

No. 2017- 5110

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

Date: JUN 15 2017

**Subject Considered:**

TRELLIS TREVON NIXON  
9100 Independence Pkwy, #801  
Plano, Texas 75025

**DEFAULT ORDER**  
SOAH DOCKET NO. 454-17-3139.C  
TDI ENFORCEMENT FILE NO. 10105

**General remarks and official action taken:**

This order is in consideration of the application for a life agent license of Trellis Trevon Nixon.

**FINDINGS OF FACT**

The findings of fact are as follows:

1. Trellis Trevon Nixon submitted an application for a life agent license to the Texas Department of Insurance on May 11, 2015.
2. On March 15, 2017, the department sent a notice of hearing to Nixon's last known address provided in writing to the department, 9100 Independence Pkwy, #801, Plano, Texas 75025.
3. Nixon failed to file a written response to the notice of hearing within 20 days of the date the notice of hearing was mailed.
4. On August 10, 2006, Nixon was placed on deferred adjudication for the offense of forgery of financial instrument, a state jail felony, in the 219th Judicial District Court of Collin County, Texas, in case number 219-80187-06. Nixon was ordered to serve two years community supervision, perform 120 hours of community service, and pay a \$1,000.00 fine and \$272.00 in court costs.

- a. Nixon attempted to purchase a vehicle using a counterfeit check written in the amount of \$64,259.59. The check was in the name of a Canadian business which indicated during an investigation that the check was not authorized.
  - b. On March 5, 2008, an order amending the conditions of supervision was issued extending Nixon's community supervision to August 9, 2009, and ordering the completion of a cognitive program.
  - c. On May 21, 2009, Nixon successfully completed all conditions of supervision.
5. On July 2, 2007, Nixon was placed on deferred adjudication for the offense of attempted felony theft, in the First Judicial District Court of Caddo Parish, Louisiana in docket number 258995. Nixon was ordered to serve 60 days and four months in jail, both suspended, six months supervised probation, and ordered to pay a \$200.00 fine and court costs.
- a. Nixon attempted to steal cash of a value of over \$500.00 from Sam's Town Casino in Shreveport, Louisiana.
  - b. On September 7, 2007, Nixon failed to appear in court for execution of his sentence, and the court ordered a bench warrant issued for Nixon's arrest. As of December 20, 2016, this warrant is open and active.

## CONCLUSIONS OF LAW

The conclusions of law are as follows:

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 4054.301; 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, Nixon's last known address is presumed to be 9100 Independence Pkwy, #801, Plano TX 75025.
4. The department sent a notice of hearing to Nixon'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 and 4-5, are deemed admitted as true pursuant to 28 TEX. ADMIN. CODE § 1.89.

## COMMISSIONER'S ORDER

Trellis Trevon Nixon

Page 3 of 6

6. Pursuant to TEX. OCC. CODE § 53.021(c)-(d), the commissioner considers Nixon to have been convicted of the offense of attempted felony theft because he failed to complete the period of supervision, and, after consideration of the factors described by TEX. OCC. CODE ANN. §§ 53.022 and 53.023(a), the commissioner determines that:
  - a. he may pose a continued threat to public safety; or
  - b. his employment in the business of insurance would give him the opportunity to repeat the prohibited conduct.
7. Based on Nixon's prior criminal history, he committed acts for which a license may be denied under TEX. INS. CODE, Chapter 4005, Subchapter C, because:
  - a. Nixon engaged in fraudulent or dishonest acts or practices, as contemplated by TEX. INS. CODE § 4005.101(b)(5); and
  - b. Nixon has been convicted of a felony, as contemplated by TEX. OCC. CODE § 53.021(a) and (d) and TEX. INS. CODE § 4005.101(b)(8).
8. Nixon committed a felony or misdemeanor, or has engaged in fraudulent or dishonest activity, that directly relates to the business of insurance, as contemplated in TEX. OCC. CODE §§ 53.021-53.023 and 28 TEX. ADMIN. CODE § 1.502(d).
9. Nixon 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).
10. Nixon committed an offense for which fraud, dishonesty, or deceit is an essential element, as contemplated in 28 TEX. ADMIN. CODE § 1.502(e)(1).
11. Nixon committed an offense with the essential elements of a theft offense, as contemplated in 28 TEX. ADMIN. CODE § 1.502(e)(4)(F).
12. Department guidelines, 28 TEX. ADMIN. CODE § 1.502(c)-(e), emphasize that TDI:
  - 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 or has engaged in fraudulent or dishonest activity that directly relates to the duties and responsibilities of the licensed occupation;
  - c. considers any offense for which fraud, dishonesty, or deceit is an essential element of prime importance when determining fitness for licensure; and

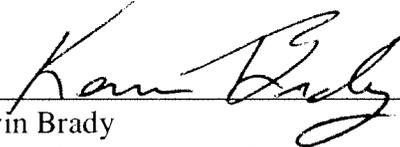
COMMISSIONER'S ORDER

Trellis Trevon Nixon

Page 4 of 6

- d. considers the offense of theft to be of such a serious nature that it is of prime importance when determining fitness for licensure.

It is ordered that Trellis Trevon Nixon's application for a life agent license is denied.



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Kevin Brady  
Deputy Commissioner For Agency Affairs  
Texas Department of Insurance  
Delegation Order 4506

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 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 Trellis Trevon Nixon. I have confirmed that:

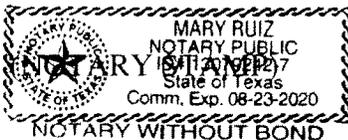
- 2. The last mailing address provided to the department by Trellis Trevon Nixon in writing is 9100 Independence Pkwy, #801, Plano TX 75025.
  - a. The file maintained by the Enforcement Section of the Compliance Division contains a notice of hearing dated March 15, 2017, filed with the State Office of Administrative Hearings.
  - b. Certified letters, return receipts requested, and first class mailings containing a notice of hearing, were sent to Trellis’s last known address.

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

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

Judy Lopez  
Affiant

SWORN TO AND SUBSCRIBED before me on June 8, 2017.



Mary Ruiz  
Signature of Notary Public



