

No. 2019- 6022

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

**Date:** JUL 1 8 2019

**Subject Considered:**

Alice F. Turner  
18065 Apple Ridge Apt. 2624  
Dallas, Texas 75287

Default Order  
SOAH Docket No. 454-19-4962.C  
TDI Enforcement File No. 14465

**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 Alice F. Turner (Turner). 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 May 22, 2019, the department 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 Turner's last known address provided in writing to the department, 18065 Apple Ridge Apt. 2624, Dallas Texas

75287. Notice was also sent to an additional address associated with Turner: 2626 Frankford Road #11306, Dallas, Texas 75287.

4. Turner 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, 4005.102, 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.
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 Turner'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 are incorporated in this order and deemed admitted as true pursuant to 28 TEX. ADMIN. CODE § 1.89.

2019- 6022

Commissioner's Order  
Alice F. Turner  
SOAH Docket No. 454-19-4962.C  
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**Order**

It is ordered that Alice F. Turner'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:

  
Sarah White, 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.

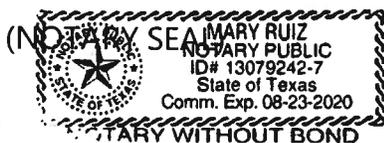
I have reviewed TDI's records concerning Alice F. Turner. I have confirmed that:

- a. The last mailing address provided to the department in writing by Alice F. Turner is 18065 Apple Ridge Apt. 2624, Dallas, Texas 75287.
- b. The file maintained by the Enforcement Section of the Legal and Enforcement Division contains a Notice of Hearing dated May 22, 2019, which was filed with the State Office of Administrative Hearings.
- c. On May 22, 2019, a Notice of Hearing addressed to Alice F. Turner was mailed first-class and certified, return receipt requested, to her last known address and one additional address: 2626 Frankford Road #11306, Dallas, Texas 75287.

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 S. Cook*      
Affiant

SWORN TO AND SUBSCRIBED before me on June 17, 2019.



    *Mary Ruiz*      
Signature of Notary Public

    Mary Ruiz      
Printed Name of Notary Public

SOAH DOCKET NO. 454-19-4962.C  
TDI ENFORCEMENT FILE NO. 14465

TEXAS DEPARTMENT OF INSURANCE,  
Petitioner

BEFORE THE STATE OFFICE

V.

OF

ALICE F. TURNER,  
Respondent

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 Tuesday, August 13, 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.**



**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.**

**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) Sarah White  
Staff Attorney  
Texas Department of Insurance  
Enforcement Section, MC110-1A  
P.O. Box 149104  
Austin, Texas 78714-9104  
(512) 490-1020 (Fax)

Sarah.white@tdi.texas.gov

### **Factual Allegations**

#### License Application

1. On May 16, 2017, Alice F. Turner (Turner) applied for a general lines agent license with a life, accident, and health qualification.
2. On July 14, 2017, the Texas Department of Insurance proposed to deny Turner's license application based on her criminal history. Turner appealed that decision and made a written request for a hearing.

#### Criminal History

3. On May 5, 1987, Turner entered a plea of guilty to the felony offense of unlawful possession of a controlled substance, to wit: cocaine, in cause no. F-86-91012-VH, in the Criminal District Court No. 1 of Dallas County, Texas. Turner was ordered to serve two years of confinement, however the confinement was suspended and she was placed on two years of probation. On May 4, 1989, the court entered an order setting aside the judgment of conviction, dismissing the indictment, and discharging Turner from probation.
4. On January 13, 2006, Turner entered a plea of guilty to the offense of conspiracy to commit mail fraud in cause no. 3:05-cr-00249-K in the U.S. District Court for the Northern District of Texas. Turner was ordered to serve 46 months confinement, followed by three years supervised release, and pay a special assessment fee of \$100 and restitution in the amount of \$28,152.40.
5. Turner placed classified ads for home-based employment in newspapers and circulars, representing that businesses were hiring employees to stuff and mail envelopes. In reality, the businesses did not exist.
6. A person responding to the ad would call the number listed and Turner would mail that person an information packet containing promotional materials. These promotional materials fraudulently represented that:
  - a. A certain business was hiring people to stuff and mail envelopes containing items such as insurance forms and greeting cards;

- b. For a fee, the person could enroll in one of several envelope stuffing programs and based on the program, he/she would receive a certain sum of money for every envelope stuffed and mailed;
  - c. People enrolled in the envelope stuffing programs were required to pay, in addition to the enrollment fee, a materials fee and processing fee, that was refundable upon the mailing of certain number of envelopes; and
  - d. People enrolled in the program would receive all the materials needed to perform the job.
7. Individuals who responded to the ad mailed their application form and fees to a post office box rented by Turner.
8. Turner and her co-defendant never intended to hire the applicants and deposited the fees into their personal bank accounts for their own personal use. Additionally, Turner never sent the applicants any forms to mail nor did she refund any of the applicant's fees.
9. Turner failed to respond and cooperate with the department when the department send her a request for additional information and documentation in order to assess her application.

