

No. 2018-5694

**OFFICIAL ORDER
of the
TEXAS COMMISSIONER OF INSURANCE**

Date: OCT 31 2018

Subject Considered:

MARK LINDSEY STEVENS
10631 Nacogdoches Rd Apt 206
San Antonio, Texas 78217-2882

DEFAULT ORDER
SOAH DOCKET NO. 454-18-4458.C
TDI ENFORCEMENT FILE NO. 13202

The subject of this order is whether a general lines agent license with a life, accident, and health qualification should be issued to Mark Lindsey Stevens (Stevens).

FINDINGS OF FACT

Failure to Respond to Notice of Hearing

1. On June 25, 2018, the Texas Department of Insurance filed a Notice of Hearing, attached as Exhibit A, with the State Office of Administrative Hearings.
2. The department's factual allegations set out in the attached Notice of Hearing are incorporated in this order as findings of fact.
3. On June 25, 2018, the department sent a notice of hearing to Stevens's last known address provided in writing to the department: 10631 Nacogdoches Rd Apt 206, San Antonio, Texas 78217-2882.
4. Stevens failed to file a written response to the notice of hearing within 20 days of the date the notice of hearing was mailed.

5. Based on Stevens'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.

CONCLUSIONS OF LAW

1. The department's factual and legal allegations set out in the attached Notice of Hearing are incorporated in this order and deemed admitted as true pursuant to 28 TEX. ADMIN. CODE § 1.89.
2. 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 4054.051; TEX. OCC. CODE §§ 53.021-53.023; 28 TEX. ADMIN. CODE § 1.502; and TEX. GOV'T CODE §§ 2001.051-2001.178.
3. 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.
4. 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.
5. Based on Stevens's failure to file a written response to the notice of hearing, TDI is entitled to disposition by default pursuant to 28 TEX. ADMIN. CODE §§ 1.88 and 1.89.

It is ordered that Mark Lindsey Stevens's application for a general lines agent license with a life, accident, and health qualification is denied.



Kent C. Sullivan
Commissioner of Insurance

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 Mark Lindsey Stevens. I have confirmed that:

- a. The last mailing address provided to the department by Mark Lindsey Stevens is 10631 Nacogdoches Rd Apt 206, San Antonio, Texas 78217-2882.
- b. The file maintained by the Enforcement Section contains a Notice of Hearing dated June 25, 2018, filed with the State Office of Administrative Hearings.
- a. On June 25, 2018, a Notice of Hearing addressed to Mark Lindsey Stevens was mailed first class and certified, return receipt requested, to his last known address: 10631 Nacogdoches Rd Apt 206, San Antonio, Texas 78217-2882.

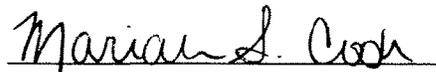
Copies of the first-class mail log and certified mail log maintained by the Enforcement Section are attached as Exhibit B and Exhibit C, respectively."



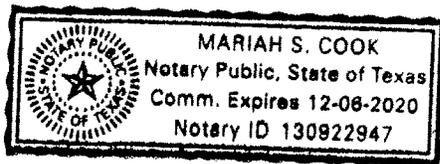
Affiant

SWORN TO AND SUBSCRIBED before me on October 11, 2018.

(NOTARY SEAL)



Signature of Notary Public



MARIAH COOK

Printed Name of Notary Public

TEXAS DEPT. OF INSURANCE,
Petitioner

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BEFORE THE STATE OFFICE

v.

OF

MARK LINDSEY STEVENS,
Respondent

ADMINISTRATIVE HEARINGS

NOTICE OF HEARING

The Texas Department of Insurance is seeking to deny your license application. Please consider this formal notice that a public hearing will be held before an Administrative Law Judge on **Thursday, September 13, 2018, 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 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.

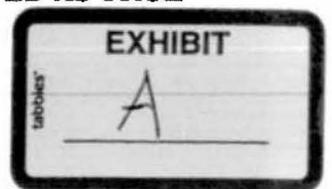
PARTIES THAT ARE NOT REPRESENTED BY AN ATTORNEY MAY OBTAIN INFORMATION REGARDING CONTESTED CASE HEARINGS ON THE PUBLIC WEBSITE OF THE STATE OFFICE OF ADMINISTRATIVE HEARINGS AT WWW.SOAH.TEXAS.GOV, OR IN PRINTED FORMAT UPON REQUEST TO SOAH.

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 4054.051; and TEX. GOV'T CODE §§ 2001.051–2001.178; 28 TEX. ADMIN. CODE § 1.502; and TEX. OCC. CODE §§ 53.021–53.023.

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 THE DEPARTMENT 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 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.

