No. 2023-8057

Official Order of the Texas Commissioner of Insurance

Date: 6/29/2023

Subject Considered:

Pedro Alcantar Morales P.O. Box 3035 McAllen, Texas 78502

Default Order SOAH Docket No. 454-23-19412 TDI Enforcement File No. 30602

General remarks and official action taken:

This is a default order taken against Pedro Alcantar Morales (Respondent) because he was placed on deferred adjudication for a felony offense of indecency with a child by contact, was sentenced to 10 years community supervision, and ordered to serve a term of imprisonment for 180 days. Morales is currently imprisoned at the Bexar County Jail. Respondent did not respond to a Notice of Hearing filed by the Texas Department of Insurance. This order revokes Respondent's license.

The following findings of fact and conclusions of law are adopted:

Findings of Fact

Failure to Respond to Notice of Hearing

- 1. On May 22, 2023, the department filed a Notice of Hearing, attached as Exhibit A, and an Original Petition, attached as Exhibit B, with the State Office of Administrative Hearings.
- 2. The department's factual allegations set out in the attached Notice of Hearing and Original Petition are incorporated in this order as findings of fact.

Commissioner's Order Pedro Alcantar Morales SOAH Docket No. 454-23-19412 Page 2 of 5

 The department sent the Notice of Hearing and Original Petition to Respondent's last known address provided in writing to the department, P.O. Box 3035, McAllen, Texas 78502. The Notice of Hearing and Original Petition were also sent by electronic mail and to one additional address associated with Respondent: Pedro <u>Alcantar Morales</u>,

San Antonio, Texas 78207. The department also sent the Notice of Hearing and Original Petition to Respondent's criminal attorney, Jesus Villalobos at 8701 N. 23rd Street, McAllen, Texas 78504.

4. Respondent failed to file a written response to the Notice of Hearing within 20 days of the date the Notice of Hearing and Original Petition were mailed.

Conclusions of Law

- 1. The commissioner has jurisdiction under Texas law, including TEX. INS. CODE §§ 82.051-82.055, 4001.002, 4005.101, 4005.102, 4051.051, and 4054.051; 28 TEX. ADMIN. CODE § 1.502; TEX. OCC. CODE §§ 53.021-53.023; and TEX. GOV'T CODE §§ 2001.051-2001.178.
- 2. The commissioner has authority to dispose of this case informally under TEX. GOV'T CODE § 2001.056; TEX. INS. CODE § 82.055; and 28 TEX. ADMIN. CODE §§ 1.47, 1.88, and 1.89.
- 3. The department provided proper notice of the hearing under TEX. GOV'T CODE §§ 2001.051, 2001.052, and 2001.054; and 28 TEX. ADMIN. CODE §§ 1.28, 1.88, 1.89, and 19.906.
- 4. Based on Respondent's failure to file a written response to the Notice of Hearing, the department is entitled to disposition by default under 28 TEX. ADMIN. CODE §§ 1.88 and 1.89.
- 5. The department's factual and legal allegations set out in the attached Notice of Hearing and Original Petition are incorporated in this order and deemed admitted as true under 28 TEX. ADMIN. CODE § 1.89.

Commissioner's Order Pedro Alcantar Morales SOAH Docket No. 454-23-19412 Page 3 of 5

Order

It is ordered that any licenses held by Pedro Alcantar Morales are revoked. A copy of this order will be provided to law enforcement and other appropriate administrative agencies for further investigation as may be warranted.

