

No. 2018 - 5455

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

Date: APR 04 2018

Subject Considered:

FAYBIEN RESENDEZ
1960 W. Tarrant Rd.
Grand Prairie, Texas 75050

DEFAULT ORDER
SOAH DOCKET NO. 454-18-1552.C
TDI ENFORCEMENT FILE NO. 14790

General remarks and official action taken:

The subject of this order is whether disciplinary action should be taken against Faybien Resendez (Resendez).

FINDINGS OF FACT

Licensure

1. Faybien Resendez, individual identification no. 1684841, holds a limited lines agent license, originally issued by the Texas Department of Insurance on December 12, 2016.

Criminal History

2. In April of 2017, Resendez was employed as an agent at Baja Insurance.
3. On April 19, 2017, Resendez unlawfully started a fire with the intention to destroy and damage the building owned by his employer, Baja Insurance.
4. On May 11, 2017, Resendez was arrested for the offense of arson. He was released from custody after posting a \$10,000 surety bond.
5. On June 8, 2017, Resendez was indicted by the Grand Jury in Dallas County, Texas, for the offense of arson.
6. On September 7, 2017, Resendez consented to a judicial confession, and was placed on deferred adjudication for the offense of arson, a second degree felony, in case no. F-1724559-M in the 194th Judicial District Court of Dallas County, Texas. Resendez was

ordered to serve 10 years community supervision, and he was ordered to pay \$249 in court costs, and \$30,888.14 in restitution.

7. On October 12, 2017, the department received notification of Resendez's arrest and criminal history after the issuance of his license.

Failure to Respond to Notice of Hearing

8. On December 21, 2017, the department sent a notice of hearing to Resendez's last known address provided in writing to the department, 1960 W. Tarrant Rd., Grand Prairie, Texas 75050.
9. Resendez failed to file a written response to the notice of hearing within 20 days of the date the notice of hearing was mailed.

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, 4051.101, and 4054.101; TEX. GOV'T CODE §§ 2001.051-2001.178; TEX. OCC. CODE § 53.021; and 28 TEX. ADMIN. CODE § 1.502.
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, Resendez's last known address is presumed to be 1960 W. Tarrant Rd., Grand Prairie, Texas 75050.
4. The department sent a notice of hearing to Resendez'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. 1-7, are deemed admitted as true pursuant to 28 TEX. ADMIN. CODE § 1.89.
6. Resendez has committed acts for which a license holder may be disciplined under TEX. INS. CODE § 4005.101, as contemplated by TEX. INS. CODE § 4005.102.
7. Resendez has willfully violated an insurance law of this state, pursuant to TEX. INS. CODE § 4005.101(b)(1).
8. Resendez has committed an offense that the department considers to be of such serious nature that it is of prime importance in determining fitness for licensure, as contemplated by 28 TEX. ADMIN. CODE § 1.502(e).

9. The department guidelines, 28 TEX. ADMIN. CODE § 1.502(c) - (e), emphasize that the department:
 - a. considers it very important that agents be honest, trustworthy, and reliable;
 - b. may seek disciplinary action if the department determines that the agent has committed a felony or misdemeanor, or has engaged in fraudulent or dishonest activity that directly relates to the duties and responsibilities of the licensed occupation; and
 - c. considers the offense of arson to be of such a serious nature that it is of prime importance when determining fitness for licensure. 28 TEX. ADMIN. CODE § 1.502(e)(4)(C).

It is ordered that Faybien Resendez's limited lines agent license is revoked.



Kent C. Sullivan
Commissioner of Insurance



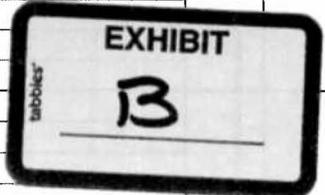
2018 - 5455

Name and Address of Sender
 MC 110-1A M RUIZ
 Texas Department of Insurance
 333 Guadalupe St
 Austin Tx 78701

- 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 | Addressee (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 | |
|-------------------------------------|---|---------|---------------------|--|----------------------------|---------------|-------------------|---------|----------|--------|--------|--------|----------|--------|--|
| 1. 9214 8901 9403 8300 0003 4478 63 | FAYBIEN RESENDEZ 1960 W TARRANT RD GRAND PRAIRIE TX 75050 | 0.67 | 3.35 | Handling Charge - if Registered and over \$50,000 in value | | | | | | | 1.45 | | | | |
| TIGUE/14790 | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | |



Total Number of Pieces Listed by Sender: 1
 Total Number of Pieces Received at Post Office: 1

Postmaster, Per (Name of receiving employee)