

No. **2024-8714**

**Official Order
of the
Texas Commissioner of Insurance**

Date: 7/3/2024

Subject Considered:

Ionita Marcella Barnes
Baltimore, MD

Default Order
SOAH Docket No. 454-24-15074
TDI Enforcement File No. 31955

General remarks and official action taken:

This is a default order taken against Ionita Marcella Barnes (Respondent) because she obtained a license by fraud or misrepresentation and engaged in fraudulent and dishonest acts. Respondent did not appear at the hearing on the merits. This order revokes Respondent's license.

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

Findings of Fact

Failure to Appear at Hearing on the Merits

1. On April 4, 2024, the Texas Department of Insurance (TDI) filed a Notice of Hearing, attached as Exhibit A, together with a previously filed Original Petition, attached as Exhibit B, with the State Office of Administrative Hearings. On May 13, 2024, TDI filed an Amended Petition, attached as Exhibit C, with the State Office of Administrative Hearings.
2. TDI's factual allegations set out in the attached Notice of Hearing and Amended Petition are incorporated in this order as findings of fact.

2024-8714

Commissioner's Order

Ionita Marcella Barnes

SOAH Docket No. 454-24-15074

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3. TDI sent the Notice of Hearing and Original Petition together, and the Amended Petition to Respondent's last known address provided in writing to TDI, [REDACTED], Baltimore, MD 21218-1902. The Notice of Hearing, Original Petition, and Amended Petition were also sent by electronic mail.
4. After receiving proper notice of the date, time, and location of the hearing on the merits, Respondent failed to appear for the hearing on May 21, 2024, as shown in the record of SOAH Docket No. 454-24-15074.C.

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, 4054.301, 4056.001; TEX. OCC. CODE §§ 53.021-53.023; 28 TEX. ADMIN. CODE § 1.502; 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. TDI 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 appear in person or by legal representative at the hearing, TDI is entitled to disposition by default under 28 TEX. ADMIN. CODE §§ 1.88 and 1.89.
5. TDI's factual and legal allegations set out in the attached Notice of Hearing and Amended Petition are incorporated in this order and deemed admitted as true under 28 TEX. ADMIN. CODE § 1.89.

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Commissioner's Order
Ionita Marcella Barnes
SOAH Docket No. 454-24-15074
Page 3 of 5

Order

It is ordered that any licenses held by Ionita Marcella Barnes 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:

FC5D7EDDFFBB4F8...
Cassie Brown
Commissioner of Insurance

Prepared and reviewed by:

/s/ Erik Huhn

Erik Huhn, Staff Attorney
Enforcement

2024-8714

Commissioner's Order
Ionita Marcella Barnes
SOAH Docket No. 454-24-15074
Page 4 of 5

Affidavit

STATE OF TEXAS §

§

COUNTY OF TRAVIS §

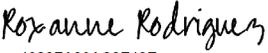
Before me, the undersigned authority, personally appeared Roxanne Rodriguez, who, being by me duly sworn, deposed as follows:

"My name is Roxanne Rodriguez 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 Ionita Marcella Barnes. I have confirmed that:

- a. The last mailing address provided to TDI in writing by Ionita Marcella Barnes is [REDACTED], Baltimore, MD 21218-1902.
- b. The file maintained by Enforcement contains a Notice of Hearing, dated April 4, 2024, and an Original Petition dated April 1, 2024, which were filed together with the State Office of Administrative Hearings on April 4, 2024. Enforcement's file also contains an Amended Petition, which was filed with the State Office of Administrative Hearings on May 13, 2024
- c. On April 4, 2024, the Notice of Hearing and Original Petition addressed to Ionita Marcella Barnes were mailed first-class and certified, return receipt requested, to her last known address. On May 13, 2024, the Amended Petition addressed to Ionita Marcella Barnes was mailed first-class and certified, return receipt requested to her last known address.