DocuSigned by:

Cassie Brown Commissioner of Insurance

Prepared and reviewed by:

L /

Sarah White, Staff Attorney Enforcement

Commissioner's Order Pedro Alcantar Morales SOAH Docket No. 454-23-19412 Page 4 of 5

Affidavit

STATE OF TEXAS	§
	§
COUNTY OF TRAVIS	§

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

"My name is David Moreno 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 Pedro Alcantar Morales. I have confirmed that:

- a. The last mailing address provided to the department in writing by Pedro Alcantar is P.O. Box 3035, McAllen, Texas 78502.
- b. The file maintained by Enforcement contains a Notice of Hearing, dated May 22, 2023, and an Original Petition dated May 16, 2023, which were filed together with the State Office of Administrative Hearings on May 22, 2023.
- c. On May 22, 2023, the Notice of Hearing and Original Petition addressed to Pedro Alcantar Morales were mailed first-class and certified, return receipt requested, to his last known address and two additional addresses: Pedro Alcantar Morales, SID San Antonio, Texas 78207, and to Jesus Villalobos, 8701 N. 23rd Street, McAllen, Texas 78504.

Copies of the first-class mail log and certified mail log maintained by Enforcement are attached as Exhibit C and Exhibit D, respectively."

DocuSigned by: David Moreno 0C7428B72884433

Affiant

Commissioner's Order Pedro Alcantar Morales SOAH Docket No. 454-23-19412 Page 5 of 5

SWORN TO AND SUBSCRIBED before me by means of an interactive two-way audio and video communication on $\frac{6/22/2023}{2023}$. This notarial act was an online notarization.

Notary Seal



Digital Certificate

DocuSigned by: Mary Ruiz -795DC4D59167489..

Notary Public State of Texas

ACCEPTED 454-23-19412 5/22/2023 1:46:20 pm STATE OFFICE OF ADMINISTRATIVE HEARINGS Kevin Garza, CLERK

SOAH DOCKET NO. 454-23-19412 TDI ENFORCEMENT FILE NO. 30602

FILED 454-23-19412 5/22/2023 1:41 PM STATE OFFICE OF ADMINISTRATIVE HEARINGS Kevin Garza, CLERK

TEXAS	DEPARTMENT	OF	INSURANCE,
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BEFORE THE STATE OFFICE

Petitioner

v.

OF

PEDRO ALCANTAR MORALES,

Respondent

ADMINISTRATIVE HEARINGS

NOTICE OF HEARING

The Texas Department of Insurance seeks to take disciplinary action against you. This Notice of Hearing and the Original Petition, which is attached and incorporated for all purposes, states the allegations against you and the relief sought by the department.

A public hearing will be held before an Administrative Law Judge on **Tuesday**, **July 11**, **2023**, **at 9 a.m.** The hearing will take place via videoconference using a videoconference platform controlled by the State Office of Administrative Hearings, unless otherwise ordered to proceed in another manner by the Administrative Law Judge.

The hearing shall be conducted under TEX. GOV'T CODE, ch. 2001 and 1 TEX. ADMIN. CODE, ch. 155. Unless otherwise directed by the Administrative Law Judge, the hearing shall continue from day to day in the offices of the State Office of Administrative Hearings until concluded. You have the right to appear at this hearing and to be represented by an attorney.

Parties that are not represented by an attorney may obtain information regarding contested case hearings on the public website of the State Office of Administrative Hearings at www.soah.texas.gov, or in printed format upon request to SOAH.

YOU MUST FILE A WRITTEN RESPONSE TO THE NOTICE OF HEARING WITH THE STATE OFFICE OF ADMINISTRATIVE HEARINGS WITHIN 20 DAYS OF THE DATE THE NOTICE OF HEARING WAS MAILED. FAILURE TO FILE A WRITTEN RESPONSE BY THIS DEADLINE SHALL ENTITLE TDI TO SEEK DISPOSITION BY DEFAULT UNDER 1 TEX. ADMIN. CODE § 155.501 AND 28 TEX. ADMIN. CODE §§ 1.88 AND 1.89.

	EXHIBIT	
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Notice of Hearing Pedro Alcantar Morales SOAH Docket No. 454-23-19412 Page 2 of 5

IF YOU FAIL TO FILE A WRITTEN RESPONSE, THE SCHEDULED HEARING CAN BE CANCELED AND WITHOUT FURTHER NOTICE TO YOU THE COMMISSIONER OF INSURANCE CAN ISSUE AN ORDER IN WHICH THE ALLEGATIONS IN THE NOTICE OF HEARING ARE DEEMED ADMITTED AS TRUE AND THE RELIEF SOUGHT IN THE NOTICE OF HEARING, INCLUDING REVOCATION OF YOUR LICENSE, IS GRANTED BY DEFAULT.

