texas 78711-2030
(512) 490-1064 (Fax)
chiefclerk@tdi.texas.gov; and
- (3) Nancy Williams, Staff Attorney
Texas Department of Insurance
Enforcement Division, MC ENF
P.O. Box 12030
Austin, Texas 78711-2030

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(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, click on the "E-Services" tab, then click the hyperlink "Request Service by Email (only for use by self-represented litigants)," 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.

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Respectfully Submitted,



Nancy Williams

State Bar No. 24058175

Texas Department of Insurance

Enforcement Division, MC ENF

P.O. Box 12030

Austin, Texas 78711-2030

(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 ENF
Whitney Fraser, Litigation Director, Enforcement Division, MC ENF
Administrative Review, MC CO-AAL

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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 electronic mail and by certified mail, return receipt requested, on this 29th day of Jun, 2021 to:

William Earl Garrett

[REDACTED]
Dallas, TX 75206

Via Email [REDACTED]

Via CM/RRR No.: 9214 8901 9403 8343 6170 73

Respondent Pro Se



Nancy Williams

**SOAH DOCKET NO. 454-21-
TDI ENFORCEMENT FILE NO. 23932**

TEXAS DEPARTMENT OF INSURANCE,

Petitioner

v.

WILLIAM EARL GARRETT,

Respondent

BEFORE THE STATE OFFICE

OF

ADMINISTRATIVE HEARINGS

ORIGINAL PETITION

The Texas Department of Insurance seeks to deny William Earl Garrett'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 4051.051; TEX. ADMIN. CODE § 1.502; TEX. OCC. CODE §§ 53.021 – 53.023; and TEX. GOV'T CODE §§ 2001.051-2001.178.

Factual Allegations

Application

1. William Earl Garrett (Garrett) applied for a general lines life, accident, and health license to the Texas Department of Insurance (TDI) on November 12, 2019.
2. On January 13, 2020, TDI proposed to deny the license based on Garrett's criminal history, and on February 18, 2020, TDI received Garrett's request for a hearing on this matter.

Criminal History

3. On February 13, 2003, Garrett pleaded guilty to "solicit minor indecency with a child", in the 292nd Judicial District Court of Dallas County, Texas, in exchange for a 10-year probationary period of deferred adjudication.

EXHIBIT

B

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4. On October 21, 2004, the Dallas County District Attorney filed a motion to proceed with an adjudication of guilt, citing 2 violations of his probationary terms: (1) failure to pay probation fees, and (2) unsuccessful discharge from counseling.
5. On November 4, 2004, Garrett's deferred probation was revoked, and Garrett was adjudicated guilty of "solicit minor indecency with a child", a third-degree felony offense, and was sentenced to 10 years confinement.
6. April 14, 2008, the Fifth District Court of Appeals modified the judgment in cause no. 05-04-01720-CR to indicate the correct offense committed by Garrett, "criminal solicitation of a minor for sexual assault", a third-degree felony offense.
7. One June 11, 2012, Garrett was released from custody to mandatory supervision, and was discharged on October 17, 2014.
8. Garrett is a registered sex offender.

Legal Allegations

1. Garrett has been convicted of a felony offense, grounds for which the department may deny his license application, under TEX. INS. CODE § 4005.101(b)(8).
2. Garrett committed an offense that the department considers to be of such a serious nature that it is of prime importance in determining fitness for licensure, as contemplated by 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 William Earl Garrett'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.

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Respectfully Submitted,



Nancy Williams
State Bar No. 24058175
Texas Department of Insurance
Enforcement Division, MC ENF
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Austin, Texas 78711-2030
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ATTORNEY FOR THE PETITIONER
TEXAS DEPARTMENT OF INSURANCE

