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

Date: APR 23 2018

Subject Considered:

SHAYLA JEANE ANDERSON
2280 N Greenville Ave
Richardson, Texas 75082

DEFAULT ORDER
SOAH DOCKET NO. 454-18-1667.C
TDI ENFORCEMENT FILE NO. 14238

The subject of this order is whether an adjuster all lines license should be issued to Shayla Jeane Anderson (Anderson).

FINDINGS OF FACT

Licensing Application

1. Anderson submitted an application for an adjuster all lines license to the Texas Department of Insurance on May 17, 2017.
2. On August 16, 2017, the department proposed to deny Anderson's application based on her criminal history. Anderson appealed that decision and made a written request for a hearing.

Criminal History

3. On August 7, 1997, Anderson was convicted of Hot Check Personal Services \$200 to \$2,500, a felony, in the Circuit Court of Pulaski County, Arkansas, Fourth Division and sentenced to six months and ten days confinement probated for five years.
4. On August 7, 1997, Anderson was convicted of Forgery, a felony, in the Circuit Court of Pulaski County, Arkansas, Sixth District 2nd and sentenced to six months and ten days confinement probated for five years.
5. On July 20, 2000, Anderson was convicted of Forgery, a felony, in the Circuit Court of Pulaski County, Arkansas, Fourth Division and sentenced to three years confinement with one year and six months suspended.

6. On November 3, 2000, Anderson was convicted of two counts of Forgery, a felony, in the Circuit Court of Pulaski County, Arkansas, Fourth Division and sentenced to three years confinement with one year and six months suspended.
7. On November 3, 2000, Anderson was convicted of Theft of Property, in the Circuit Court of Pulaski & Perry Counties, Sixth Judicial District, Arkansas, and sentenced to 36 months confinement.
8. On January 27, 2003, Anderson was convicted of Theft \$20-\$200 Check, a misdemeanor, in the County Criminal Court at Law No. 6 of Harris County, Texas and sentenced to ten days confinement.

Failure to Respond to Notice of Hearing

9. On January 12, 2018, and January 18, 2018, the department sent a notice of hearing to Anderson's last known address provided in writing to the department, 2280 N Greenville Ave, Richardson, Texas 75082. Notice was also sent by electronic mail and to two additional addresses associated with Anderson: 21234 Woodland Green Dr., Katy, Texas 77449 and 21420 Merchants Way, Katy, Texas 77449.
10. Anderson failed to file a written response to the notice of hearing within 20 days of the date the notice of hearing was mailed.

Failure to Appear at Hearing on the Merits

11. After receiving proper notice of the date, time and location of the hearing on the merits, Anderson failed to appear for the hearing on February 7, 2018.

CONCLUSIONS OF LAW

1. The commissioner has jurisdiction pursuant to TEX. INS. CODE §§ 82.051-82.055, 4001.002, 4001.102, 4001.105, 4005.101-4005.105, and 4101.051; TEX. OCC. CODE §§ 53.021-53.023; 28 TEX. ADMIN. CODE § 1.502; and TEX. GOV'T CODE §§ 2001.051-2001.178.
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. Pursuant to 28 TEX. ADMIN. CODE § 19.906, Anderson's last known address is presumed to be 2280 N Greenville Ave, Richardson, Texas 75082.
4. The department sent a notice of hearing to Anderson'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. The department sent a notice of hearing via electronic mail and to two additional addresses associated with Anderson: 21234 Woodland Green Dr., Katy, Texas 77449 and 21420 Merchants Way, Katy, Texas 77449.

5. Anderson received proper notice of the hearing, pursuant to TEX. GOVT CODE §§ 2001.051, 2001.052, and 2001.054, and 28 TEX. ADMIN. CODE §§ 1.28, 1.88, and 1.89.
6. Based on Anderson's failure to file a written response to the notice of hearing and failure to appear in person or by legal representative at the hearing, TDI is entitled to disposition by default pursuant to 28 TEX. ADMIN. CODE §§ 1.88 and 1.89.
7. The department's allegations in the notice of hearing, set out herein as findings of fact nos. 1-8, are deemed admitted as true pursuant to 28 TEX. ADMIN. CODE § 1.89.
8. Anderson has committed an act for which a license may be denied because she has engaged in fraudulent or dishonest acts or practices, as contemplated by TEX. INS. CODE § 4005.101(b)(5).
9. Anderson 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).
10. Anderson 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).
11. Anderson has 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.
12. Department guidelines, 28 TEX. ADMIN. CODE § 1.502(c)-(e), emphasize that the department:
 - 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 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 to be of prime importance when determining fitness for licensure. 28 TEX. ADMIN. CODE § 1.502(e)(1); and
 - d. considers the offense of forgery and theft to be of such serious nature that it is of prime importance when determining fitness for licensure. 28 TEX. ADMIN. CODE § 1.502(e)(4)(F).
13. Anderson has been convicted of a felony involving dishonesty or breach of trust, as specified in 18 U.S.C. § 1033 and requires written consent from the commissioner of insurance to engage or participate in the business of insurance.