IF YOU FILE A WRITTEN RESPONSE BUT THEN FAIL TO APPEAR ON THE DAY AND TIME SET FOR HEARING, WITHOUT FURTHER NOTICE TO YOU, THE COMMISSIONER OF INSURANCE CAN ISSUE AN ORDER IN WHICH THE ALLEGATIONS IN THE NOTICE OF HEARING ARE DEEMED ADMITTED AS TRUE AND THE RELIEF SOUGHT IN THE NOTICE OF HEARING, INCLUDING REVOCATION OF YOUR LICENSE, IS GRANTED BY DEFAULT.

In accord with 28 TEX. ADMIN. CODE § 1.90(e) and 1 TEX. ADMIN. CODE §§ 155.101 and 155.103, you should send copies of your written response to:

- (1) (by mail, fax, or electronically) Docketing Division
 State Office of Administrative Hearings
 300 West 15th Street, Room 504
 P.O. Box 13025
 Austin, Texas 78711-3025
 (512) 322-2061 (Fax);
 www.soah.texas.gov
- (by mail, fax, or email)
 Chief Clerk
 Texas Department of Insurance
 P.O. Box 12030, MC GC-CCO
 Austin, Texas 78711-2030
 (512) 490-1064 (Fax)
 chiefclerk@tdi.texas.gov; and
- (3) (by mail, fax, or email) Sarah White, Staff Attorney Texas Department of Insurance Enforcement, MC ENF

Notice of Hearing Pedro Alcantar Morales SOAH Docket No. 454-23-19412 Page 3 of 5

> P.O. Box 12030 Austin, Texas 78711-2030 (512) 490-1020 (Fax) Sarah.white@tdi.texas.gov

Receiving Documents Electronically and Filing Documents with SOAH

The State Office of Administrative Hearings (SOAH) offers you the ability to electronically receive orders and other documents issued by SOAH by email instead of by mail. If you want to receive SOAH-issued documents by email, follow the instructions on SOAH's website: www.soah.texas.gov.

A request to receive SOAH-issued documents by email does <u>not</u> change the procedures you must follow to file documents or exhibits with SOAH. Instructions on how to file documents and exhibits are on SOAH's website. SOAH's website also includes guidance for representing yourself.

Important Security Notice (for In-Person Hearings ONLY)

ALL VISITORS TO THE WILLIAM P. CLEMENTS BUILDING WITHOUT AN AGENCY OR DPS ISSUED ID CARD MUST PROVIDE THE BUILDING SECURITY OFFICER WITH THE STATE OFFICE OF ADMINISTRATIVE HEARINGS DOCKET NUMBER AND RECEIVE A VISITOR'S PASS IN ORDER TO BE ALLOWED ACCESS TO THE HEARING ROOM. INDIVIDUALS SHOULD ALLOW ADDITIONAL TIME TO GO THROUGH THE SECURITY PROCESS.

Notice of Hearing Pedro Alcantar Morales SOAH Docket No. 454-23-19412 Page 4 of 5

If you have any questions, please contact me at the address or telephone number shown below.

Respectfully Submitted,

Sarah White State Bar No. 24064622 Texas Department of Insurance Enforcement, MC ENF P.O. Box 12030 Austin, Texas 78711-2030 (512) 676-6354 (Direct) (512) 490-1020 (Fax) Sarah.white@tdi.texas.gov

ATTORNEY FOR THE PETITIONER TEXAS DEPARTMENT OF INSURANCE

Enclosure: Original Petition

cc: Leah Gillum, Deputy Commissioner, Fraud and Enforcement Division, MC ENF Rachel Cloyd, Litigation Director, Enforcement, MC ENF Administrative Review, MC CO-AAL

Notice of Hearing Pedro Alcantar Morales SOAH Docket No. 454-23-19412 Page 5 of 5

