

No. 2018- 5795

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

Date: DEC 20 2018

Subject Considered:

Akeemah Shakoor
13411 Briar Forest Dr., Apt 1046
Houston, Texas 77077

Default Order
SOAH Docket No. 454-18-3322.C
TDI Enforcement File No. 14240

General remarks and official action taken:

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

The following findings of fact and conclusions of law are adopted:

Findings of Fact

Failure to Appear at Hearing on the Merits

1. On April 27, 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. The department sent the Notice of Hearing to Respondent's last known address provided in writing to the department, 13411 Briar Forest Dr., Apt 1046, Houston, Texas 77077. Notice was also sent by electronic mail.
4. After receiving proper notice of the date, time and location of the hearing on the merits, Respondent failed to appear for the hearing on September 27, 2018, as reflected in the record in SOAH Docket No. 454-18-3322.C.

Conclusions of Law

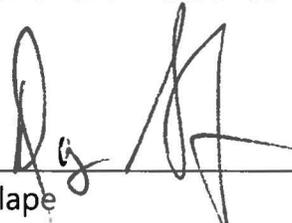
1. The commissioner has jurisdiction pursuant to Texas law, including TEX. INS. CODE §§ 82.051-82.055, 4001.002, 4001.102, 4001.105, 4005.101-4005.105, 4054.051 and 4101.051; TEX. OCC. CODE §§ 53.021-53.023; 28 TEX. ADMIN. CODE § 1.502; and TEX. GOV'T CODE §§ 2001.051-2001.178.
2. The commissioner has authority to dispose of this case informally 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 appear in person or by legal representative at the 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 are incorporated in this order and deemed admitted as true pursuant to 28 TEX. ADMIN. CODE § 1.89.

Order

It is ordered that Akeemah Shakoor's application for a general lines agent license with a life, accident and health qualification 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.

Kent C. Sullivan
Commissioner of Insurance

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

Affidavit

STATE OF TEXAS §
 §
COUNTY OF TRAVIS §

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

"My name is Mariah Cook 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.

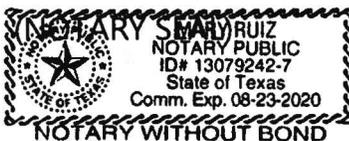
I have reviewed TDI's records concerning Akeemah Shakoor. I have confirmed that:

- a. The last mailing address provided to the department in writing by Akeemah Shakoor is 13411 Briar Forest Dr., Apt 1046, Houston, Texas 77077.
- b. The file maintained by the Enforcement Section of the Legal and Enforcement Division contains a Notice of Hearing dated April 27, 2018 which was filed with the State Office of Administrative Hearings.
- c. On April 27, 2018, a notice of hearing addressed to Akeemah Shakoor was mailed first-class, and certified, return receipt requested, to her last known address.

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

Mariah S. Cook
Affiant

SWORN TO AND SUBSCRIBED before me on November 8, 2018.



Mary Ruiz
Signature of Notary Public
Mary Ruiz
Printed Name of Notary Public

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DOCKET NUMBER 454-18-3322.C
TDI CASE NUMBER 14240

TEXAS DEPT. OF INSURANCE,	§	BEFORE THE STATE OFFICE
Petitioner	§	
	§	
v.	§	OF
	§	
AKEEMAH SHAKOOR,	§	ADMINISTRATIVE HEARINGS
Respondent	§	

NOTICE OF HEARING

The Texas Department of Insurance is seeking to deny your insurance license application. Please consider this formal notice that a public hearing will be held before an Administrative Law Judge on **Tuesday, June 12, 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 ANN. §§ 82.051-82.055, 4001.002, 4005.101, 4005.102, and 4054.051; TEX. GOV'T CODE ANN. §§ 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 TDI 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 CANCELLED 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.



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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) LaKisha T. Seldon McKay
Staff Attorney
Texas Department of Insurance
Legal and Enforcement Division, Enforcement Section, MC110-1A
P.O. Box 149104
Austin, Texas 78714-9104.

The allegations against you are:

License Application

1. On March 14, 2017, you applied for a general lines agent license with a life, accident and health qualification.
2. On July 14, 2017, the department proposed to deny your license application based on your criminal history and your failure to disclose your criminal history. On August 2, 2017, you timely submitted a request for hearing to appeal the denial of your license application.

Criminal History

3. On July 22, 2009, you entered a plea of guilty in the Circuit Court – Municipal Division of Richmond Heights, Missouri for the offense of stealing, in case number N070486128-1. The court sentenced you to 30 days confinement, suspended, and 24 months' probation.
4. On September 17, 2009, you entered a plea of guilty in the Circuit Court – Municipal Division of Ferguson, Missouri for the offense of stealing, in case number R0912183. The court ordered you to pay fines, fees and court costs totaling \$252.00. The Court issued a warrant for your arrest on January 6, 2010. You paid the fines, fees and court costs on June 9, 2011.
5. On May 13, 2013, a complaint/information was filed in the Municipal Court of Ferguson, Missouri for the offense of stealing, a misdemeanor, in cause number R137124. You were arrested on November 25, 2013. The court sentenced you to 24 months' probation, but revoked your probation on February 7, 2014. As of January 13, 2016, you have an open and active warrant for your arrest for failure to appear related to this criminal case.
6. On April 10, 2014, you entered a plea of guilty in the Circuit Court of St. Louis County, Missouri for the offense of stealing, 3rd offense, a felony, in cause number 13SL-CR05519-01. The court sentenced you to five years' supervised probation and ordered you to pay \$351.50 in restitution, court costs and fees. You completed your probation on December 19, 2016, less than two years ago, and still owe the State of Missouri Department of Corrections a balance of \$960.00 in outstanding supervision fees.
7. As of the date of the department's Notice of Hearing, you have eight active warrants for your arrest in the state of Missouri in addition to the warrant related to allegation number 5 above:
 - a. Case No. 131345998-1 in Frontenac Municipal Court;
 - b. Case No. T121038961-6 in Clayton Municipal Court;
 - c. Case No. T121128023-5 in Town and Country Municipal Court;
 - d. Case No. T121128024-3 in Town and Country Municipal Court;
 - e. Case No. T121128025-1 in Town and Country Municipal Court;
 - f. Case No. T131337603-2 in Rock Hill Municipal Court;
 - g. Case No. T131337604-B in Rock Hill Municipal Court; and
 - h. Case No. T131337605-9 in Rock Hill Municipal Court.
8. In response to the question in your license application, "Have you ever been convicted of a felony, had a judgment withheld or deferred, or are you currently charged with committing a felony?," you falsely stated that you had not.