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

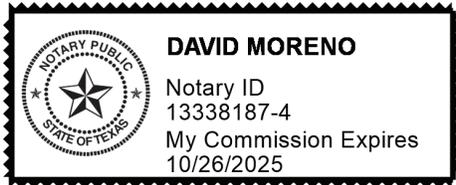
DocuSigned by:

4028FA93AC9F49E...
Affiant

2024-8714

Commissioner's Order
Ionita Marcella Barnes
SOAH Docket No. 454-24-15074
Page 5 of 5

SWORN TO AND SUBSCRIBED before me by means of an interactive two-way audio and video communication on 6/12/2024. This notarial act was an online notarization.

Notary Seal



Digital Certificate

DocuSigned by:
David Moreno
455E4109E15D4CD...
Notary Public State of Texas

ACCEPTED **2024-8714**
454-24-15074
4/4/2024 11:36:10 am
STATE OFFICE OF
ADMINISTRATIVE HEARINGS
Kevin Garza, CLERK

FILED
454-24-15074
4/4/2024 11:24 AM
STATE OFFICE OF
ADMINISTRATIVE HEARINGS
Kevin Garza, CLERK

SOAH DOCKET NO. 454-24-15074
TDI ENFORCEMENT FILE NO. 31955

TEXAS DEPARTMENT OF INSURANCE,

BEFORE THE STATE OFFICE

Petitioner

v.

OF

IONITA MARCELLA BARNES,

ADMINISTRATIVE HEARINGS

Respondent

NOTICE OF HEARING

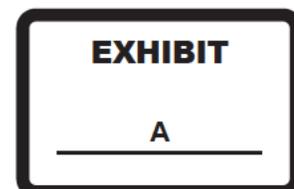
The Texas Department of Insurance (TDI) seeks to take disciplinary action against you. This Notice of Hearing and the Original Petition, which is attached and incorporated for all purposes, states the allegations against you and the relief sought by TDI.

A public hearing will be held before an Administrative Law Judge on **Tuesday, May 21, 2024, at 9:00 a.m.** The hearing will take place via videoconference using a videoconference platform controlled by the State Office of Administrative Hearings (SOAH), unless otherwise ordered to proceed in another manner by the Administrative Law Judge. The attached SOAH scheduling order includes the hyperlink and telephone contact information to attend the videoconference hearing.

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



2024-8714

Notice of Hearing

Ionita Marcella Barnes

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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.

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

- (2) *(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)*

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Notice of Hearing

Ionita Marcella Barnes

SOAH Docket No. 454-24-15074

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Erik Huhn, Staff Attorney
Texas Department of Insurance
Enforcement, MC ENF
P.O. Box 12030
Austin, Texas 78711-2030
(512) 490-1020 (Fax)
Erik.Huhn@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 not 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.

2024-8714

Notice of Hearing

Ionita Marcella Barnes

SOAH Docket No. 454-24-15074

Page 4 of 5

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

Respectfully Submitted,

/s/Erik Huhn

Erik Huhn
State Bar No. 24132806
Texas Department of Insurance
Enforcement, MC ENF
P.O. Box 12030
Austin, Texas 78711-2030
(512) 676-6355 (Direct)
(512) 490-1020 (Fax)
Erik.Huhn@tdi.texas.gov

ATTORNEY FOR THE PETITIONER
TEXAS DEPARTMENT OF INSURANCE

Enclosures: Original Petition and SOAH Scheduling Order

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

2024-8714

Notice of Hearing

Ionita Marcella Barnes

SOAH Docket No. 454-24-15074

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CERTIFICATE OF SERVICE

I, Erik Huhn, certify that a true and correct copy of the *Notice of Hearing, the Original Petition, and the SOAH Scheduling Order* were sent by the following methods shown, on this 4th day of April, 2024 to:

Ionita Marcella Barnes

[REDACTED]

Baltimore, MD 21218-1902

Respondent Pro Se

Via CM/RRR No.:

9214 8901 9403 8355 8903 65

Via First Class Mail

Via Email:

[REDACTED]

/s/Erik Huhn

Erik Huhn

2024-8714

SOAH Docket No. 454-24-15074

FILED
454-24-15074
4/1/2024 9:21 AM
STATE OFFICE OF
ADMINISTRATIVE HEARINGS
Carol Hale, CLERK

SOAH DOCKET NO. 454-_____
TDI ENFORCEMENT FILE NO. 31955

TEXAS DEPARTMENT OF INSURANCE,

Petitioner

v.