CERTIFICATE OF SERVICE

I, Sarah White, certify that a true and correct copy of the *Notice of Hearing and the Original Petition* were sent by regular, first-class mail and by certified mail, return receipt requested, on this 22nd day of May 2023 to:

Jesus Villalobos 8701 N. 23rd St. McAllen, Texas 78504 *Counsel for Respondent* *Via CM/RRR No.:* 9214 8901 9403 8316 1380 48 *Via Email:* jesse@villaloboslawfirm.com

Pedro Alcantar Morales,

San Antonio, Texas 78207

P.O. Box 3035 McAllen, Texas 78502 *Via CM/RRR No.:* 9214 8901 9403 8316 1379 97

9214 8901 9403 8316 1380 86

9214 8901 9403 8316 1379 97 Via Email:

Sarah White

Via CM/RRR No.:

SOAH DOCKET No. 454-23-19412

SOAH DOCKET NO. 454-_____ TDI ENFORCEMENT FILE NO. 30602

TEXAS DEPARTMENT OF INSURANCE,

BEFORE THE STATE OFFICE

Petitioner

v.

ACCEPTED 454-23-19412 5/16/2023 2:42:15 pm STATE OFFICE OF ADMINISTRATIVE HEARINGS Carol Hale, CLERK

PEDRO ALCANTAR MORALES,

Respondent

ADMINISTRATIVE HEARINGS

OF

ORIGINAL PETITION

The Texas Department of Insurance seeks to take disciplinary action against Pedro Alcantar Morales. In support of this petition, the department makes the following allegations upon information and belief:

Jurisdiction

The Commissioner of Insurance has jurisdiction over this matter under TEX. INS. CODE §§ 82.051-82.055, 4001.002, 4005.101, 4005.102, 4051.051, and 4054.051; 28 TEX. ADMIN. CODE § 1.502; TEX. GOV'T CODE §§ 53.021-53.023; and TEX. GOV'T CODE §§ 2001.051-2001.178.

Factual Allegations

Licensure and Background

1. Pedro Alcantar Morales (Morales), individual identification number 40753, holds a general lines agent license with a life, accident, and health qualification issued by the Texas Department of Insurance (TDI) on November 7, 1975, and a property and casualty qualification, issued by TDI on January 14, 1977.

Criminal History

 On April 17, 2023, Morales pled guilty to and was placed on deferred adjudication for the 2nd degree felony offense of indecency with a child by contact, in cause no. 2020CR7285, in the 437th District Court in Bexar County, Texas. The court

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FILED 454-23-19412 5/16/2023 2:37 PM STATE OFFICE OF ADMINISTRATIVE HEARINGS Carol Hale, CLERK sentenced Morales to 10 years community supervision and ordered him to pay a \$1,000 fine and \$480 in court costs.

- 3. Morales was also ordered to serve a term of imprisonment in the Bexar County Jail for 180 days.
- 4. Morales was also ordered to comply with sex offender registration under Chapter 62, Code of Criminal Procedure.
- 5. As of the date of this petition, Morales appears to have failed to register as a sex offender.
- 6. On or about April 17, 2023, Morales surrendered himself to serve his term of imprisonment in the Bexar County Jail.

Legal Allegations

- 1. Morales committed a felony offense that directly relates to the duties and responsibilities of the licensed occupation, as contemplated in 28 TEX. ADMIN. CODE §§ 1.502(d) and (f).
- 2. Morales committed an offense that TDI 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).
- 3. Morales committed a felony involving moral turpitude, as contemplated by 28 TEX. ADMIN. CODE § 1.502(e)(3).
- 4. Morales committed an offense with the essential elements of an offense against a person as described by TEX. PENAL CODE § 21.11, as contemplated by 28 TEX. ADMIN. CODE § 1.502(e)(4)(H).
- 5. Pursuant to TEX. OCC. CODE § 53.021(c)-(d), the commissioner may revoke Morale's license and consider him to have been convicted of the offense for purposes of Section 53.021 because:

