

No. 2019- 6018

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

Date: JUL 1 6 2019

Subject Considered:

Francois Ransom
18081 Midway Rd., Apt. 1533
Dallas, Texas 75287-6548

Default Order
SOAH Docket No. 454-19-4202.C
TDI Enforcement File No. 16082

General remarks and official action taken:

The subject of this default order is whether a general lines agent license with a life, accident, and health qualification should be issued to Francois Ransom (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 April 24, 2019, 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, 18081 Midway Rd., Apt. 1533, Dallas, Texas 75287-6548.

4. Respondent failed to file a written response to the notice of hearing within 20 days of the date the notice of hearing was mailed.

Conclusions of Law

1. The commissioner has jurisdiction pursuant to Texas law, including TEX. INS. CODE §§ 82.051-82.055, 4001.002, 4005.101-4005.105, 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.
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, TDI 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.

2019- 6018

Commissioner's Order

Francois Ransom

SOAH Docket No. 454-19-4188.C

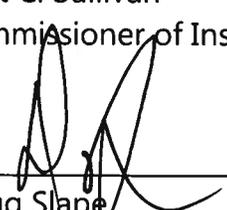
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Order

It is ordered that Francois Ransom'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

Prepared and reviewed by:



Cassie Tigue, Staff Attorney
Enforcement Section

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.

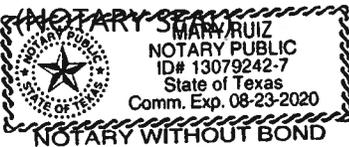
I have reviewed TDI's records concerning Francois Ransom. I have confirmed that:

- a. The last mailing address provided to the department in writing by Francois Ransom is 18081 Midway Rd., Apt. 1533, Dallas, Texas 75287-6548.
- b. The file maintained by the Enforcement Section of the Legal and Enforcement Division contains a Notice of Hearing dated April 24, 2019, which was filed with the State Office of Administrative Hearings.
- c. On April 24, 2019, a Notice of Hearing addressed to Francois Ransom was mailed first class and certified, return receipt requested, to his last known address.

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."

Mariah A. Cook
Affiant

SWORN TO AND SUBSCRIBED before me on May 21, 2019.



Mary Ruiz
Signature of Notary Public

Mary Ruiz
Printed Name of Notary Public

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**SOAH DOCKET NO. 454-19-4202.C
TDI ENFORCEMENT FILE NO. 16082**

TEXAS DEPARTMENT OF INSURANCE,

Petitioner

v.

FRANCOIS RANSOM,

Respondent

BEFORE THE STATE OFFICE

OF

ADMINISTRATIVE HEARINGS

Notice of Hearing

The Texas Department of Insurance is seeking to deny your license application. A public hearing will be held before an Administrative Law Judge on Wednesday, July 24, 2019, 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; 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 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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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, MC113-2A
P.O. Box 149104
Austin, Texas 78714-9104
(512) 490-1064 (Fax)
chiefclerk@tdi.texas.gov; and
- (3) Cassie Tigue, Staff Attorney
Texas Department of Insurance
Enforcement Section, MC110-1A
P.O. Box 149104
Austin, Texas 78714-9104
(512) 490-1020 (Fax)
Cassie.Tigue@tdi.texas.gov.

Factual Allegations

License Application

1. On December 27, 2017, Francois Ransom (Ransom) applied for a general lines agent license with a life, accident, and health qualification to be issued by the Texas Department of Insurance.
2. On April 11, 2018, the department proposed to deny Ransom's application based on his criminal history. Ransom appealed that decision and made a written request for a hearing.

Criminal History

3. On September 5, 1989, Ransom was arrested for the offense of possession of dangerous drugs. On September 11, 1989, Ransom pleaded guilty to the felony offense of possession of dangerous drugs in case no. F89-88542-M in the 194th Judicial District Court of Dallas County, Texas. Ransom was sentenced to three years probation. On May 18, 1990, Ransom's probation was revoked, and he was ordered to serve three years confinement.
4. On October 28, 1989 Ransom was arrested for the offense of possession of marijuana. On May 21, 1990, Ransom pleaded guilty to the misdemeanor offense of possession of marijuana in case no. MB8953091 in Dallas County, Texas. Ransom was sentenced to five days confinement.
5. On November 1, 1989 Ransom was arrested for the offense of larceny. On November 17, 1989, Ransom pleaded guilty to the misdemeanor offense of larceny in case no. MB8927854 in Dallas County, Texas. Ransom was fined \$300.
6. On April 17, 1990, Ransom was arrested for the offense of burglary of a vehicle. On May 18, 1990, Ransom pleaded guilty to the felony offense of burglary of a vehicle in case no. F90-45439-M in the 194th Judicial District Court of Dallas County, Texas. Ransom was sentenced to three years confinement.
7. On December 1, 1990 Ransom was arrested for the offense of larceny. On December 27, 1990, Ransom pleaded guilty to the misdemeanor offense of larceny in case no. MB9054101 in Dallas County, Texas. Ransom was sentenced to 60 days

confinement. The sentence was probated for 12 months. Ransom's probation was revoked in March of 1991.

