

No. 2017- 5111

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

Date: JUN 1 5 2017

Subject Considered:

JENNIFER RENE RODRIGUEZ
819 Vista Parkway
New Braunfels, Texas 78130

DEFAULT ORDER
SOAH DOCKET NO. 454-17-3005.C
TDI ENFORCEMENT FILE NO. 8943

General remarks and official action taken:

This order is in consideration of the application for a general lines agent license with a life, accident and health qualification of Jennifer Rene Rodriguez.

FINDINGS OF FACT

The findings of fact are as follows:

1. Jennifer Rene Rodriguez submitted an application for a general lines agent license with a life, accident and health qualification to the Texas Department of Insurance on September 29, 2014.
2. On March 8, 2017, the department sent a notice of hearing to Rodriguez's last known address provided in writing to the department, 819 Vista Parkway, New Braunfels, Texas 78130.
3. Rodriguez failed to file a written response to the notice of hearing within 20 days of the date the notice of hearing was mailed.
4. The State Office of Administrative Hearings commenced a hearing on the department's Motion for Continuance on May 31, 2017 at 9:15 A.M; Rodriguez failed to appear at the hearing and SOAH granted the department's motion.
5. On February 22, 2006, Rodriguez entered a plea of nolo contendere and the County Court at Law 1 in Comal County, Texas ordered her to serve six months' deferred adjudication probation and pay a \$100.00 fine, \$275.00 in court costs, and \$109.38 in restitution for the offense of issuance of a bad check, a class C misdemeanor, in cause number 2005CR1949. The court discharged Rodriguez from deferred adjudication probation on June 30, 2011.

6. On June 18, 2008, Rodriguez entered a plea of nolo contendere and the County Court at Law 1 in Comal County, Texas ordered her to serve 15 months' deferred adjudication probation and pay a \$800.00 fine and court costs of \$300.00 for the offense of theft of property $\geq \$20 < \500 by check, a class B misdemeanor, in cause number 2007CR2192. The court released Rodriguez from deferred adjudication probation on October 7, 2010.
7. On October 18, 2014, a charge of theft of property $< \$50$ with previous conviction, a class B misdemeanor, was filed against Rodriguez in the County Court at Law #1 in Comal County, Texas in cause number 2014CR1615. At the time of this order, the case remains unresolved.
8. On April 13, 2016, two counts of theft of property $\geq \$1,500 < \$20K$, a state jail felony, were filed against Rodriguez in the 207th District Court of Comal County, Texas in cause number CR2016283. At the time of this order, the case remains unresolved.
9. On October 28, 2016, a charge of theft of property $\geq \$750 < \$2,500$ by check, a misdemeanor, was filed against Rodriguez in the County Court at Law 1 in Comal County, Texas in cause number 2016CR1378. At the time of this order, the case remains unresolved.
10. On Rodriguez's September 29, 2014, agent license application, she failed to disclose her criminal record, stating that she did not have any pending misdemeanor or felony charges, she did not have adjudication deferred on any misdemeanor or felony charge or offense and she had never served any period of probation for any misdemeanor or felony offense, which were all untrue.
11. On December 9, 2016, the department contacted Rodriguez, requesting that she contact the department within 15 days to provide additional information pertaining to her application. Rodriguez did not respond to the department's request and ceased communication with the department.

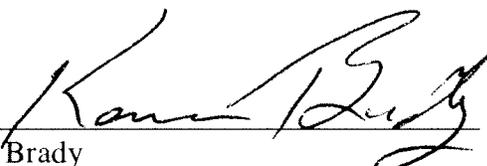
CONCLUSIONS OF LAW

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 4051.051; 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, Rodriguez's last known address is presumed to be 819 Vista Parkway, New Braunfels, Texas 78130.
4. TDI sent a notice of hearing to Rodriguez'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 and 5-11, are deemed admitted as true pursuant to 28 TEX. ADMIN. CODE § 1.89.
6. Rodriguez committed a felony or misdemeanor, or engaged in fraudulent or dishonest activity, that directly relates to the duties and responsibilities of the licensed occupation as contemplated by 28 TEX. ADMIN. CODE §§ 1.502(d)-(f).
7. Rodriguez intentionally made a material misstatement in a license application, as contemplated by TEX. INS. CODE § 4005.101(b)(2).
8. Rodriguez obtained, or attempted to obtain, a license by fraud or misrepresentation, as contemplated by TEX. INS. CODE § 4005.101(b)(3).
9. Rodriguez engaged in fraudulent or dishonest acts or practices, as contemplated by TEX. INS. CODE § 4005.101(b)(5).

It is ordered that Jennifer Rene Rodriguez's application for a general lines agent license with a life, accident and health qualification is denied.



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