- a. Morales has been charged with an offense described by Article 62.001(5)(A), Code of Criminal Procedure, specifically, felony indecency with a child by contact under TEX. PENAL CODE § 21.11; and,
- b. Morales has not completed his period of supervision.
- 6. Pursuant to TEX. OCC. CODE § 53.021(d)(2), TDI determined that:
 - a. Morales continues to pose a continued threat to public safety; and
 - b. employment of Morales in the licensed occupation will create a situation in which he has the opportunity to repeat the prohibited conduct.
- 7. TDI considers Morales to have been convicted of the above described offense and Morales has been imprisoned following that felony adjudication that is treated as a conviction for purposes of TEX. OCC. CODE § 53.021. As contemplated in TEX. OCC. CODE § 53.021(b) and (d), his license must be revoked by operation of law.
- 8. TDI guidelines, 28 TEX. ADMIN. CODE § 1.502(c)-(e), emphasize that TDI:
 - a. considers it very important that license holders by honest, trustworthy, and reliable;
 - b. may revoke a license if TDI determines that the license holder 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;
 - c. considers any felony involving moral turpitude to be a crime of prime importance when determining fitness for licensure pursuant to 28 TEX. ADMIN. CODE § 1.502(e)(3); and,
 - d. considers an offense with the essential elements of an offense against a person to be a crime of prime importance when determining fitness for licensure pursuant to 28 TEX. ADMIN. CODE § 1.502(e)(4)(H).

Original Petition Pedro Alcantar Morales Page 4 of 4

Relief Sought

If one or more of the above allegations is found to be true, the department asks the Administrative Law Judge to enter a Proposal for Decision recommending that the Commissioner of Insurance issue an order:

- 1. revoking Pedro Alcantar Morales' license;
- 2. imposing any other just and appropriate relief to which the department may be entitled to by law.

Respectfully Submitted,

al Caliz

Sarah White State Bar No. #24064622 Texas Department of Insurance Enforcement, MC ENF P.O. Box 12030 Austin, Texas 78711-2030 (512) 676-6354 (Direct) (512) 490-1020 (Fax) Sarah.white@tdi.texas.gov

ATTORNEY FOR THE PETITIONER TEXAS DEPARTMENT OF INSURANCE

Automated Certificate of eService

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Mary Ruiz on behalf of Sarah White Bar No. 24064622 Enforcementgeneral@tdi.texas.gov Envelope ID: 75691845 Filing Code Description: Request to Docket Filing Description: Request to Docket Status as of 5/16/2023 2:44 PM CST

Associated Case Party: Chief Clerk

Name	BarNumber	Email	TimestampSubmitted	Status
Chief Clerk		ChiefClerk@tdi.texas.gov	5/16/2023 2:37:29 PM	SENT

Associated Case Party: Texas Department of Insurance

Name	BarNumber	Email	TimestampSubmitted	Status
Texas Department of Insurance		Enforcementgeneral@tdi.texas.gov	5/16/2023 2:37:29 PM	SENT
Sarah White		Sarah.White@tdi.texas.gov	5/16/2023 2:37:29 PM	SENT
Rachel Cloyd		Rachel.Cloyd@tdi.texas.gov	5/16/2023 2:37:29 PM	SENT

Associated Case Party: Pedro Alcantar Morales

Name	BarNumber	Email	TimestampSubmitted	Status
Jesus Villalobos	5 D		5/16/2023 2:37:29 PM	SENT

Automated Certificate of eService

This automated certificate of service was created by the efiling system. The filer served this document via email generated by the efiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Mary Ruiz on behalf of Sarah White Bar No. 24064622 Enforcementgeneral@tdi.texas.gov Envelope ID: 75868582 Filing Code Description: Notice of Hearing Filing Description: Notice of Hearing and Original Petition Status as of 5/22/2023 1:47 PM CST