Pursuant to 28 TEX. ADMIN. CODE § 1.90(e) and 1 TEX. ADMIN. CODE §§ 155.101 and 155.103, 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, MC113-2A
P.O. Box 149104
Austin, Texas 78714-9104
(512) 490-1064 (Fax)
chiefclerk@tdi.texas.gov; and
- (3) Amy L. K. Wills
Staff Attorney
Texas Department of Insurance
Enforcement Section, MC110-1A
P.O. Box 149104
Austin, Texas 78714-9104.

The allegations against Mark Lindsey Stevens (Stevens) are:

1. Stevens, individual identification number 1703550, applied for a general lines agent license with a life, accident, and health qualification with the department on January 24, 2017.
2. The department proposed to deny Stevens's application on April 12, 2017, due to his criminal history. Stevens requested a hearing on May 5, 2017.

Criminal History

1. On February 5, 1988, Stevens was convicted of driving while intoxicated in cause no. CR88-130 at the County Court at Law of Kerr County, Texas. The court ordered confinement for one year, probated, two years of probation, a \$500 fine, and court costs totaling \$98.50.
2. On December 1, 1988, Stevens was convicted of driving while intoxicated, a 2nd degree felony, in cause no. CR88-429 at the County Court at Law of Kerr County, Texas. The

court ordered confinement for 18 months, probated, a \$750 fine, and court costs of \$98.50.

3. On June 8, 1989, Stevens was convicted of escape in cause no. CR89-618 at the County Court at Law of Kerr County, Texas. The court ordered one year confinement, probated, and court costs totaling \$98.50.
4. On June 28, 1990, Stevens pleaded guilty to false, fictitious, and fraudulent claims, 18 U.S.C. § 287 (1990), a felony, in cause no. SA-90-CR-105 at the United States District Court in the Western District of Texas San Antonio Division. The court ordered a three year term of supervised probation, \$1,770.00 in restitution, and a \$50.00 special assessment fee. On September 8, 1992, the court revoked Stevens's probation because he violated his probation terms by using controlled substances and alcohol and failing to attend substance-abuse appointments. The court resentenced Stevens to eight months imprisonment without credit for previously served time, two years supervised release, and \$1,689 in monetary sanctions. On August 4, 1994, the court revoked Stevens's supervised release because Stevens's violated the release terms in a similar manner to his original probation violations. The court ordered that Stevens be remanded to prison for fourteen months and that his unpaid monetary sanctions be re-imposed.
5. On April 20, 1998, Stevens was convicted of driving while intoxicated, a 3rd degree felony, in cause no. B97-127 at the 198th Judicial District Court of Kerr County, Texas. The court ordered four years of confinement, probated for four years, court costs totaling \$236.50, and a \$1,000 fine. Stevens was also ordered to complete 150 hours of community service and to attend a drug/alcohol abuse educational program.
6. On February 11, 2000, the 198th Judicial District Court of Kerr County, Texas, revoked Stevens's probation for failing to comply with the conditions of his probation, including getting arrested for public intoxication, using cocaine and imbibing alcohol, failure to allow a probation officer to visit, failure to complete community service, failure to complete drug/alcohol abuse educational program, and failure to abide by the set curfew. The court ordered confinement for three years.
7. On November 20, 2001, Stevens was convicted of possession and use of a volatile chemical, a class B misdemeanor, in cause no. 01-664-CR at the County Court at Law of Kendall County, Texas. The underlying circumstance leading to the charge is that Stevens possessed head cleaning solvent to induce a condition of intoxication.
8. On November 20, 2001, Stevens was convicted of criminal mischief \$20-\$500, a class B misdemeanor, in cause no. 01-663-CR at the County Court at Law of Kendall County, Texas. The underlying circumstance leading to the charge is that Stevens kicked out the back, right window of another person's vehicle.
9. On July 7, 2003, Stevens was convicted of driving while intoxicated, a third degree felony, in cause no. 2002CR3011 at the 379th District Court of Bexar County, Texas. The court ordered eight years confinement and court costs totaling \$293.

10. On August 12, 2008, Stevens was convicted of driving while intoxicated, a 3rd degree felony, in cause no. 2008CR6959W at the 175th District Court of Bexar County, Texas. The court ordered seven years confinement and a fine of \$1,500 in addition to court costs totaling \$460.
11. On February 5, 2009, Stevens was convicted of driving while intoxicated, a 2nd degree felony, in cause no. 08-943 at the 22nd District Court of Hays County, Texas. The court ordered confinement for seven years.
12. Stevens was released from confinement on July 15, 2015.
13. Stevens has been convicted of a felony involving dishonesty or breach of trust, as specified in 18 U.S.C § 1033 and requiring written consent from the commissioner of insurance to engage or participate in the business of insurance.