IONITA MARCELLA BARNES,

Respondent

BEFORE THE STATE OFFICE

ACCEPTED
454-24-15074
4/1/2024 11:43:50 am
STATE OFFICE OF
ADMINISTRATIVE HEARINGS
Carol Hale, CLERK

OF

ADMINISTRATIVE HEARINGS

ORIGINAL PETITION

The Texas Department of Insurance (TDI) seeks to take disciplinary action against Ionita Marcella Barnes (Barnes). In support of this petition, TDI makes the following allegations upon information and belief:

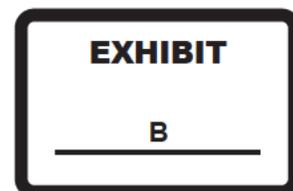
Jurisdiction

The commissioner of insurance has jurisdiction over this matter under TEX. INS. CODE §§ 82.051-82.055, 4001.002, 4005.101, 4005.102, 4054.301, 4056.052-4056.054; TEX. OCC. CODE §§ 53.021-53.023; 28 TEX. ADMIN. CODE § 1.502;¹ and TEX. GOV'T CODE §§ 2001.051-2001.178.

Factual Allegations

1. On April 13, 2017, Barnes applied for a non-resident life agent license under the name Ionita Rutherford and did not disclose her prior criminal history.
2. When asked on her application if she had ever been convicted of a felony, had a judgment withheld or deferred, or are you currently charged with committing a felony, Barnes answered, "No."
3. Barnes had been convicted of a felony at the time she submitted her license application.

¹ All references to 28 TEX. ADMIN. CODE § 1.502 herein, are to the version of that rule pre-dating amendments adopted in Order 2023-8185, effective on and after September 26, 2023.



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Original Petition
Ionita Marcella Barnes
Page 2 of 4

4. On April 17, 2017, Barnes was issued a life agent license by TDI. Barnes failed to renew her license and her license was terminated on January 4, 2022.
5. On April 13, 2023, Barnes applied to reactivate her life agent license under the name Ionita Marcella Barnes and did not disclose her prior criminal history or her involvement in an administrative proceeding. Barnes gave the following responses on her application:
 - a. When asked if she had ever been convicted of a felony, had a judgment withheld or deferred, or are you currently charged with committing a felony, Barnes answered, "No."
 - b. When asked if she had ever been named or involved as a party in an administrative proceeding, including FINRA sanction or arbitration proceeding regarding any professional or occupational license or registration, Barnes answered, "No."
6. Barnes had been convicted of a felony and named in an administrative proceeding at the time she applied to reactivate her life agent license.
7. Barnes currently holds a non-resident life agent license with a life agency qualification.

Criminal History:

8. On January 8, 2013, in the Circuit Court for Prince George's County, Maryland, Case No. CT101117X, Barnes was convicted of Counterfeiting against Nation Star Mortgage Company, a felony. Barnes was convicted under the name Ionita Marcella Rutherford.
9. The court sentenced Barnes to 10 years confinement in the Maryland Division of Corrections, with all but 67 days suspended, and placed her on supervised probation for five years.
10. On June 14, 2013, Barnes was ordered to pay \$311,343.38 in restitution as a condition of her probation. It is unclear whether Barnes has satisfied her restitution obligation.

11. On January 29, 2017, Barnes was arrested and charged with two counts of Acting as a Contractor Without a License, in violation of her supervised probation. The court took notice of Barnes' probation violation.

Administrative Proceedings:

12. On December 2, 2022, the Florida Department of Financial Services denied Barnes' application for a non-resident life and variable annuity agent license due to Barnes failing to disclose her prior felony criminal history.
13. On December 19, 2023, Barnes' Virginia insurance license was revoked due to Barnes failing to make required disclosures on her license application and her criminal history.

