

No. **2016-4728**

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

Date: OCT 12 2016

Subject Considered:

GWENDOLYN KAY TURNER
346 Cody Road
Ennis, Texas 75119

DEFAULT ORDER
SOAH DOCKET NO. 454-16-5246.C
TDI ENFORCEMENT FILE NO. 8399

General remarks and official action taken:

The commissioner of insurance considers the application for a general lines agent license with a life, accident, and health qualification for Gwendolyn Kay Turner.

Findings of Fact

1. Gwendolyn Kay Turner submitted an application for a general lines agent license with a life, accident, and health qualification to the department on July 25, 2014.
2. The department proposed to deny Turner's application on October 17, 2014, based on her criminal history. She appealed that decision and made a written request for a hearing.
3. On July 25, 2016, the department sent a notice of hearing to Turner's last known address provided in writing to the department, 346 Cody Road, Ennis, Texas 75119, and one additional address, 2000 U.S. Business Highway 287, Ennis, Texas 75119.
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.
5. On January 14, 2000, Turner was ordered to serve three years community supervision for the offense of retaliation, a third degree felony, in the 350th Judicial District Court of Taylor County, Texas. On August 11, 2005, Turner was revoked from community supervision and sentenced to two years confinement.
6. On January 14, 2000, Turner was sentenced to one day confinement for the offense of theft by check, a class B misdemeanor, in the County Court at Law No. 1 of Taylor County, Texas.

7. On September 26, 2003, Turner was sentenced to 10 days confinement for the offense of prostitution, a class B misdemeanor, in the County Criminal Court at Law No. 15 of Harris County, Texas.
8. On May 25, 2004, Turner was ordered to serve 180 days confinement probated for one year for the offense of theft by check, a class B misdemeanor, in the County Court of Rains County, Texas.
9. On April 20, 2005, Turner was sentenced to 30 days confinement for the offense of failure to identify – fugitive intentionally giving false information, a class A misdemeanor, in the County Court of Hill County, Texas.

Conclusions of Law

1. The commissioner has jurisdiction over this matter pursuant to TEX. INS. CODE §§ 82.051-82.055, 4001.002, 4005.101, 4005.102 and 4054.051, 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, Turner's last known address is presumed to be 346 Cody Road, Ennis, Texas 75119.
4. The department sent a notice of hearing to Turner'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 department's allegations in the notice of hearing, set out herein as findings of fact nos. 1-2 and 5-9, are deemed admitted as true pursuant to 28 TEX. ADMIN. CODE § 1.89.
6. Based on Turner's prior criminal history, she has committed acts for which a license may be denied under TEX. INS. CODE, Chapter 4005, Subchapter C, because she has engaged in fraudulent or dishonest acts or practices, as contemplated by TEX. INS. CODE § 4005.101(b)(5).
7. Turner committed an offense that directly relates to the duties and responsibilities of the licensed occupation, as contemplated by TEX. OCC. CODE § 53.021(a)(1) and 28 TEX. ADMIN. CODE § 1.502(d).
8. 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 or authorization, as contemplated by 28 TEX. ADMIN. CODE § 1.502(e).
9. Department guidelines, 28 TEX. ADMIN. CODE § 1.502(c) – (e), emphasize that the department:
 - 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 of prime importance when determining fitness for licensure. 28 TEX. ADMIN. CODE § 1.502(e)(1).

The commissioner of insurance denies Gwendolyn Kay Turner's application for a general lines agent license with a life, accident, and health qualification.



David C. Mattax
Commissioner of Insurance

Affidavit

STATE OF TEXAS

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COUNTY OF TRAVIS

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

“My name is Ginger Yocom 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.

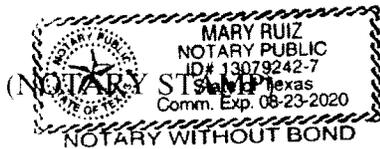
I have reviewed TDI’s records concerning Gwendolyn Kay Turner. I have confirmed that:

- a. The last mailing address provided to the department by Gwendolyn Kay Turner in writing was 346 Cody Road, Ennis, Texas 75119.
- b. The file maintained by the Enforcement Section of the Compliance Division contains a notice of hearing dated July 25, 2016, filed with the State Office of Administrative Hearings.
- c. Certified letters, return receipts requested, and first class mailings, each containing a notice of hearing, were sent to Turner’s last known address, and one additional address, 2000 U.S. Business Highway 287, Ennis, Texas 75119.

Copies of the first class and certified mail logs maintained by the Enforcement Section are attached as Exhibit A and Exhibit B.”

Ginger Yocom
Affiant

SWORN TO AND SUBSCRIBED before me on October 10, 2016.



Mary Ruiz
Signature of Notary Public

