

No. 2020-6565

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

**Date:** 11/18/2020

**Subject Considered:**

Serign Ceesay

Garland, TX 75054

Consent Order  
TDI Enforcement File No. 25756

**General remarks and official action taken:**

This is a consent order with Serign Ceesay (Ceesay). The subject of this order is whether an adjuster all lines agent license should be issued to Ceesay. Ceesay has provided rehabilitative evidence that outweighs the serious nature of his criminal activity. This order grants Ceesay an adjuster all lines agent license, subject to the terms of the probated suspension detailed in this order.

**Waiver**

Ceesay acknowledges that the Texas Insurance Code and other applicable law provide certain rights. Ceesay waives all of these rights, and any other applicable procedural rights, in consideration of the entry of this consent order.

**Findings of Fact**

License Application

1. On July 6, 2020, Ceesay applied for an adjuster all lines agent license to be issued by the Texas Department of Insurance (department), in which he failed to disclose his criminal activity.

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## Criminal History

2. On February 9, 2005, Ceesay was convicted of homicide by vehicle, a felony offense, in case number 04CR3433, in the Superior Court of Dekalb County, GA. Ceesay was sentenced to 90 days confinement and 5 years probation.

## Evidence of Rehabilitation

3. In accordance with the requirements of TEX. OCC. 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, as described in 28 TEX. ADMIN. CODE §§ 1.502(e)-1.502(k).
4. Pursuant to 28 TEX. ADMIN. CODE § 1.502(e), Ceesay's conviction for homicide by vehicle is specifically listed to be a crime of such a serious nature that it is of prime importance in determining fitness for licensure. 28 TEX. ADMIN. CODE § 1.502(e)(4)(A)
5. Pursuant to 28 TEX. ADMIN. CODE § 1.502(f), the department may issue a license if the applicant has engaged in criminal activity if the commissioner determines that the serious nature of the criminal activity is outweighed by the rehabilitative factors described in 28 TEX. ADMIN. CODE § 1.502(h).
6. TEX. OCC. CODE § 53.022 and 28 TEX. ADMIN. CODE § 1.502(h)(1) describe the initial factors the department must consider in determining whether issuance of the license is appropriate:

FACTORS IN DETERMINING WHETHER CONVICTION RELATES TO OCCUPATION.  
In determining whether a criminal conviction directly relates to an occupation, the licensing authority shall consider:

- (1) the nature and seriousness of the crime;
- (2) the relationship of the crime to the purposes for requiring a license to engage in the licensed occupation;
- (3) the extent to which a license might offer an opportunity to engage in further criminal activity of the same type as that in which the person previously had been involved; and

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- (4) the relationship of the crime to the ability, capacity, or fitness required to perform the duties and discharge the responsibilities of the licensed occupation.
7. In consideration of TEX. OCC. CODE § 53.022 and 28 TEX. ADMIN. CODE § 1.502(h)(1), the department considered the nature and seriousness of felony homicide by vehicle, the relationship of the crime to the purpose of requiring a license, and determined that the issuance of a license will not offer any greater opportunity to engage in further criminal activity of the same type.
8. TEX. OCC. CODE ANN. § 53.023 and 28 TEX. ADMIN. CODE § 1.502(h)(2) describe additional factors the department must consider in determining whether issuance of the license is appropriate:

### ADDITIONAL FACTORS FOR LICENSING AUTHORITY TO CONSIDER

- (a) In determining the fitness to perform the duties and discharge the responsibilities of the licensed occupation of a person who has been convicted of a crime, the licensing authority shall consider, in addition to the factors listed in Section 53.022:
  - (1) the extent and nature of the person's past criminal activity;
  - (2) the age of the person when the crime was committed;
  - (3) the amount of time that has elapsed since the person's last criminal activity;
  - (4) the conduct and work activity of the person before and after the criminal activity;
  - (5) evidence of the person's rehabilitation or rehabilitative effort while incarcerated or after release; and
  - (6) other evidence of the person's fitness, including letters of recommendation from:
    - (A) prosecutors and law enforcement and correctional officers who prosecuted, arrested, or had custodial responsibility for the person;
    - (B) the sheriff or chief of police in the community where the person resides; and
    - (C) any other person in contact with the convicted person.