Legal Allegations

1. TDI may revoke Barnes' license because she intentionally made a material misstatement on her license applications, as contemplated by TEX. INS. CODE § 4005.101(b)(2).
2. TDI may revoke Barnes' license because she has obtained a license by fraud or misrepresentation, as contemplated by TEX. INS. CODE § 4005.101(b)(3).
3. TDI may revoke Barnes' license because she has engaged in fraudulent or dishonest acts or practices, as contemplated by TEX. INS. CODE § 4005.101(b)(5).
4. TDI may revoke Barnes' license because she has been convicted of a felony, as contemplated by TEX. INS. CODE § 4005.101(b)(8).
5. TDI may revoke Barnes' license because she has been convicted of an offense that directly relates to the duties and responsibilities of the licensed occupation, as contemplated by TEX. OCC. CODE §§ 53.021(a)(1), 53.022, 53.023, and 28 TEX. ADMIN. CODE § 1.502(d).
6. TDI may revoke Barnes' license because she has committed an offense of such serious nature that it is of prime importance in determining fitness of licensure, as contemplated by 28 TEX. ADMIN. CODE § 1.502(e)(1) and (e)(3).

7. TDI may revoke Barnes' license because the factors listed in 28 TEX. ADMIN. CODE § 1.502(h) do not outweigh the serious nature of Barnes' criminal history, as 28 TEX. ADMIN. CODE § 1.502(g) contemplates.

8. Barnes has been convicted of a felony involving dishonesty or breach of trust, as specified in 18 U.S.C. 1033, requiring written consent from the commissioner of insurance to engage or participate in the business of insurance.

Relief Sought

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

1. revoking Ionita Marcella Barnes' license, and

2. granting any other just and appropriate relief to which TDI may be entitled to by law.

Respectfully Submitted,

/s/ Erik Huhn

Erik Huhn
State Bar No. 24132806
Texas Department of Insurance
Enforcement, MC ENF
P.O. Box 12030
Austin, Texas 78711-2030
(512) 676-6355 (Direct)
(512) 490-1020 (Fax)
Erik.Huhn@tdi.texas.gov

ATTORNEY FOR THE PETITIONER
TEXAS DEPARTMENT OF INSURANCE

2024-8714

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 Erik Huhn
Bar No. 24132806
Enforcementgeneral@tdi.texas.gov
Envelope ID: 86131500
Filing Code Description: Request to Docket
Filing Description: Request to Docket Ionita Barnes
Status as of 4/1/2024 11:50 AM CST

Associated Case Party: chief clerk

Name	BarNumber	Email	TimestampSubmitted	Status
Chief Clerk		ChiefClerk@tdi.texas.gov	4/1/2024 9:21:22 AM	SENT
Whitney Fraser		Whitney.Fraser@tdi.texas.gov	4/1/2024 9:21:22 AM	SENT
Erik Huhn		Erik.Huhn@tdi.texas.gov	4/1/2024 9:21:22 AM	SENT
Texas Department of Insurance		Enforcementgeneral@tdi.texas.gov	4/1/2024 9:21:22 AM	SENT
Ionita Marcella Barnes		[REDACTED]	4/1/2024 9:21:22 AM	SENT

**BEFORE THE
STATE OFFICE OF ADMINISTRATIVE
HEARINGS**

**TDI,
PETITIONER
v.
IONITA MARCELLA BARNES,
RESPONDENT**

INITIAL ORDER

1. **Case Referred.** This case has been docketed at the State Office of Administrative Hearings (SOAH) and assigned to the undersigned Administrative Law Judge (ALJ). The parties are encouraged to visit SOAH's website at www.soah.texas.gov for information about hearings, including a link to SOAH's procedural rules, which govern this case.
2. **Hearing.** A hearing will be held at **9:00 AM (CT) on May 21, 2024**, remotely via Zoom videoconference. 1 Tex. Admin. Code § 155.405(c). The audio portion of the hearing will be recorded, and it will be the official record of the proceeding. Attend the hearing in one of these ways:

To join by computer or smart device, go to

<https://soah-texas.zoomgov.com> and enter:

Meeting ID: 161 848 8164

Video Passcode: TD74MB

To join by telephone (audio only), call

+1 669 254 5252, and enter:

