

No. 2020-6439

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

Date: 08/20/2020

Subject Considered:

Misty Renee Anderson
[REDACTED]

Houston, Texas 77040

Default Order
SOAH Docket No. 454-20-4160
TDI Enforcement File No. 15972

General remarks and official action taken:

The subject of this default order is whether an Adjuster All Lines license should be issued to Misty Renee Anderson (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 July 2, 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].

██████████, Houston, Texas 77040. The Notice of Hearing and Original Petition were also sent by electronic 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.

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 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 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.

Order

It is ordered that Misty Renee Anderson's application for an Adjuster All Lines license 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.

2020-6439

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Kent C. Sullivan
Commissioner of Insurance

DocuSigned by:
Doug Slape
C77A87C8C21B435...

By: _____

Doug Slape
Chief Deputy Commissioner
Commissioner's Order No. 2018-5528

Prepared and reviewed by:

L. Merida

Latoya Merida, Staff Attorney
Enforcement Division

2020-6439

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Affidavit

STATE OF TEXAS §

§

COUNTY OF TRAVIS §

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

"My name is Mary Ruiz 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 Misty Renee Anderson. I have confirmed that:

- a. The last mailing address provided to the department in writing by Misty Renee Anderson is [REDACTED], Houston, Texas 77040.
- b. The file maintained by the Enforcement Division contains a Notice of Hearing and Original Petition dated July 2, 2020, which were filed with the State Office of Administrative Hearings.
- c. On July 2, 2020 the Notice of Hearing and Original Petition addressed to Misty Renee Anderson were mailed certified, return receipt requested, to her last known address.

Copies of the certified mail log maintained by the Enforcement Division are attached as Exhibit C."

DocuSigned by:

Mary Ruiz

F8E48F8AC9124C4...

Affiant

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SWORN TO AND SUBSCRIBED before me by means of an interactive two-way audio and video communication on 7/31/2020, 2020. This notarial act was an online notarization.

Notary Seal



Digital Certificate

DocuSigned by:
Franchetta Alexander
ED54610E15BF40C...
Notary Public State of Texas

2020-6439

ACCEPTED
454-20-4160
07/10/2020 7:59 AM
STATE OFFICE OF
ADMINISTRATIVE HEARINGS
Jodi Brown, CLERK

FILED
454-20-4160
7/9/2020 6:09 PM
STATE OFFICE OF
ADMINISTRATIVE HEARINGS
Jodi Brown, CLERK

**SOAH DOCKET NO. 454-20-4160
TDI ENFORCEMENT FILE NO. 15972**

TEXAS DEPARTMENT OF INSURANCE,

Petitioner

v.

MISTY RENEE ANDERSON,

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 **Monday, November 9, 2020, at 1:00 p.m.** 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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Misty Renee Anderson
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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) Latoya Merida, Staff Attorney
Texas Department of Insurance
Enforcement Division, MC110-1A
P.O. Box 149104
Austin, Texas 78714-9104
(512) 490-1020 (Fax)
Latoya.merida@tdi.texas.gov

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Notice of Hearing

Misty Renee Anderson

SOAH Docket No. 454-20-4160

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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 "eFiling" 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.

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Respectfully Submitted,



Latoya Merida
State Bar No. 24089625
Texas Department of Insurance
Enforcement Division, MC110-1A
P.O. Box 149104
Austin, Texas 78714-9104
(512) 676-6344 (Direct)
(512) 490-1020 (Fax)
Latoya.merida@tdi.texas.gov

ATTORNEY FOR THE PETITIONER
TEXAS DEPARTMENT OF INSURANCE

Enclosure: Original Petition

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

CERTIFICATE OF SERVICE

I, Latoya Merida, certify that a true and correct copy of the *Notice of Hearing and the Original Petition* were sent by electronic mail on July 9, 2020 and by certified mail, return receipt requested, on July 10, 2020 to:

Misty Renee Anderson

[REDACTED]

Houston, TX 77040

Respondent Pro Se

Via CM/RRR No.: 9214 8901 9403 8316 0095 91

Via Email to: [REDACTED]

L. Merida

Latoya Merida

**SOAH DOCKET NO. 454-XX-XXXX
TDI ENFORCEMENT FILE NO. 15972**

TEXAS DEPARTMENT OF INSURANCE,

Petitioner

v.

MISTY RENEE ANDERSON,

Respondent

BEFORE THE STATE OFFICE

OF

ADMINISTRATIVE HEARINGS

ORIGINAL PETITION

The Texas Department of Insurance seeks to deny Misty Renee Anderson'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 4101.051, and TEX. GOV'T CODE §§ 2001.051-2001.178.