8. On March 22, 1991 Ransom was arrested for a parole violation and the offense of burglary of a building. On October 9, 1992, Ransom pleaded guilty to the felony offense of burglary of a building in case no. F-9159890-L in the Criminal District Court No. 5 of Dallas County, Texas. Ransom was sentenced to six years confinement. The sentence was probated for six years. On July 15, 1998, Ransom's probation was terminated.
9. On October 10, 2006 Ransom pleaded guilty to the state jail felony offense of possession of a controlled substance in case no F-0661068 in the 283rd District Court of Dallas County, Texas. Ransom was placed on deferred adjudication for five years. On July 15, 2009, Ransom was discharged from deferred adjudication.
10. On August 31, 2010, Ransom pleaded no contest to the misdemeanor offense of criminal trespass in case no. M-1050391 in the County Criminal Court No. 8 of Dallas County, Texas. Ransom was sentenced to 30 days confinement.
11. On February 14, 2011, Ransom was pleaded guilty to the state jail felony offense of theft of property less than \$1500 with two or more previous convictions in case no F-1057689 in the Criminal District Court No. 5 of Dallas County, Texas. Ransom was placed on deferred adjudication for five years. On January 31, 2013, Ransom was discharged from deferred adjudication.
12. On February 14, 2011, Ransom pleaded guilty to the state jail felony offense of theft of property in the amount of more than \$1,500 and less than \$20,000 in case no. F-1063201 in the Criminal District Court No. 5 of Dallas County, Texas. Ransom was placed on deferred adjudication for five years. On January 31, 2013, Ransom was discharged from deferred adjudication.
13. On March 16, 2011, Ransom pleaded no contest to the misdemeanor offense of theft of property by check in the amount of greater than \$20 and less than \$500 in case no. CR201008028Z in the County Criminal Court No. 2 of Denton County, Texas. Ransom was sentenced to 60 days confinement.
14. On August 21, 2014, Ransom pleaded guilty to the state jail felony offense of theft of property in the amount of more than \$1500 and less than \$20,000 in case no. F-

1454791-I in the Criminal District Court No. 2 of Dallas County, Texas. Ransom was sentenced to nine days confinement.

15. On January 13, 2015, Ransom pleaded guilty to the state jail felony offense of theft of material aluminum, bronze, copper, or brass in the amount of less than \$20,000 in case no. F-1412823-W in the 363rd District Court of Dallas County, Texas. Ransom was sentenced to 180 days confinement.
16. On January 13, 2015, Ransom pleaded guilty to the state jail felony offense of theft of property in the amount of less than \$1500 with two or more previous convictions in case no. F-1471963-W in the 363rd District Court of Dallas County, Texas. Ransom was sentenced to 180 days confinement to run concurrently with the sentenced imposed in case no F-1412823.

Legal Allegations

1. Ransom has committed an act for which a license may be denied pursuant to TEX. INS. CODE § 4005.101(b) because he:
 - a. has engaged in fraudulent or dishonest acts or practices, as contemplated by TEX. INS. CODE § 4005.101(b)(5); and
 - b. has been convicted of a felony, as contemplated by TEX. INS. CODE § 4005.101(b)(8) and TEX. OCC. CODE § 53.021(a) and (d).
2. Ransom 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) and (f).
3. Ransom committed an offense 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. Ransom committed an offense for which fraud, dishonesty, or deceit is an essential element as contemplated by 28 TEX. ADMIN. CODE § 1.502(e)(1) and TEX. OCC. CODE §§ 53.021-53.023.

5. Ransom has committed an offense with the essential elements of a theft offense, as contemplated by 28 TEX. ADMIN. CODE § 1.502(e)(4)(F).
6. Pursuant to TEX. OCC. CODE §§ 53.021(c)-(d), the commissioner may deny Ransom's application and consider him to have been convicted of an offense for which he received deferred adjudication, if after consideration of the factors in TEX. OCC. CODE §§ 53.022 and 53.023(a), the commissioner determines that:
 - a. Ransom has not completed his period of supervision; or
 - b. Ransom completed his period of supervision less than five years before the date he applied for the license; and
 - c. Employment of Ransom in the licensed occupation would create a situation in which Ransom has an opportunity to repeat the prohibited conduct.
7. 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 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 prime importance when determining fitness for licensure.

Relief Sought

If one or more of the above allegations is found to be true, the commissioner may enter an order denying your license application. You have 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**

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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.

Sincerely,



Cassie Tighe
Staff Attorney
State Bar No. 24099994
Texas Department of Insurance
Legal and Enforcement Division - Enforcement Section, MC110-1A
P.O. Box 149104
Austin, Texas 78714-9104
(512) 676-6356 (Direct)
(512) 490-1020 (Fax)
Cassie.Tighe@tdi.texas.gov

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

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Certificate of Service

I, Cassie Tigie, certify that a true and correct copy of this *Notice of Hearing* was sent by regular, first-class mail and by certified mail, return receipt requested, on this 24th day of April, 2019 to:

Francois Ransom
18081 Midway Rd., Apt. 1533
Dallas, Texas 75287-6548
Respondent Pro Se

Via CM/RRR No.: 9214 8901 9403 8382 1874 21



Cassie Tigie

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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: 04/24/2019

Shipped From:

Name: MC 110-1A D MIRELES

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.

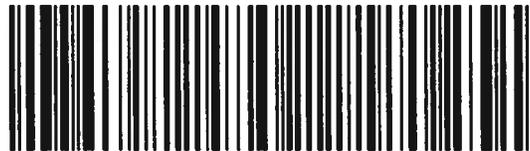
B. USPS Action

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



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