

No. 2023-8295

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

Date: 10/19/2023

Subject Considered:

Mark William Ebert

[REDACTED]
Texas 78735

Default Order
SOAH Docket No. 454-23-24675.C
TDI Enforcement File No. 30335

General remarks and official action taken:

The subject of this default order is whether a general lines agent license with a life health qualification should be issued to Mark William Ebert (Respondent). 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 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 August 1, 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.

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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], [REDACTED], Austin, Texas 78735. The Notice of Hearing and Original Petition were also sent by electronic mail to [REDACTED].
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 12, 2023, as shown in the record in SOAH Docket No. 454-23-24675.C.

Conclusions of Law

1. The commissioner has jurisdiction under Texas law, including TEX. INS. CODE §§ 82.051-82.055, 4001.002, 4001.102, 4001.105, 4005.101-4005.105, 4054.051 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 and failure to appear in person or by legal representative at the 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.

2023-8295

Commissioner's Order

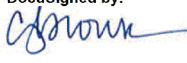
Mark William Ebert

SOAH Docket No. 454-23-24675.C

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Order

It is ordered that Mark William Ebert'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:

FC5D7EDDFFBB4F8...

Cassie Brown
Commissioner of Insurance

Prepared and reviewed by:



Allison J. Anglin, Staff Attorney
Enforcement

2023-8295

Commissioner's Order
Mark William Ebert
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Affidavit

STATE OF TEXAS §

§

COUNTY OF TRAVIS §


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

"My name is Roxanne Rodriguez 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 Mark William Ebert. I have confirmed that:

- a. The last mailing address provided to the department in writing by Mark William Ebert is [REDACTED], Austin, Texas 78735.
- b. The file maintained by Enforcement contains a Notice of Hearing and Original Petition dated August 1, 2023, which were filed with the State Office of Administrative Hearings.
- c. On August 1, 2023, the Notice of Hearing and Original Petition addressed to Mark William Ebert were mailed first class and certified, return receipt requested, to his last known address and sent by electronic mail via eservice to [REDACTED].

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:

45639F85E45646C...
Affiant

2023-8295

Commissioner's Order

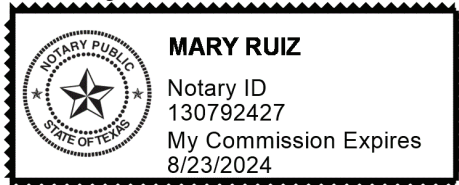
Mark William Ebert

SOAH Docket No. 454-23-24675

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SWORN TO AND SUBSCRIBED before me by means of an interactive two-way audio and video communication on 9/25/2023. This notarial act was an online notarization.

Notary Seal



Digital Certificate

DocuSigned by:
Mary Ruiz
795DC4D59167489...

Notary Public State of Texas

FILED **2023-8295**
454-23-24675
8/1/2023 8:02 AM
STATE OFFICE OF
ADMINISTRATIVE HEARINGS
Crystal Rosas, CLERK

ACCEPTED
454-23-24675
8/1/2023 8:28:56 am
STATE OFFICE OF
ADMINISTRATIVE HEARINGS
Crystal Rosas, CLERK

**SOAH DOCKET NO. 454-23-24675
TDI ENFORCEMENT FILE NO. 30335**

TEXAS DEPARTMENT OF INSURANCE,

Petitioner

v.

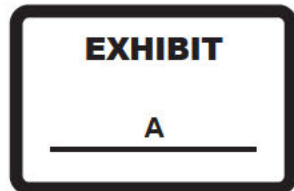
MARK WILLIAM EBERT,

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 **Thursday, October 12, 2023, 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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Notice of Hearing

Mark William Ebert

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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) *(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)*
Allison J. Anglin, Staff Attorney
Texas Department of Insurance
Enforcement, MC ENF

2023-8295

Notice of Hearing

Mark William Ebert

SOAH Docket No. 454-23-24675

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P.O. Box 12030
Austin, Texas 78711-2030
(512) 490-1020 (Fax)
Allison.Anglin@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.

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SOAH Docket No. 454-23-24675
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If you have any questions, please contact me at the address or telephone number shown below.

Respectfully Submitted,



Allison J. Anglin
State Bar No. 24096016
Texas Department of Insurance
Enforcement, MC ENF
P.O. Box 12030
Austin, Texas 78711-2030
(512) 676-6359 (Direct)
(512) 490-1020 (Fax)
Allison.Anglin@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
Ginger Loeffler, Litigation Director, Enforcement, MC ENF
Administrative Review, MC CO-AAL

2023-8295

Notice of Hearing

Mark William Ebert

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CERTIFICATE OF SERVICE

I, Allison J. Anglin, 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, and e-service on this 1st day of August, 2023 to:

Mark William Ebert

[REDACTED]

Austin, Texas 78735

Respondent Pro Se

Via Email: [REDACTED]

Via CM/RRR: 9214890194038324595932



Allison J. Anglin

2023-8295

SOAH Docket No. 454-23-24675

ACCEPTED
454-23-24675
7/28/2023 2:34:35 pm
STATE OFFICE OF
ADMINISTRATIVE HEARINGS
April Bermea , CLERK

FILED
454-23-24675
7/28/2023 1:01 PM
STATE OFFICE OF
ADMINISTRATIVE HEARINGS
April Bermea , CLERK

SOAH DOCKET NO. 454-_____
TDI ENFORCEMENT FILE NO. 30335

TEXAS DEPARTMENT OF INSURANCE,

Petitioner

v.

