

No. **4409**

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

Date: APR 21 2016

Subject Considered:

MINH QUANG TRAN
16807 Scenic Gardens Drive
Spring, TX 77379

CONSENT ORDER
TDI ENFORCEMENT FILE NO. 9008

General remarks and official action taken:

The commissioner of insurance considers whether a general lines license with property and casualty, and life, accident, and health qualifications should be issued to Minh Quang Tran of Spring, Texas.

WAIVER

Tran acknowledges that the Texas Insurance Code and other applicable laws provide certain rights. Tran waives all of these rights in consideration of the entry of this consent order.

FINDINGS OF FACT

The commissioner makes the following findings of fact:

1. On November 3, 2014, Tran applied for a general lines license with property and casualty, and life, accident, and health qualifications to be issued by the Texas Department of Insurance. The department proposed to deny issuance of the license based on his criminal history, and Tran made a written request for a hearing.
2. On May 20, 2009, Tran received deferred adjudication for the offense of bribery, a second degree felony. Tran was ordered to serve eight years of community supervision and pay a \$1,000 fine.
3. On October 5, 2012, the court dismissed the proceedings against Tran and granted early discharge from community supervision following deferred adjudication.

4. Tran has cooperated with TDI in its investigation of his criminal background. Tran provided mitigating evidence to support his fitness for licensure as follows:
 - a. he was released early from community supervision due to his compliance with all conditions of community supervision;
 - b. he has paid back all fees, fines, and court costs related to the offense;
 - c. he holds a bachelor of applied science degree, a master of business administration degree, and a master of science degree;
 - d. he has been employed since August 2014 as a licensed driving safety instructor for the Thai Pham insurance agency; and
 - e. his letters of recommendation consistently refer to him as honest, hardworking, and having a strong work ethic.

5. Due to Tran's criminal background, the department needs an opportunity to monitor his insurance activities to ensure he demonstrates the ability, capability, and fitness required to perform and discharge the responsibilities of a licensed general lines property and casualty, and life, accident, and health agent.

CONCLUSIONS OF LAW

The commissioner makes the following conclusions of law:

1. The commissioner has jurisdiction over this matter pursuant to TEX. INS. CODE §§ 82.051-82.055, 4001.002, 4001.102, 4001.105, 4005.101-4005.103, 4051.051 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 the authority to dispose of this case informally pursuant to the provisions of TEX. GOV'T CODE § 2001.056, 28 TEX. ADMIN. CODE § 1.47, and TEX. INS. CODE § 82.055.
3. Pursuant to TEX. OCC. CODE § 53.021(c)-(d), the commissioner may consider Tran to have been convicted of the offense of bribery because:
 - a. Tran completed the period of supervision less than five years before the date he applied for the license; and
 - b. after consideration of the factors in TEX. OCC. CODE §§ 53.022 and 53.023(a), the commissioner determines that:
 - i. Tran may pose a continued threat to public safety; or
 - ii. employment of Tran in the licensed occupation would give him the opportunity to repeat the prohibited conduct.
4. Tran committed an act for which a license may be denied, as contemplated by TEX. INS. CODE §§ 4001.105 and 4005.101.

5. Pursuant to 28 TEX. ADMIN. CODE § 1.502(f), the commissioner has determined that the factors in TEX. OCC. CODE §§ 53.022-53.023 outweigh the serious nature of Tran's criminal conviction.

The commissioner of insurance orders that a general lines license with property and casualty, and life, accident, and health qualifications is granted to Minh Quang Tran of Spring, Texas. The commissioner further orders that the general lines license with property and casualty, and life, accident, and health qualifications is suspended for two years, probated.

Beginning from the date of this order and continuing through the probation period, Tran must file a written report, on or before the 15th day of each month, with the Texas Department of Insurance, Attn: Catherine Bell or her successor, Enforcement Section, Mail Code 110-1A, P.O. Box 149104, Austin, Texas 78714-9104. The reports must include the following information:

- a. Tran's current mailing address and telephone number;
- b. the name, mailing address, and telephone number of Tran's employer, and if Tran is self-employed, a statement that he is self-employed and the name, mailing address, and telephone number of his business;
- c. the name and address of any insurer which has appointed Tran as a General Property and Casualty agent or a General Life, Accident, and Health agent;
- d. the name and address of any insurer which has canceled Tran's appointment as a General Property and Casualty agent or a General Life, Accident, and Health agent; and
- e. a copy of any and all contracts Tran has entered into with an insurer, broker, managing general agent, managing general agency, or any person or entity in the business of insurance.

Tran must notify the department immediately of the following:

- a. any charges or indictments filed against him for a misdemeanor or felony during the period he is required to file reports, excluding traffic offenses and Class C misdemeanors;
- b. any state or regulatory actions taken against him including formal and informal actions;
- c. any change in his employment or his residence; and
- d. any complaint made against Tran concerning his performance as an insurance agent, as well as a written explanation detailing the steps taken to resolve it.

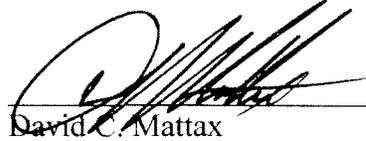
Tran must provide written notice of his criminal record to any appointing company, agency, or sponsor. Tran must provide the department with a copy of the notification within 30 days of the appointment or sponsorship to the Texas Department of Insurance, Attn: Catherine Bell or her successor, Enforcement Section, Mail Code 110-1A, P.O. Box 149104, Austin, Texas 78714-9104.

4409

COMMISSIONER'S ORDER

Minh Quang Tran

Page 4 of 5



David C. Mattax

Commissioner of Insurance

APPROVED AS TO FORM AND CONTENT:



Elissa Mazza

Staff Attorney

Compliance Division, Enforcement Section

Texas Department of Insurance

