

No. 2017- 5005

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

Date: MAR 28 2017

Subject Considered:

QUIANTE CAMILLE MARTIN
225 S Boon Avenue
Tyler, Texas 75702

DEFAULT ORDER
SOAH DOCKET NO. 454-17-2400.C
TDI ENFORCEMENT FILE NO. 10106

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 Quiante Camille Martin.

FINDINGS OF FACT

The commissioner makes the following findings of fact:

1. On July 8, 2015, Quiante Camille Martin submitted an application for a general lines agent license with a life, accident, and health qualification.
2. On September 11, 2015, the department proposed to deny Martin's application based on her criminal history. She appealed that decision and made a written request for a hearing.
3. On January 31, 2017, the department sent a notice of hearing to Martin's last known address provided in writing to the department, 225 S Boon Avenue, Tyler, Texas 75702.
4. Martin 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, 2000, Martin pleaded guilty to the offense of Theft by Check >=\$20 <\$500, a class B misdemeanor, in Cause Number 001-84184-00 in the County Court at Law of Smith County, Texas. The court imposed a sentence of 180 days probation, 50 hours community service, court costs of \$140.25, restitution in the amount of \$1,197.11, and other fees in the amount of \$315.00. The court revoked her probation on April 20, 2001, for failing to meet the conditions of probation and sentenced her to five days incarceration.

6. On November 2, 2004, Martin pleaded guilty to the offense of Theft by Check \geq \$20 $<$ \$500, a class B misdemeanor, in Cause Number 002-85018-04 in the County Court at Law No 2 of Smith County, Texas. The court imposed a sentence of 180 days incarceration, six months' probation, 80 hours of community service, court costs of \$186.00, restitution in the amount of \$140.50, fines in the amount of \$180.00 and other fees in the amount of \$347.00. The court revoked her probation on June 14, 2005, for failing to meet the conditions of probation and sentenced her to three days incarceration.
7. On July 17, 2009, Martin pleaded guilty to the offense of theft by check $<$ \$1,500.00 with two or more previous convictions, a state jail felony, in Cause Number 241-0460-09 in the 241st District Court of Smith County, Texas. The court imposed a sentence of three years deferred adjudication, court costs of \$330.00, restitution in the amount of \$151.66 and other fees in the amount of \$3,199.00. The court revoked her probation on March 2, 2013, for failing to meet the conditions of probation and sentenced her to 45 days incarceration.

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 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. 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, Martin's last known address is presumed to be 225 S Boon Avenue, Tyler, Texas 75702.
4. TDI sent a notice of hearing to Martin'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 5-7, are deemed admitted as true pursuant to 28 TEX. ADMIN. CODE § 1.89.
6. Martin committed an act for which the department may deny a license pursuant to TEX. INS. CODE ANN. § 4005.101(b).
7. Martin 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).
8. Martin committed an offense for which fraud, dishonesty, or deceit is an essential element, as contemplated by 28 TEX. ADMIN. CODE § 1.502(e)(1).
9. Martin was convicted of a felony, as contemplated by TEX. INS. CODE § 4005.101(b)(8).

COMMISSIONER'S ORDER

Quiante Camille Martin

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10. Martin committed a felony or misdemeanor that directly relates to the business of insurance, as contemplated in 28 TEX. ADMIN. CODE § 1.502(d) and TEX. OCC. CODE § 53.021-53.023.
11. Martin was 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.

The commissioner of insurance denies Quiante Camille Martin's application for a general lines agent license with a life, accident, and health qualification.



David C. Mattax

Commissioner of Insurance

~~By: Kevin Brady, Deputy Commissioner~~

~~Delegation Order 4506~~

Approved as to Form and Content:



Lakisha T. Seldon McKay
Enforcement Section, Compliance Division
Texas Department of Insurance

Affidavit

STATE OF TEXAS

§

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 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.

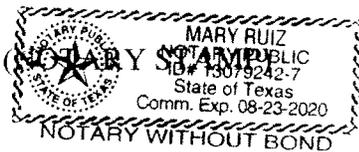
I have reviewed TDI’s records concerning Quiante Camille Martin. I have confirmed that:

- a. The last mailing address provided to the department by Quiante Camille Martin in writing is 225 S Boon Avenue, Tyler, Texas 75702.
- b. The file maintained by the Enforcement Section of the Compliance Division contains a notice of hearing dated January 31, 2017, 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 Martin’s last known address.

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

Judy Lopez
Affiant

SWORN TO AND SUBSCRIBED before me on March 3, 2017.



Mary Ruiz
Signature of Notary Public

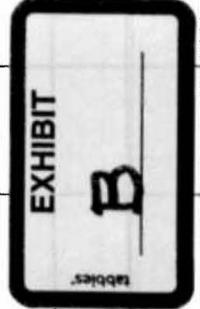
Name and Address of Sender
 Texas Dept of Insurance
 Mail Code 110-1A
 333 Guadalupe St
 Austin TX 78701
 January 31, 2017
 Judy Lopez

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

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

USPS Tracking/Article Number	Address (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
Seldon-McKay 7014 1820 0000 0730 4076	Quiante Camille Martin 225 S Boon Avenue Tyler TX 75702	465	335								225			
Seldon-McKay 7014 1820 0000 0730 4069	Quiante Camille Martin 250 East Arapaho Road Richardson, TX 75081	465	335								225			
				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						



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