No. 2017-4957

OFFICIAL ORDER
of the
TEXAS COMMISSIONER OF INSURANCE

Date: FEB 23, 2017

Subject Considered:

RICKY CISNEROS
4944 Bryant Irvin Road N No. 902
Fort Worth, Texas 76107

DEFAULT ORDER
SOAH DOCKET NO. 454-17-1829.C
TDI ENFORCEMENT FILE NO. 8069

General remarks and official action taken:

The commissioner of insurance considers the adjuster trainee license application for Ricky Cisneros.

FINDINGS OF FACT

The commissioner makes the following findings of fact:


2. On September 10, 2014, the department proposed to deny Cisneros’ application based on his criminal history. He appealed that decision and made a written request for a hearing.

3. On December 22, 2016, the department sent a notice of hearing to Cisneros’ last known address provided in writing to the department, 4944 Bryant Irvin Road N, No. 902, Fort Worth, Texas 76107.

4. Cisneros 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 August 30, 2002, Cisneros was placed on deferred adjudication for the offense of Assault Bodily Injury – Family Member, a class A misdemeanor, in the County Criminal Court Number 5 of Tarrant County, Texas. He was ordered to serve 18 months community supervision and pay a $100.00 fine and $152.00 in court costs. On February 28, 2004, his community supervision was successfully discharged.

6. On June 24, 2009, the 213th District Court of Tarrant County, Texas placed Cisneros on deferred adjudication after he pleaded guilty to the offense of Fraudulent Possession of a Controlled Substance or Prescription, a 3rd degree felony. Cisneros stole a doctor’s prescription pad and fraudulently used the information in an attempt to obtain
prescription drugs. He was ordered to serve three years community supervision and pay $330.00 in court costs and a $300.00 fine. On November 14, 2011, a judge signed an Order of Early Release from Deferred Adjudication.

7. On August 21, 2016, Cisneros notified the department that he no longer has a licensed adjuster sponsor, as required for an adjuster trainee license, and that he would not be able to find another one.

CONCLUSIONS OF LAW

The commissioner makes the following 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, and 4101.003; TEX. GOV’T CODE §§ 2001.051-2001.178; 28 TEX. ADMIN. CODE § 1.502; and TEX. OCC. CODE §§ 53.021-53.023.

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, Cisneros’ last known address is presumed to be 4944 Bryant Irvin Road N, No. 902, Fort Worth, Texas 76107.

4. TDI sent a notice of hearing to Cisneros’ 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 5-7, are deemed admitted as true pursuant to 28 TEX. ADMIN. CODE § 1.89.

6. Cisneros 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 TEX. ADMIN. CODE § 1.502(e).

7. Cisneros committed an offense for which fraud, dishonesty, or deceit is an essential element, as contemplated in 28 TEX. ADMIN. CODE § 1.502(e)(1) and TEX. OCC. CODE §§ 53.021-53.023.

8. Pursuant to TEX. OCC. CODE § 53.021(c)-(d), the commissioner may consider Cisneros to have been convicted of the offense of Fraudulent Possession of a Controlled Substance or Prescription because Cisneros completed the period of supervision less than five years before the date he applied for the license.

9. Considering the factors in TEX. OCC. CODE §§ 53.022 and 53.023(a), the commissioner determines that Cisneros may pose a continued threat to public safety or his employment in the licensed occupation would give Cisneros the opportunity to repeat the prohibited conduct, pursuant to TEX. OCC. CODE §§ 53.021(d)(2).

10. Cisneros does not meet the qualifications for licensure because he no longer has a licensed adjuster sponsor, as required by TEX. INS. CODE § 4101.003.
The commissioner of insurance denies Ricky Cisneros' application for an adjuster trainee license.

David C. Mattax
Commissioner of Insurance
STATE OF TEXAS

COUNTY OF TRAVIS

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

"My name is Judy Lopez 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 Ricky Cisneros. I have confirmed that:

a. The last mailing address provided to the department by Ricky Cisneros in writing is 4944 Bryant Irvin Road N, Apt 902, Fort Worth, Texas 76107.

b. The file maintained by the Enforcement Section of the Compliance Division contains a notice of hearing dated December 22, 2016, filed with the State Office of Administrative Hearings.

c. Certified letters, return receipts requested containing a notice of hearing, were sent to Cisneros' last known address.

Copies of the certified mail logs maintained by the Enforcement Section are attached as Exhibit A."

[Signature]

Affiant

SWORN TO AND SUBSCRIBED before me on 14 February 2017

(Notary Stamp)
<table>
<thead>
<tr>
<th>USPS Tracking/Article Number</th>
<th>Address (Name, Street, City, State, &amp; Zip Code)</th>
<th>Service Fee</th>
<th>Handling Charge</th>
<th>Actual Value</th>
<th>Insured Value</th>
<th>Due Date</th>
<th>ADR Fee</th>
<th>ADRR Fee</th>
<th>ADD Fee</th>
<th>ADDR Fee</th>
<th>Addt'l Handling</th>
</tr>
</thead>
</table>
| MCKAY/9541:7014 2120 0002 6594 3929 | DIANE DUENEZ  
2424 VALLEY FORCE DRIVE  
PASADENA, TX 77502 | 675 | 3.30 | 3.30 | 3.30 | 270 |
| MCKAY/9541:7014 2120 0002 6594 3912 | DIANE DUENEZ  
8220 JONES ROAD SUITE 100  
HOUSTON, TX 77065 | 675 | 3.30 | 3.30 | 3.30 | 270 |
| MCKAY/9541:7014 2120 0002 6594 3950 | DIANE DUENEZ  
2426 VALLEY FORCE DRIVE  
PASADENA, TX 77502 | 675 | 3.30 | 3.30 | 3.30 | 270 |
| MCKAY/8069:7014 2120 0002 6594 3946 | RICKEY CISNEROS  
4926 BRYANT IRVIN ROAD N APT 902  
FORT WORTH, TX 76107 | 675 | 3.30 | 3.30 | 3.30 | 270 |
| MCKAY/11302:7014 2120 0002 6594 4148 | LOUIS MOLINET  
134 HALEY DRIVE  
NEW BRAUNFELS, TEXAS 78132 | 675 | 3.30 | 3.30 | 3.30 | 270 |
| MCKAY/11302:7014 2120 0002 6594 4131 | LOUIS MOLINET  
10724 DEDEKE DRIVE  
NEW BRAUNFELS, TEXAS 78130 | 675 | 3.30 | 3.30 | 3.30 | 270 |