

No. **4571**

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

Date: JUL 08 2016

Subject Considered:

HANNAH MARIE AUBRY
3875 Houston Street
Beaumont, Texas 77705

DEFAULT ORDER
SOAH DOCKET NO. 454-16-4094.C
TDI ENFORCEMENT FILE NO. 9343

General remarks and official action taken:

The commissioner of insurance considers the limited lines agent license application for Hannah Marie Aubry.

Findings of Fact

1. Hannah Marie Aubry submitted an application for a limited lines agent license to the department on February 20, 2015.
2. The department proposed to deny Aubry's application on April 23, 2015, based on her criminal history and failure to disclose that history on her application. She appealed that decision and made a written request for a hearing.
3. On May 6, 2016, the department sent a notice of hearing to Aubry's last known address provided in writing to the department, 3875 Houston Street, Beaumont, Texas 77705.
4. Aubry failed to file a written response to the notice of hearing within 20 days of the date the notice of hearing was mailed.
5. On February 17, 2015, the Criminal District Court of Jefferson County, Texas placed Aubry on community supervision for five years and ordered her to pay a \$750 fine, \$500 in restitution, and court costs for the offense of Criminal Mischief, a state jail felony. She is currently on community supervision until February 17, 2020.

Conclusions of Law

1. The commissioner of insurance has jurisdiction over this matter pursuant to TEX. INS. CODE §§ 82.051-82.055, 4001.002, 4005.101, 4005.102, 4051.101, and 4054.101, and TEX. GOV'T CODE §§ 2001.051- 2001.178.
2. TEX. GOV'T CODE § 2001.056; TEX. INS. CODE § 82.055; and 28 TEX. ADMIN. CODE §§ 1.47, 1.88, and 1.89 give the commissioner authority to dispose of this case informally.
3. Based on 28 TEX. ADMIN. CODE § 19.906, Aubry's last known address is presumed to be 3875 Houston Street, Beaumont, Texas 77705.
4. TDI sent a notice of hearing to Aubry's last known address, as required by 28 TEX. ADMIN. CODE §§ 1.28(c) and 1.88(c), 1 TEX. ADMIN. CODE § 155.401, and TEX. GOV'T CODE Ch. 2001.
5. The allegations in the notice of hearing, set out herein as findings of fact nos. 1-2 and 5, are deemed admitted as true pursuant to 28 TEX. ADMIN. CODE § 1.89.
6. Based on Aubry's prior criminal history, she has committed acts for which a license may be denied under TEX. INS. CODE, Chapter 4005, Subchapter C, because:
 - a. she attempted to obtain a license by fraud or misrepresentation, as contemplated by TEX. INS. CODE § 4005.101(b)(3); and
 - b. she has been convicted of a felony, as contemplated by TEX. INS. CODE § 4005.101(8).
7. Aubry was convicted of 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).
8. Pursuant to TEX. OCC. CODE § 53.021(d)(B)(i), the commissioner may consider Aubry to have been convicted of an offense because she has not completed the period of supervision.
9. Department guidelines, 28 TEX. ADMIN. CODE § 1.502(a), emphasize that TDI considers it very important that applicants be honest, trustworthy, and reliable.

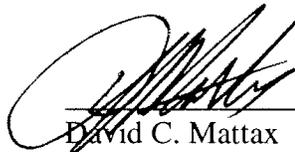
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COMMISSIONER'S ORDER

Hannah Marie Aubry

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The commissioner of insurance denies Hannah Marie Aubry's application for a limited lines agent license.



David C. Mattax
Commissioner of Insurance