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COMMISSIONER'S ORDER

Shayla Jeane Anderson

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It is ordered that Shayla Jeane Anderson's application for an adjuster all lines license is denied.



Kent C. Sullivan
Commissioner of Insurance

AFFIDAVIT

STATE OF TEXAS §
 §
COUNTY OF TRAVIS §

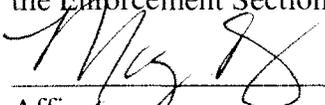
Before me, the undersigned authority, personally appeared Mary Ruiz, who, being by me duly sworn, deposed as follows:

“My name is Mary Ruiz 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 Shayla Jeane Anderson. I have confirmed that:

- a. The last mailing address provided to the department by Shayla Jeane Anderson in writing was 2280 N Greenville Ave, Richardson, Texas 75082.
- b. The file maintained by the Enforcement Section of the Legal and Enforcement Division contains notices of hearing dated January 12, 2018, and January 18, 2018, which were filed with the State Office of Administrative Hearings.
- c. On January 12, 2018, a notice of hearing addressed to Shayla Jeane Anderson, was mailed first class, overnight mail, and certified, with return receipt requested, to her last known address and two additional addresses associated with Anderson: 21234 Woodland Green Dr., Katy, Texas 77449 and 21420 Merchants Way, Katy, Texas 77449.
- d. On January 18, 2018, a notice of hearing addressed to Shayla Jeane Anderson, was mailed first class and certified, with return receipt requested, to her last known address and two additional addresses associated with Anderson: 21234 Woodland Green Dr., Katy, Texas 77449 and 21420 Merchants Way, Katy, Texas 77449.

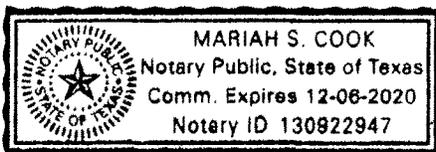
Copies of the first class log, certified mail log, and overnight mail documentation maintained by the Enforcement Section are attached as Exhibit A, Exhibit B, and Exhibit C.”



Affiant

SWORN TO AND SUBSCRIBED before me on February 13, 2018, 2018.

(NOTARY SEAL)





Signature of Notary Public

MARIAH S. COOK

Printed Name of Notary Public



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 7710 50	SHAYLA JEANIE ANDERSON 2280 N GREENVILLE AVE RICHARDSON TX 75082	0.67	3.35	Handling Charge - if Registered and over \$50,000 in value							1.45			
ANDREWS/14238														
2. 9214 8901 9403 8300 0003 7710 67	SHAYLA JEANIE ANDERSON 21234 WOODLAND GREEN DR KATY TX 77449	0.67	3.35									1.45		
3. 9214 8901 9403 8300 0003 7710 81	SHAYLA JEANIE ANDERSON 21420 MERCHANTS WAY KATY TX 77449	0.67	3.35					Adult Signature Required	Adult Signature Restricted Delivery	Restricted Delivery	Return Receipt	Signature Confirmation	Signature Confirmation Restricted Delivery	Special Handling

EXHIBIT
 B

2018-5470

Total Number of Pieces Listed by Sender: 3
 Total Number of Pieces Received at Post Office: 3

Postmaster, Per (Name of receiving employee)



Firm Mailing Book For Accountable Mail

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 8536 40	SHAYLA JEANE ANDERSON 2280 N GREENVILLE AVE RICHARDSON TX 75082	1.19	3.35								1.45			
ANDREWS/14238														
2. 9214 8901 9403 8300 0003 8538 95	SHAYLA JEANE ANDERSON 21234 WOODLAND GREEN DR KATY TX 77449	1.19	3.35								1.45			
3. 9214 8901 9403 8300 0003 8537 01	SHAYLA JEANE ANDERSON 21420 MERCHANTS WAY KATY TX 77449	1.19	3.35								1.45			
				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