Meeting ID: 161 848 8164

Telephone Passcode: 074351

3. **Notice.** Staff for the Texas Department of Insurance must issue a notice of hearing. Tex. Gov't Code §§ 2001.051–.052.
4. **Before the Hearing: Exhibit List, Witness List, and Witness Preparation.** SOAH's Chief Administrative Law Judge has issued a General Order Relating to Submission of Exhibits For General Docket Hearings (<https://www.soah.texas.gov/general-order-relating-submission-exhibits>). A failure to comply with the requirements below may result in exclusion of the associated evidence of testimony:
 - a. **Seven (7) days before the hearing**, the parties will receive an email from SOAH's Secure File Transfers (noreply@moveitcloud.com) with a link to access the secure MOVEit platform.
 - b. **At least three (3) days before the hearing date**, submit a witness list and all exhibits and evidence to be offered at the hearing electronically using MOVEit.
 - c. **Exhibits:**
 - Make an exhibit list;
 - Number each exhibit sequentially; and
 - Paginate or bates stamp multipage documents.
 - d. **Witness List:**

- Identify each witness you will call to testify;
 - Mention what each witness will testify about; and
 - Estimate how long each witness will testify.
- e. **Witness Preparation.** Before the hearing, the parties must:
- Give each witness the information above to access the hearing;
 - Give each witness all documents needed to participate in the hearing;
 - Have each witness's contact information available so additional documents can be provided to each witness during the hearing if needed.
5. **Prior to the hearing,** the parties shall confer to make sure each party received the other party's exhibits and witness lists.
6. **After the Hearing, File Admitted Exhibits.** *No later than the first business day following conclusion of the hearing,* the parties shall eFile only the exhibits that were admitted as evidence or accompanied by an offer of proof. 1 Tex. Admin. Code § 155.101(b)(1)(G)(iii). At the conclusion of the hearing, the ALJ will confirm on the record the admitted exhibits that are required to be filed. The ALJ may answer any procedural questions regarding this requirement.
7. **eFile.** Except as otherwise permitted by the SOAH Rules of Procedure, attorneys, state agencies, and other governmental entities are required to file pleadings electronically through eFileTexas.gov and an electronic filing service provider certified by the Texas Office of Court Administration. *See* 1 Tex. Admin. Code § 155.101.
8. **If you are Self-Represented.**
- a. **A Guide.** Some contested-case parties choose to represent themselves in the contested-case process. Self-represented litigants must follow SOAH's procedures, but SOAH has published material that will help parties understand how to do that. Here is the Guide for Self

Represented Litigants: <https://www.soah.texas.gov/representing-yourself-general-hearings-cases-state-office-administrative-hearings>.

- b. **Filings.** If you are not represented by an attorney and you do not wish to file documents electronically, you may continue to file documents by fax; by mail addressed to SOAH, P.O. Box 13025, Austin, Texas 78711-3025; or by hand delivery to the appropriate SOAH office. All filings must contain the SOAH docket number and the names of the parties. For documents filed by mail, fax, or hand-delivery, the time of filing shall be determined by the SOAH file stamp.
 - c. **Electronic Service of SOAH orders.** SOAH is now offering you the ability to receive service of orders and other documents issued by SOAH through email rather than mail or fax. To elect to receive service of SOAH-issued documents by email, go to the E-Services tab on SOAH’s website (www.soah.texas.gov), click on “Request Email Service” and follow the instructions. NOTE: Your request to receive SOAH-issued documents by email does not change the procedures you must follow in order to file documents with SOAH.
9. **Questions about Zoom, MOVEit, or Filings.** Call SOAH’s Chief Clerk’s Office at (512) 475-4993.

Signed April 3, 2024

ALJ Signature(s):



Rebecca Smith,

Presiding Administrative Law Judge

2024-8714

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 Erik Huhn
Bar No. 24132806
Enforcementgeneral@tdi.texas.gov
Envelope ID: 86290227
Filing Code Description: Notice of Hearing
Filing Description: NOH_OP_OR
Status as of 4/4/2024 11:37 AM CST

Associated Case Party: chief clerk

Name	BarNumber	Email	TimestampSubmitted	Status
Chief Clerk		ChiefClerk@tdi.texas.gov	4/4/2024 11:24:22 AM	SENT