Factual Allegations

License Application

1. On January 2, 2018, Misty Renee Anderson (Anderson) applied for an Adjuster All Lines license to be issued by the Texas Department of Insurance (TDI).
2. On April 2, 2018, TDI proposed to deny Anderson's application based on her criminal history. Anderson appealed that decision and made a written request for a hearing on April 9, 2018.

Criminal History

1. On May 14, 2001, Anderson pleaded guilty to the felony offense of Theft by Check in Cause No. 01-F-032-5 in the 5th Judicial District Court of Bowie County, Texas for

an offense occurring on February 16, 2000. Anderson was sentenced to two years confinement, suspended for five years of probation, and ordered to pay court costs. Anderson's probation was amended to ten years. Anderson was released from probation on June 9, 2011.

2. On April 16, 2001, Anderson pleaded guilty to the felony offense of Arkansas' Hot Check Law in Cause No. CR-2001-113-1 in the 8th District South Circuit Court of Miller County, Arkansas for an offense occurring between February 17, 2000, and March 18, 2000. Anderson received 36 months of Community Supervision. On April 13, 2004, a Petition for Revocation was filed against Anderson for violating the terms and conditions of her probation. A Motion to Withdraw Petition for Revocation was signed on June 17, 2010, based on Anderson's compliance.
3. On August 6, 2001, Anderson pleaded guilty to the felony offense of Forgery in Cause No. 136-CR601 in the 6th District Court of Red River County, Texas for an offense occurring on August 16, 2000. Anderson was originally sentenced to two years confinement probated for five years and a fine. On July 10, 2009, Anderson pleaded true to a Motion Revoking Community Supervision and was sentenced to 180 days confinement.
4. August 27, 2009, Anderson pleaded guilty to the felony offense of Hindering Secured Creditors in Cause No. 20268 in the 6th District Court of Lamar County, Texas for an offense occurring on April 24, 2004. Anderson was sentenced to 11 months confinement and ordered to pay court costs.

Legal Allegations

1. Anderson has committed an act for which a license may be denied pursuant to TEX. INS. CODE § 4005.101(b) because she has been convicted of a felony, as contemplated by TEX. INS. CODE § 4005.101(b)(8) and TEX. OCC. CODE § 53.021(d).
2. Anderson has committed a felony offense, as contemplated in 28 TEX. ADMIN. CODE §§ 1.502(d) and (f).
3. Anderson committed an offense that TDI considers to be of such serious nature that it is of prime importance in determining fitness for licensure or authorization, as contemplated by 28 TEX. ADMIN. CODE § 1.502(e)(4)(F).

4. Department guidelines, 28 TEX. ADMIN. CODE § 1.502(c)-(e), emphasize that TDI:
 - 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 has engaged in fraudulent or dishonest activity that directly relates to the duties and responsibilities of the licensed occupation; and
 - c. considers the offense of Theft by Check, to be of such a serious nature that it is of prime importance when determining fitness for licensure. 28 TEX. ADMIN. CODE § 1.502(e)(4)(F).
 - d. considers the offense of Forgery, to be of such a serious nature that it is of prime importance when determining fitness for licensure. 28 TEX. ADMIN. CODE § 1.502(e)(1).

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 Misty Renee Anderson's license application and
2. any other just and appropriate relief to which the department may be entitled to by law, including any combination of the above actions.

Respectfully Submitted,

L. Merida

Latoya Merida
State Bar No. 24089625
Texas Department of Insurance
Enforcement Division, MC110-1A
P.O. Box 149104

2020-6439

Original Petition
Misty Renee Anderson
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Austin, Texas 78714-9104
(512) 676-6344 (Direct)
(512) 490-1020 (Fax)
Latoya.merida@tdi.texas.gov

ATTORNEY FOR THE PETITIONER
TEXAS DEPARTMENT OF INSURANCE



Firm Mailing Book For Accountable Mail

2020-6439

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 8316 0095 91

merida/15972

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

MISTY RENEE ANDERSON
[REDACTED] HOUSTON TX
77040

Affix Stamp Here
(if issued as an international certificate of mailing or 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
1.40	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



RECEIVED
JUL 13 2020
TDI - ENFORCEMENT

POSTAL SERVICE
JUL 10 2020
AUSTIN TX

Postmaster, Per (Name of receiving employee)

[Signature]

Total Number of Pieces Listed by Sender: 1

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: 07/09/2020
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 0022 8875 41

merida/15972