Associated Case Party: Texas Department of Insurance

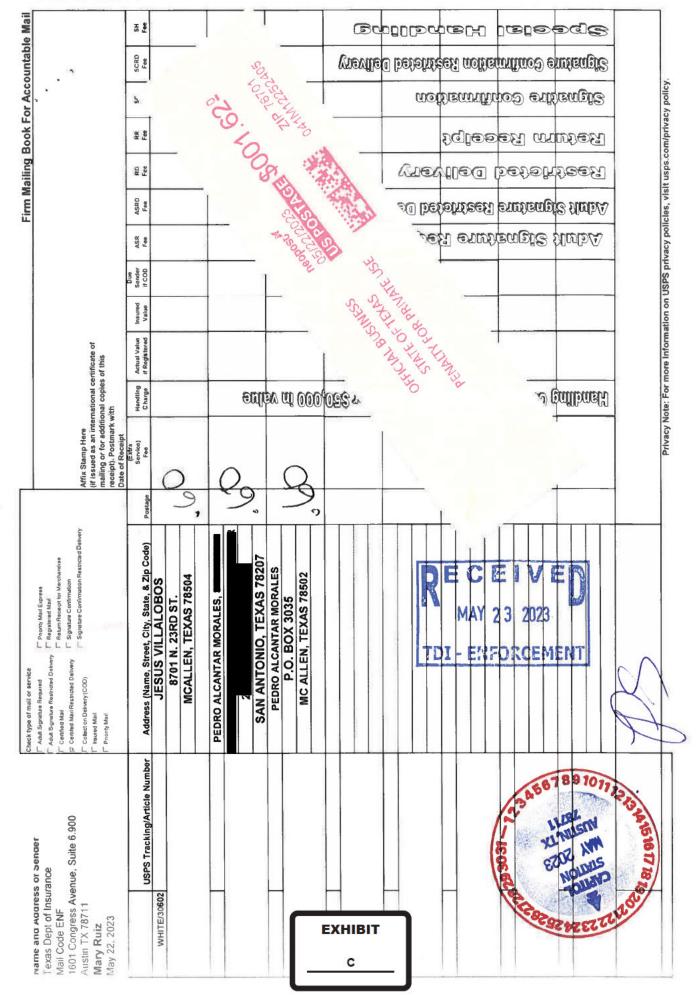
Name	BarNumber	Email	TimestampSubmitted	Status
Rachel Cloyd		Rachel.Cloyd@tdi.texas.gov	5/22/2023 1:41:31 PM	SENT
Sarah White		Sarah.White@tdi.texas.gov	5/22/2023 1:41:31 PM	SENT
Texas Department of Insurance		Enforcementgeneral@tdi.texas.gov	5/22/2023 1:41:31 PM	SENT
Leah Gillum		Leah.Gillum@tdi.texas.gov	5/22/2023 1:41:31 PM	SENT
Catarina Tapia		Catarina.Tapia@tdi.texas.gov	5/22/2023 1:41:31 PM	SENT

Associated Case Party: Chief Clerk

Name	BarNumber	Email	TimestampSubmitted	Status
Chief Clerk		ChiefClerk@tdi.texas.gov	5/22/2023 1:41:31 PM	SENT

Associated Case Party: Pedro Alcantar Morales

Name	BarNumber	Email	TimestampSubmitted	Status
Jesus Villalobos			5/22/2023 1:41:31 PM	SENT
Pedro Alcantar Morales			5/22/2023 1:41:31 PM	ERROR



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Note to Mailer: The labels and volume associated to this form online, must match the labeled packages being presented to the USPS® employee with this form.

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Other	3
Total	3

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UNITED STATES

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	Name and Address of Sender MC ENF M RUIZ TI:XAS DEPARTMENT OF INSURANCE 1001 CONGRESS AVENUE, SUITE 6,900 AUSTIN TX 78711	USPS Tracking/Article Number	9214 8901 9403 8316 1379 97 WHITE/30602	9214 8901 9403 8316 1380 48	9214 8901 9403 8316 1380 86			10101010101010101010101010101010101010	118 1920 STAN ST	1777 1737A 25282738	ated Number of Pieces Total Number of Pieces trated by Sender 3