Associated Case Party: TDI

Name	BarNumber	Email	TimestampSubmitted	Status
Erik Huhn		Erik.Huhn@tdi.texas.gov	4/4/2024 11:24:22 AM	SENT
Whitney Fraser		Whitney.Fraser@tdi.texas.gov	4/4/2024 11:24:22 AM	SENT
Texas Department of Insurance		Enforcementgeneral@tdi.texas.gov	4/4/2024 11:24:22 AM	SENT
Leah Gillum		Leah.Gillum@tdi.texas.gov	4/4/2024 11:24:22 AM	SENT
Jodie Delgado		jodie.delgado@tdi.texas.gov	4/4/2024 11:24:22 AM	SENT

Associated Case Party: Ionita MarcellaBarnes

Name	BarNumber	Email	TimestampSubmitted	Status
Ionita Marcella Barnes		[REDACTED]	4/4/2024 11:24:22 AM	SENT

FILED **2024-8714**
454-24-15074
5/13/2024 12:29 PM
STATE OFFICE OF
ADMINISTRATIVE HEARINGS
Amy Robles, CLERK

ACCEPTED
454-24-15074
5/13/2024 12:34:25 pm
STATE OFFICE OF
ADMINISTRATIVE HEARINGS
Amy Robles, CLERK

SOAH DOCKET NO. 454-24-15074
TDI ENFORCEMENT FILE NO. 31955

TEXAS DEPARTMENT OF INSURANCE,

BEFORE THE STATE OFFICE

Petitioner

v.

OF

IONITA MARCELLA BARNES,

ADMINISTRATIVE HEARINGS

Respondent

AMENDED PETITION

The Texas Department of Insurance (TDI) is seeking to take disciplinary action against Ionita Marcella Barnes (Barnes). TDI previously filed an Original Petition and is now amending those allegations. In support of this amended petition, TDI 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, 4054.301, 4056.052-4056.054; TEX. OCC. CODE §§ 53.021-53.023; TEX. ADMIN. CODE § 1.502; and TEX. GOV'T CODE §§ 2001.051-2001.178.

Factual Allegations

1. On April 13, 2017, Barnes applied for a non-resident life agent license under the name Ionita Rutherford and did not disclose her prior criminal history.
2. When asked on her application if she had ever been convicted of a felony, had a judgment withheld or deferred, or are you currently charged with committing a felony, Barnes answered, "No."
3. Barnes had been convicted of a felony at the time she submitted her license application.

EXHIBIT
 C

2024-8714

Amended Petition
Ionita Marcella Barnes
Page 2 of 5

4. On April 17, 2017, Barnes was issued a life agent license by TDI. Barnes failed to renew her license and her license was terminated on January 4, 2022.
5. On April 13, 2023, Barnes applied to reactivate her life agent license under the name Ionita Marcella Barnes and did not disclose her prior criminal history.
6. When asked if she had ever been convicted of a felony, had a judgment withheld or deferred, or are you currently charged with committing a felony, Barnes answered, "No."
7. Barnes had been convicted of a felony at the time she applied to reactivate her life agent license.
8. Barnes currently holds a non-resident life agent license with a life agent/agency qualification.
9. On January 8, 2013, in the Circuit Court for Prince George's County, Maryland, Case No. CT101117X, Barnes was convicted of Counterfeiting against Nation Star Mortgage Company, a felony. Barnes was convicted under the name Ionita Marcella Rutherford.
10. The court sentenced Barnes to 10 years confinement in the Maryland Division of Corrections, with all but 67 days suspended, and placed her on supervised probation for five years.
11. On June 14, 2013, Barnes was ordered to pay \$311,343.38 in restitution as a condition of her probation. It is unclear whether Barnes has satisfied her restitution obligation.
12. On January 29, 2017, Barnes was arrested and charged with two counts of Acting as a Contractor Without a License, in violation of her supervised probation. The court took notice of Barnes' probation violation.
13. On December 2, 2022, the Florida Department of Financial Services denied Barnes' application for a non-resident life and variable annuity agent license due to Barnes' prior felony criminal history and failing to disclose her criminal history on her application.

14. On December 19, 2023, Barnes' Virginia insurance license was revoked due to Barnes providing materially incorrect, misleading, incomplete, or untrue information on her license application, her criminal history, and failing to report the final disposition of an administrative action taken against her in another jurisdiction.