### Misrepresentation on License Application

10. In connection with Turner's criminal offense, the United States Postal Inspection Service (USPIS) administratively forfeited \$45,798.93 from her after the issuance of a preliminary injunction directing the detention of Turner's mail. Subsequently, \$28,252.40 of the funds forfeited were remitted to the United States District Court to be applied to the balance owed for Turner's criminal restitution and special assessment.
11. In response to the question in Turner's license application, "Are you currently a party to, or have you ever been found liable in, any lawsuit, arbitration or mediation proceedings involving allegations of fraud, misappropriation or conversion of funds, misrepresentation or breach of fiduciary duty?," Turner falsely stated that she had not.
12. Turner electronically certified as part of her license application that she personally answered all of the application questions with true and correct answers. Turner

further certified acknowledgment that she is subject to both disciplinary action and criminal prosecution if her application contains a false, fictitious or fraudulent statement or entry with regard to any material fact.

## Legal Allegations

1. Based on Turner's criminal history, she has committed acts for which a license may be denied under TEX. INS. CODE, Chapter 4005, Subchapter C, because:
  - a. She intentionally made a material misstatement in a license application, in violation of TEX. INS. CODE § 4005.101(b)(2).
  - b. Turner attempted to obtain a license by fraud or misrepresentation, in violation of TEX. INS. CODE § 4005.101(b)(3).
  - c. She has engaged in fraudulent or dishonest acts or practices, as contemplated by TEX. INS. CODE § 4005.101(b)(5); and
  - d. She has been convicted of a felony as contemplated by TEX. INS. CODE § 4005.101(b)(8).
2. Turner committed an offense that 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).
3. 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 misdemeanor, or has engaged in fraudulent or dishonest activity 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 of prime importance when determining fitness for licensure. 28 TEX. ADMIN. CODE §1.502(e)(1).

4. Turner 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.
5. Turner intentionally made a material misstatement in a license application, in violation of TEX. INS. CODE § 4005.101(b)(2).
6. Turner attempted to obtain a license by fraud or misrepresentation, in violation of TEX. INS. CODE § 4005.101(b)(3).

### Relief Sought

If one or more of the above allegations is found to be true, an order may be entered denying Turner's license application and/or taking additional administrative action. Turner 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,



Sarah White, Staff Attorney

State Bar No. 24064622

Texas Department of Insurance

Legal and Enforcement Division, - Enforcement Section, MC110-1A

P.O. Box 149104

Austin, Texas 78714-9104

2019-6022

Notice of Hearing  
Alice F. Turner  
SOAH Docket 454-19-4962.C  
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(512) 676-6338 (Direct)  
(512) 490-1020 (Fax)  
sarah.white@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

### Certificate of Service

I, Sarah White, 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 22nd day of May, 2019, to:

Alice F Turner  
2626 Frankford Road., # 11306  
Dallas, Texas 75287  
*Respondent Pro Se*

Via CM/RRR No: 9214 8901 9403 8383 6460 88

Alice F Turner  
18065 Apple Ridge, Apt. 2624  
Dallas, Texas 75287  
*Respondent Pro Se*

Via CM/RRR No: 9214 8901 9403 8383 6462 86



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Sarah White





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

2019 - 6022

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

- 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	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 8383 6520 65 WHITE/14465	ALICE F TURNER 18065 APPLE RIDGE DRIVE APT 2624 DALLAS TX 75287	1.60	3.50								1.60			
2. 9214 8901 9403 8383 6521 57	ALICE F TURNER 2626 FRANKFORD ROAD #11306 DALLAS TX 75287	1.60	3.50	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**  
 MAY 24 2019  
 TDI - ENFORCEMENT



EXHIBIT

2

receiving employee)

Total Number of Pieces Listed by Sender: 2

Total Number of Pieces Received at Post Office: 2

2019-6022



# 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: 05/22/2019

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	2
Total	2

\*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 0014 6402 91