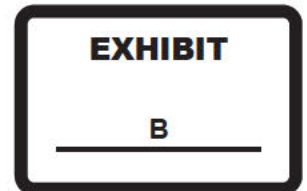
MARK WILLIAM EBERT,

Respondent

BEFORE THE STATE OFFICE

OF

ADMINISTRATIVE HEARINGS



ORIGINAL PETITION

The Texas Department of Insurance seeks to deny Mark William Ebert’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 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 April 5, 2022, Mark William Ebert (Ebert), submitted an application to the department for a general lines agent license with a life health qualification.
2. Ebert applied for this license while still on parole, which is set to expire on November 17, 2023. The details of his criminal sentence are explained in the Criminal History section below.
3. The department proposed to deny Ebert’s license application on June 30, 2022, based on his criminal history. Ebert appealed that decision and made a written request for a hearing.

Criminal History

1. On March 22, 2005, Ebert pleaded guilty to the felony offense of Aggravated Kidnapping Release Victim Safeplace in Cause Number D-1-DC-03-500507 in the 167th District Court of Travis County, Texas. He was sentenced to 20 years confinement.
2. On March 22, 2005, Ebert pleaded guilty to the felony offense of Violation of Protective Order with Two or More Previous Convictions in Cause Number D-1-DC-03-500508 in the 167th District Court in Travis County, Texas. He was sentenced to 10 years confinement to be served consecutively with his prior sentence.
3. On March 23, 2005, Ebert pleaded guilty to the misdemeanor offense of Violation of Protective Order-Possession of a Firearm in Cause Number C-1-CR-03-649355 in County Court of Law Number Four of Travis County, Texas. He was sentenced to one year confinement to be served consecutively with his prior sentences.
4. On April 28, 2005, Ebert's sentence for the felonies, Aggravated Kidnapping Release Victim Safeplace, and Violation of Protective Order with Two or More Previous Convictions, commenced. On July 16, 2020, Ebert was released on parole with the special condition of Super-Intensive Supervision Program (SISP), which includes electronic monitoring. Ebert's parole is set to expire on November 17, 2023.

Legal Allegations

1. Ebert committed acts for which a license may be denied pursuant to TEX. INS. CODE § 4005.101, as contemplated by TEX. INS. CODE § 4005.102.
2. Ebert has been convicted of a felony, in violation of TEX. INS. CODE § 4005.101(b)(8).
3. Ebert committed offenses that the department considers to be of such a serious nature that they are of prime importance in determining fitness for licensure, as contemplated by 28 TEX. ADMIN. CODE § 1.502(e)(3), (e)(4)(H), (e)(4)(I), and TEX. OCC. CODE §§ 53.021-53.023.

4. 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 if the department determines that the applicant has committed a felony or misdemeanor that directly relates to the duties and responsibilities of the licensed occupation;
 - c. considers a felony offense involving moral turpitude to be of such a serious nature that it is of prime importance when determining fitness for licensure as contemplated in 28 TEX. ADMIN. CODE § 1.502(e)(3); and
 - d. considers the felony offenses of aggravated kidnapping and violation of a protective order to be of such a serious nature that it is of prime importance when determining fitness for licensure as contemplated in 28 TEX. ADMIN. CODE § 1.502(e)(4)(H) and (e)(4)(I).
5. Ebert has committed felony and misdemeanor offenses that directly relate to the duties and responsibilities of the licensed occupation, as contemplated in 28 TEX. ADMIN. CODE § 1.502(d) and (f).

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 Ebert'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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Original Petition
Mark William Ebert
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Respectfully Submitted,



Allison J. Anglin
State Bar No. 24096016
Texas Department of Insurance
Enforcement, MC ENF
P.O. Box 12030
Austin, Texas 78711-2030
(512) 676-6359 (Direct)
(512) 490-1020 (Fax)
Allison.Anglin@tdi.texas.gov

ATTORNEY FOR THE PETITIONER
TEXAS DEPARTMENT OF INSURANCE

2023-8295

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 ALLISON ANGLIN
Bar No. 24096016
Enforcementgeneral@tdi.texas.gov
Envelope ID: 77991855
Filing Code Description: Request to Docket
Filing Description: 30335_Ebert_Request to Docket
Status as of 7/28/2023 2:39 PM CST

Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
Ginger Loeffler		Ginger.Loeffler@tdi.texas.gov	7/28/2023 1:47:54 PM	SENT
Allison Anglin		Allison.Anglin@tdi.texas.gov	7/28/2023 1:47:54 PM	SENT
Chief Clerk		ChiefClerk@tdi.texas.gov	7/28/2023 1:47:54 PM	SENT
Texas Department of Insurance		Enforcementgeneral@tdi.texas.gov	7/28/2023 1:47:54 PM	SENT
Mark WilliamEbert		[REDACTED]	7/28/2023 1:47:54 PM	SENT

2023-8295

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 ALLISON ANGLIN
Bar No. 24096016
Enforcementgeneral@tdi.texas.gov
Envelope ID: 78066877
Filing Code Description: Notice of Hearing
Filing Description: NOH_OP
Status as of 8/1/2023 8:29 AM CST

Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
Allison Anglin		Allison.Anglin@tdi.texas.gov	8/1/2023 8:02:46 AM	SENT
Ginger Loeffler		Ginger.Loeffler@tdi.texas.gov	8/1/2023 8:02:46 AM	SENT
Chief Clerk		ChiefClerk@tdi.texas.gov	8/1/2023 8:02:46 AM	SENT
Texas Department of Insurance		Enforcementgeneral@tdi.texas.gov	8/1/2023 8:02:46 AM	SENT
Mark WilliamEbert		[REDACTED]	8/1/2023 8:02:46 AM	SENT
Leah Gillum		Leah.Gillum@tdi.texas.gov	8/1/2023 8:02:46 AM	SENT
Jodie Delgado		jodie.delgado@tdi.texas.gov	8/1/2023 8:02:46 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
 Roxanne Rodriguez
 August 1, 2023

Check type of mail or service
 Adult Signature Required
 Adult Signature Restricted Delivery
 Certified Mail
 Certified Mail Restricted
 Collect on Delivery (COD)
 Insured Mail
 Priority Mail
 First-Class Mail

Priority Mail Express
 Registered Mail
 Return Receipt for Merchandise
 Signature Confirmation
 Signature Confirmation Restricted Delivery

USPS Tracking/Article Number
 Anglin/30335

Address (Name, Street, City, State, & Zip Code)
 Mark William Ebert
 [Redacted]
 Austin, Texas 78735

Postage
 \$0.00

Actual Value if Registered
 \$0.00

Insured Value
 \$0.00

Due Sender if COD
 \$0.00

ASR Fee
 \$0.00

ASRO Fee
 \$0.00

RD Fee
 \$0.00

RR Fee
 \$0.00

SC Fee
 \$0.00

SCSD Fee
 \$0.00

SH Fee
 \$0.00

Handing Charge	Actual Value if Registered	Insured Value	Due Sender if COD	ASR Fee	ASRO Fee	RD Fee	RR Fee	SC Fee	SCSD Fee	SH Fee
\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00

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

1.95

neopost
 06/01/2023
US POSTAGE \$001.95
 ZIP 78701
 041M1252405

OFFICIAL BUSINESS
 STATE OF TEXAS
 PENALTY FOR PRIVATE USE

Handling Charge-If Registered

Adult Signature Required

Adult Signature Restricted Delivery

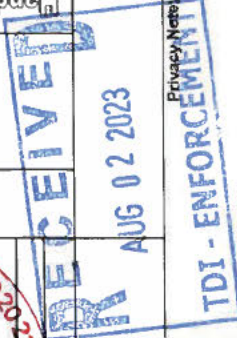
Restricted Delivery

Return Receipt

Signature Confirmation

Signature Confirmation Restricted Delivery

Special Handling



Postmaster Per (Name of mailing employee)

Total Number of Pieces Received at Post Office

PS Form 3877, June 2015

For more information on USPS privacy policies, visit usps.com/privacy policy.

Privacy Notice
TDI - ENFORCEMENT

Mail Code ENF



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: 08/01/2023

Shipped From:

Name: ENF R RODRIGUEZ

Address: 1601 CONGRESS AVE

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 0046 1061 78

Anglin/30335



Firm Mailing Book For Accountable Mail



Name and Address of Sender

ENF R. RODRIGUEZ
1601 CONGRESS AVE
STE 6.900
AUSTIN TX 78701

Check type of mail or service

- Adult Signature Required
- Adult Signature Restricted Delivery
- Certified Mail
- 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 8324 5989 32

MARK WILLIAM EBERT

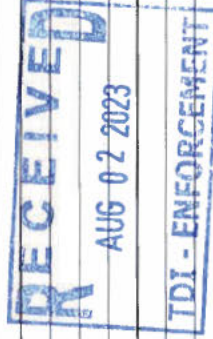


AUSTIN, TEXAS 78735

Anglin/30335

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
0.87	4.35	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



Total Number of Pieces Listed by Sender: 1

Total Number of Pieces Received at Post Office: 1

Postmaster, Per (Name of receiving employee): *[Signature]*