Total Number of Pieces Listed by Sender: 3
 Total Number of Pieces Received at Post Office: 3

Postmaster, Per (Name of receiving employee)

2018-5470



Lone Star Overnight
1-800-800-8984
www.lso.com

Airbill No. Z4400631

SHIP TO:
SHAYLA JEANE ANDERSON
NA
21420 MERCHANTS WAY
KATY, TX 77449
5126766346

From:
STEPHANIE ANDREWS
TEXAS DEPARTMENT OF
INSURANC
333 GUADALUPE STREET
AUSTIN, TX 78701
5126766346

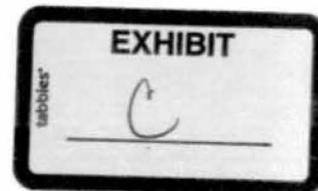
B	NWH	LSO PRIORITY NEXT DAY
		10:30 IN MOST CITIES
		LATER IN REMOTE CITIES

PRINT DATE: 1/12/2018
QUICKCODE: **WEIGHT: 0.50LBS**
REF 1: 1D00V.0000

Fold on above line and place shipping label in pouch on package. Please be sure the barcodes and addresses can be read and scanned. Shipping Instructions

1. Fold this page along the horizontal line above.
2. Place this Airbill in the shipping label pouch on the package you are shipping. Please be sure the barcodes and addresses can be read and scanned.
3. To locate a drop box near you, click on **Find A Drop Box** from the home page main menu.
4. To schedule a pickup, click on **Request Pickup**.

WARNING: Use only the printed original label for shipping. Using a photocopy of this label for shipping purposes is fraudulent and could result in additional billing charges, along with the cancellation of your Lone Star Overnight account number. This label is valid for use for 3 months from the date printed. Use of expired labels may result in delayed billing and / or additional research charges. LIMIT OF LIABILITY: We are not responsible for claims in excess of \$100 for any reason unless you: 1) declare a greater value (not to exceed \$25,000); 2) pay an additional fee; 3) and document your actual loss in a timely manner. We will not pay any claim in excess of the actual loss. We are not liable for any special or consequential damages. Additional limitations of liability are contained in our current Service Guide. If you ask us to deliver a package without obtaining a delivery signature, you release us of all liability for claims resulting from such service. NO DELIVERY SIGNATURE WILL BE OBTAINED FOR 8:30 AM DELIVERIES OR RESIDENTIAL DELIVERIES.



2018- 5470



Airbill No. Z4400619

Lone Star Overnight
1-800-800-8984
www.iso.com

SHIP TO:
SHAYLA JEANE ANDERSON
NA
21234 WOODLAND GREEN DR.
KATY, TX 77449
5126766346

From:
STEPHANIE ANDREWS
TEXAS DEPARTMENT OF
INSURANC
333 GUADALUPE STREET
AUSTIN, TX 78701
5126766346

B**NWH****LSO PRIORITY NEXT DAY**

10:30 IN MOST CITIES
LATER IN REMOTE CITIES

PRINT DATE: 1/12/2018
QUICKCODE: **WEIGHT: 0.50LBS**
REF 1: 1D00V.0000

Fold on above line and place shipping label in pouch on package. Please be sure the barcodes and addresses can be read and scanned. Shipping Instructions

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2018- 5470



Airbill No. Z4400615

Lone Star Overnight
1-800-800-8984
www.iso.com

SHIP TO:
SHAYLA JEANE ANDERSON
NA
2280 N GREENVILLE AVE
RICHARDSON, TX 75082
5126766346

From:
STEPHANIE ANDREWS
TEXAS DEPARTMENT OF
INSURANC
333 GUADALUPE STREET
AUSTIN, TX 78701
5126766346

B**RBZ**

LSO PRIORITY NEXT DAY
10:30 IN MOST CITIES
LATER IN REMOTE CITIES

PRINT DATE: 1/12/2018
QUICKCODE: WEIGHT: 0.50LBS
REF 1: 1D00V.0000

Fold on above line and place shipping label in pouch on package. Please be sure the barcodes and addresses can be read and scanned. Shipping Instructions

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4. To schedule a pickup, click on **Request Pickup**.

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