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- (b) The applicant has the responsibility, to the extent possible, to obtain and provide to the licensing authority the recommendations of the prosecution, law enforcement, and correctional authorities as required by Subsection (a)(6).
  - (c) In addition to fulfilling the requirements of Subsection (b), the applicant shall furnish proof in the form required by the licensing authority that the applicant has:
    - (1) maintained a record of steady employment;
    - (2) supported the applicant's dependents;
    - (3) maintained a record of good conduct; and
    - (4) paid all outstanding court costs, supervision fees, fines, and restitution ordered in any criminal case in which the applicant has been convicted.
9. In consideration of TEX. OCC. CODE § 53.023(a)(1) and 28 TEX. ADMIN. CODE § 1.502(h)(2)(A), Ceesay has only one felony conviction.
10. In consideration of TEX. OCC. CODE § 53.023(a)(2) and 28 TEX. ADMIN. CODE § 1.502(h)(2)(B), Ceesay's criminal conduct occurred in 2003, when he was 22 years old.
11. In consideration of TEX. OCC. CODE § 53.023(a)(3) and 28 TEX. ADMIN. CODE § 1.502(h)(2)(C), it has been almost 17 years since Ceesay's criminal conduct occurred and over 15 years since his conviction.
12. In consideration of TEX. OCC. CODE §§ 53.023(a)(4)-(5) and 53.023(c)(1), and 28 TEX. ADMIN. CODE §§ 1.502(h)(2)(D), 1.502(h)(2)(E), and 1.502(h)(2)(G)(i), Ceesay has provided the department with evidence demonstrating his commitment to rehabilitation following his incarceration as evidenced by letters, indications of steady employment, and documentation showing successful completion of community supervision.
13. In consideration of TEX. OCC. CODE § 53.023(a)(7) and 28 TEX. ADMIN. CODE § 1.502(h)(2)(F), the department received letters of recommendation from Ceesay's

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former employers, friend, and a former client who describe him as being dedicated, professional, and trustworthy.

14. In consideration of TEX. OCC. CODE § 53.023(c)(2) and 28 TEX. ADMIN. CODE § 1.502(h)(2)(G)(ii), Ceesay provided a recommendation letter from the mother of his two children, indicating that he has provided support.
15. In consideration of TEX. OCC. CODE § 53.023(c)(3) and 28 TEX. ADMIN. CODE § 1.502(h)(2)(G)(iii), Ceesay has maintained a record of good conduct without any known criminal activity for over 16 years.
16. In consideration of TEX. OCC. CODE § 53.023(c)(4) and 28 TEX. ADMIN. CODE § 1.502(h)(2)(G)(iv), Ceesay has completed his sentencing requirements.
17. The factors described in 28 TEX. ADMIN. CODE § 1.502(h) and TEX. OCC. CODE §§ 53.022 and 53.023 outweigh the serious nature of Ceesay's convictions.
18. Due to Ceesay's failure to disclose his criminal background and the seriousness of the crime, the department needs the opportunity to monitor his insurance activities to ensure he demonstrates the ability, capacity, and fitness required to perform and discharge the responsibilities of a general lines agent with a property and casualty qualification.

### Conclusions of Law

1. The commissioner has jurisdiction over this matter pursuant to TEX. INS. CODE §§ 82.051 – 82.055, 84.021 – 84.044, 4005.101, 4005.102, 4101.051; TEX. GOV'T CODE §§ 2001.051-2001.178; 28 TEX. ADMIN. CODE § 1.502; and TEX. OCC. CODE §§ 53.021-53.023.
2. The commissioner has the authority to informally dispose of this matter as set forth in TEX. GOV'T CODE § 2001.056; TEX. INS. CODE §§ 36.104 and 82.055; and 28 TEX. ADMIN. CODE § 1.47.
3. Ceesay has knowingly and voluntarily waived all procedural rights to which it may have been entitled regarding the entry of this order, including, but not limited to, issuance and service of notice of intention to institute disciplinary action, notice of



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Recommended and reviewed by:



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Leah Gillum, Deputy Commissioner  
Enforcement Division



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Nancy Williams, Staff Attorney  
Enforcement Division