Stevens's license application may be denied because:

1. Based on Stevens's prior criminal history and felony convictions, Stevens has committed acts for which a license may be denied, as contemplated by TEX. OCC. CODE § 53.021(a) and TEX. INS. CODE § 4005.101(b)(8).
2. Stevens committed an offense and has engaged in fraudulent or dishonest activity that directly relates to the duties and responsibilities of the licensed occupation, as contemplated in 28 TEX. ADMIN. CODE § 1.502(d).
3. Stevens has committed more than one felony and engaged in fraudulent and dishonest activity that directly relates to the duties and responsibilities of the licensed occupation, and the department considers to be of such serious nature that it is of prime importance in determining fitness for licensure, as contemplated by 28 TEX. ADMIN. CODE § 1.502(e)-(f).
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 an offense that directly relates to the duties and responsibilities of the licensed occupation; and
 - c. considers any offense for which fraud, dishonesty, or deceit is an essential element to be of such a serious nature that they are of prime importance when determining fitness for licensure.

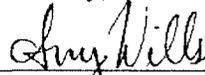
2. Stevens has been convicted of a felony involving dishonesty or breach of trust, as specified in 18 U.S.C § 1033 and requiring written consent from the commissioner of insurance to engage or participate in the business of insurance.

If one or more of the above allegations is found to be true, the commissioner may enter an order denying Stevens's license application and/or taking additional administrative action. Stevens has the right to appear at this hearing and to be represented by an attorney. Please address any questions and correspondence to the undersigned counsel at the address or telephone number below.

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.

Sincerely,



Amy L. Wills
Staff Attorney
State Bar No. 24093379
Texas Department of Insurance
Enforcement Section, MC110-1A
P.O. Box 149104
Austin, Texas 78714-9104
(512) 676-6343 (Phone)
(512) 490-1020 (Fax)
Amy.Wills@tdi.texas.gov

cc: Leah Gillum, Associate Commissioner, Enforcement Section MC-110-1A
Ginger R. Loeffler, Director, Licensing Litigation Office, Enforcement Section, MC-110-1A
Administrative Review, MC107-1A

2018-5694

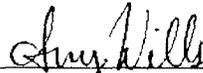
NOTICE OF HEARING
DOCKET NO. 454-18-4458.C
TDI CASE NO. 13202
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CERTIFICATE OF SERVICE

I, Amy Wills, certify that this *Notice of Hearing* was served by certified mail, return receipt requested, and first class mail on this 25th day of June, 2018 to:

Mark Lindsey Stevens
10631 Nacogdoches Rd Apt 206
San Antonio, Texas 78217-2882
Respondent Pro Se

VIA CM/RRR No.:
9214 8901 9403 8307 2302 87
AND FIRST CLASS MAIL



Amy L.K. Wills

Name and Address of Sender
 Texas Dept of Insurance
 Mail Code 110-1A
 333 Guadalupe St
 Austin TX 78701
 Mary Ruiz
 June 25, 2018

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

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



USPS Tracking/Article Number	Address (Name, Street, City, State, & Zip Code)	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
WILLS/13202	MARK LINDSEY STEVENS 10631 NACOGDOCHES RD APT 206 SAN ANTONIO, TEXAS 78217-2882	68										
				over \$50,000 in value								
				Handling								
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				Adult Signature Restricted								
				Restricted Delivery								
				Return Receipt								
				Signature Confirmation								
				Signature Confirmation Restricted Delivery								
				Special Handling								

2018-5694

RECEIVED
 JUN 28 2018
 TDI - ENFORCEMENT



Number of Pieces by Sender: 1
 Total Number of Pieces Received at Post Office: 1
 Postmaster Per (Name of recipient employee): *[Signature]*



Firm Mailing Book For Accountable Mail

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

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



USPS Tracking/Article Number

1. 9214 8901 9403 8307 2302 87

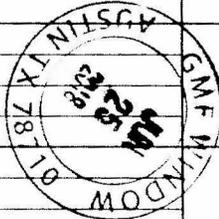
Addressee (Name, Street, City, State, & ZIP Code™)

MARK LINDSEY STEVENS 10631 NACOGDOCHES RD APT 206 SAN ANTONIO TX 78217-2882

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
0.71	3.45								1.50		

WILLS/13202

2018-5694



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

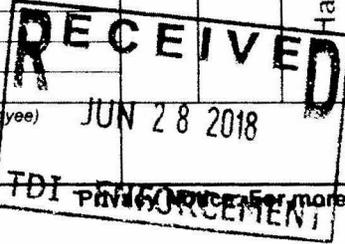
1

Total Number of Pieces Received at Post Office

Postmaster, Per (Name of receiving employee)

OB

JUN 28 2018



2018- 5694



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: 06/25/2018

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 0009 0353 30