Legal Allegations

1. TDI may revoke Barnes' license because she intentionally made a material misstatement on her license applications, as contemplated by TEX. INS. CODE § 4005.101(b)(2).
2. TDI may revoke Barnes' license because she has obtained a license by fraud or misrepresentation, as contemplated by TEX. INS. CODE § 4005.101(b)(3).
3. TDI may revoke Barnes' license because she has engaged in fraudulent or dishonest acts or practices, as contemplated by TEX. INS. CODE § 4005.101(b)(5).
4. TDI may revoke Barnes' license because she has been convicted of a felony, as contemplated by TEX. INS. CODE § 4005.101(b)(8).
5. As specified in 28 TEX. ADMIN. CODE § 1.502(c), TDI considers it very important that license holders be honest, trustworthy, and reliable.
6. TDI may revoke Barnes' license because she has been convicted of an offense that directly relates to the duties and responsibilities of the licensed occupation, as contemplated by TEX. OCC. CODE §§ 53.021(a)(1), 53.022, 53.023, and 28 TEX. ADMIN. CODE § 1.502(d)(1).
7. TDI may revoke Barnes' license because she has committed an offense of such serious nature that it is directly related to the duties and responsibilities of the licensed occupation or is of prime importance in determining fitness for licensure, as contemplated by 28 TEX. ADMIN. CODE § 1.502(f)(1), (f)(2)(A), (f)(3), and (f)(8).
8. Barnes has been convicted of a felony involving dishonesty or breach of trust, as specified in 18 U.S.C. 1033, requiring written consent from the commissioner of insurance to engage or participate in the business of insurance.

Relief Sought

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

1. revoking Ionita Marcella Barnes' license, and
2. granting any other just and appropriate relief to which TDI may be entitled to by law.

Respectfully Submitted,

/s/Erik Huhn

Erik Huhn
State Bar No. 24132806
Texas Department of Insurance
Enforcement, MC ENF
P.O. Box 12030
Austin, Texas 78711-2030
(512) 676-6355 (Direct)
(512) 490-1020 (Fax)
Erik.Huhn@tdi.texas.gov

ATTORNEY FOR THE PETITIONER
TEXAS DEPARTMENT OF INSURANCE

2024-8714

Amended Petition
Ionita Marcella Barnes
Page 5 of 5

CERTIFICATE OF SERVICE

I, Erik Huhn, certify that a true and correct copy of this *Amended Petition* was served by the following methods shown, on this 13th day of May, 2024 to:

Ionita Marcella Barnes
[REDACTED]
Baltimore, MD 21218-1902
Respondent Pro Se

Via CM/RRR No.:
9214 8901 9403 8361 4843 05
Via First Class Mail:

Via Email:
[REDACTED]

/s/Erik Huhn

Erik Huhn

2024-8714

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 Erik Huhn
Bar No. 24132806
Enforcementgeneral@tdi.texas.gov
Envelope ID: 87662556
Filing Code Description: Amended Petition
Filing Description: Amended Original Petition
Status as of 5/13/2024 12:35 PM CST

Associated Case Party: TDI

Name	BarNumber	Email	TimestampSubmitted	Status
Whitney Fraser		Whitney.Fraser@tdi.texas.gov	5/13/2024 12:29:14 PM	SENT
Texas Department of Insurance		Enforcementgeneral@tdi.texas.gov	5/13/2024 12:29:14 PM	SENT
Erik Huhn		Erik.Huhn@tdi.texas.gov	5/13/2024 12:29:14 PM	SENT

Associated Case Party: chief clerk

Name	BarNumber	Email	TimestampSubmitted	Status
Chief Clerk		ChiefClerk@tdi.texas.gov	5/13/2024 12:29:14 PM	SENT

Associated Case Party: Ionita MarcellaBarnes

Name	BarNumber	Email	TimestampSubmitted	Status
Ionita Marcella Barnes		[REDACTED]	5/13/2024 12:29:14 PM	SENT

2024-8714



Shipment Confirmation
Acceptance Notice

A. Mailer Action

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.