9. You electronically certified as a part of your license application that you personally answered all of the application questions with true and correct answers. You further certified acknowledgment that you are subject to both disciplinary action and criminal prosecution if your application contains a false, fictitious or fraudulent statement or entry with regard to any material fact.
10. On September 18, 2017, the department sent you a request for additional information required for a thorough evaluation of your license application pursuant to 28 TEX. ADMIN. CODE § 1.502, to which you failed to provide an adequate or appropriate response.
11. On October 19, 2017, the department sent you a second request for additional information required for a thorough evaluation of your license application pursuant to 28 TEX. ADMIN. CODE § 1.502, to which you also failed to provide an adequate or appropriate response.

Your license application may be denied because:

1. You intentionally made a material misstatement in a license application, in violation of TEX. INS. CODE § 4005.101(b)(2);
2. You attempted to obtain a license by fraud or misrepresentation, in violation of TEX. INS. CODE § 4005.101(b)(3);
3. You have engaged in fraudulent or dishonest acts or practices, in violation TEX. INS. CODE § 4005.101(b)(5);
4. You have committed a felony or misdemeanor, or have 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) and (f);
5. You committed an offense that the department 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);
6. You committed an offense for which fraud, dishonesty, or deceit is an essential element, as contemplated in 28 TEX. ADMIN. CODE § 1.502(e)(1);
7. You committed an offense with the essential elements of a theft offense, as contemplated in 28 TEX. ADMIN. CODE § 1.502(e)(4)(F);
8. 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 an offense or has engaged in fraudulent or dishonest activity that directly relates to the duties and responsibilities of the licensed occupation;

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- c. considers any offense for which fraud, dishonesty, or deceit is an essential element of prime importance when determining fitness for licensure; and
 - d. considers the offense of theft to be of such a serious nature that it is of prime importance when determining fitness for licensure.; and
9. You have 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, an order may be entered denying your license application and/or taking additional administrative action. Akeemah Shakoor 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,



LaKisha T. Seldon McKay | Staff Attorney
State Bar Number 24066982
Enforcement Section | Legal & Enforcement Division
512-676-6363 (Direct) | 512-490-1020 (Fax)
lakisha.seldon.mckay@tdi.texas.gov
Texas Department of Insurance
333 Guadalupe Street, MC110-1A | Austin, Texas 78701
P.O. Box 149104 | Austin, Texas 78714-9104

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

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CERTIFICATE OF SERVICE

I, LaKisha T. Seldon McKay, certify that this *Notice of Hearing* was served by first class and certified mail, return receipt requested, on this 27th day of April, 2018 to:

Akeemah Shakoor
13411 Briar Forest Dr
Apt 1046
Houston, Texas 77077-2636

Via CM/RRR Number: 9214 8901 9403 8305 7987 89

Akeemah Shakoor
shakoor.akeemah@yahoo.com
Respondent Pro Se

Via Electronic Mail



LaKisha T. Seldon McKay



Firm Mailing Book For Accountable Mail

Name and Address of Sender
MC-110-1A M. Cook
Texas Department of Insurance
333 Guadalupe St
Austin TX 78701

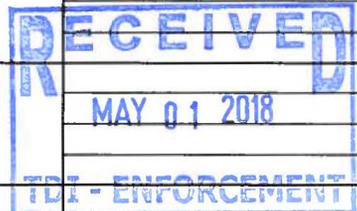
Check type of mail or service
 Adult Signature Required Priority Mail Express
 Adult Signature Restricted Delivery Registered Mail
 Certified Mail Return Receipt for Merchandise
 Certified Mail Restricted Delivery Signature Confirmation
 Collect on Delivery (COD) Signature Confirmation Restricted Delivery
 Insured Mail
 Priority Mail

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	Addressee (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	SCRD Fee	SH Fee	
1. 9214 8901 9403 8305 7987 89	AKEEMAH SHAKOOR 13411 BRIAR FOREST DR #1046 HOUSTON TX 77077-2636	0.71	3.45	Handling Charge - if Registered and over \$50,000 in value							1.50				
KISHA-14240									Adult Signature Required	Adult Signature Restricted Delivery	Restricted Delivery	Return Receipt	Signature Confirmation	Signature Confirmation Restricted Delivery	Special Handling

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Total Number of Pieces Listed by Sender: **1**

Total Number of Pieces Received at Post Office: _____

Postmaster, Per (Name of receiving employee): _____

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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: 04/27/2018

Shipped From:

Name: MC-110-1A M COOK

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 0008 2047 99