Shipment Date: 04/04/2024

Shipped From:

Name: MC ENF M RUIZ

Address: 1601 CONGRESS AVENUE SUITE 6 900

City: AUSTIN

State: TX ZIP+4® 78701

Type of Mail	Volume
Priority Mail Express®	
Priority Mail®	
First-Class Package Service®	
Returns	
International*	
Other	1
Total	1

*Start time for products with service guarantees will begin when mail arrives at the local Post Office™ and items receive individual processing and acceptance scans.

B. USPS Action

Note to RSS Clerk:

1. Home screen > Mailing/Shipping > More
2. Select Shipment Confirm
3. Scan or enter the barcode/label number from PS Form 5630
4. Confirm the volume count message by selecting Yes or No
5. Select Pay and End Visit to complete transaction

USPS EMPLOYEE: Please scan upon pickup or receipt of mail. Leave form with customer or in customer's mail receptacle.

USPS SCAN AT ACCEPTANCE



9275 0901 1935 6200 0051 7311 81

HUHN/31955



EXHIBIT

D

Firm Mailing Book For Accountable Mail



Name and Address of Sender

MC ENF M RUIZ
TEXAS DEPARTMENT OF INSURANCE
1601 CONGRESS AVENUE, SUITE 6.900
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
(for additional copies of this receipt).
Postmark with Date of Receipt.

USPS Tracking/Article Number

1. 9214 8901 9403 8355 8903 65

HUHN/31955

Addressee (Name, Street, City, State, & ZIP Code™)

IONITA MARCELLA BARNES
[REDACTED]
BALTIMORE, MD 21218-1902

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
0.88	4.40	Handling Charge - if Registered and over \$50,000 in value							2.32			
						Adult Signature Required	Adult Signature Restricted Delivery	Restricted Delivery	Return Receipt	Signature Confirmation	Signature Confirmation Restricted Delivery	Special Handling



Postmaster, Per (Name of receiving employee)

Urbana

Total Number of Pieces Listed by Sender: 1

Total Number of Pieces Received at Post Office: 1



Shipment Confirmation
Acceptance Notice

A. Mailer Action

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.

Shipment Date: 05/13/2024
Shipped From:
Name: MC ENF M RUIZ
Address: 1601 CONGRESS AVENUE SUITE 6 900
City: AUSTIN
State: TX ZIP+4® 78701

Type of Mail	Volume
Priority Mail Express®	
Priority Mail®	
First-Class Package Service®	
Returns	
International*	
Other	1
Total	1

*Start time for products with service guarantees will begin when mail arrives at the local Post Office™ and items receive individual processing and acceptance scans.

B. USPS Action

Note to RSS Clerk:

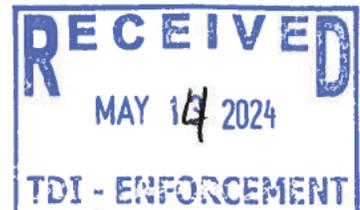
1. Home screen > Mailing/Shipping > More
2. Select Shipment Confirm
3. Scan or enter the barcode/label number from PS Form 5630
4. Confirm the volume count message by selecting Yes or No
5. Select Pay and End Visit to complete transaction

USPS EMPLOYEE: Please scan upon pickup or receipt of mail. Leave form with customer or in customer's mail receptacle.

USPS SCAN AT ACCEPTANCE



9275 0901 1935 6200 0052 6726 98



HUHN/31955





Firm Mailing Book For Accountable Mail

2024-8714

Name and Address of Sender

MC ENF M RUIZ
TEXAS DEPARTMENT OF INSURANCE
1601 CONGRESS AVENUE, SUITE 6 900
AUSTIN TX 78701

Affix Stamp Here
(for additional copies of this receipt).
Postmark with Date of Receipt.

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

USPS Tracking/Article Number

1. 9214 8901 9403 8361 4843 05

HUHN/31955

Addressee (Name, Street, City, State, & ZIP Code™)

IONITA MARCELLA BARNES
[REDACTED]
BALTIMORE, MD 21218-1902

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
0.64	4.40	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



Postmaster, Per (Name of receiving employee)

Ybarra
Complete in Ink

Total Number of Pieces Listed by Sender: 1

Total Number of Pieces Received at Post Office: 1

