

No. 2021-6642

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

Date: 01/07/2021

Subject Considered:

Roscelyn Larhonda Walton
[REDACTED]
Lewisville, TX 75057

Default Order
SOAH Docket No. 454-21-0756
TDI Enforcement File No. 22890

General remarks and official action taken:

The subject of this default order is whether a general lines agent license should be issued to Roscelyn Larhonda Walton (Respondent). Respondent did not respond to a Notice of Hearing filed by the Texas Department of Insurance. This order denies Respondent's license application.

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

Findings of Fact

Failure to Respond to Notice of Hearing

1. On December 3, 2020, 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.

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3. The department sent the Notice of Hearing and Original Petition to Respondent's last known address provided in writing to the department, [REDACTED], Lewisville, TX 75057.
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 pursuant to Texas law, including TEX. INS. CODE §§ 82.051-82.055, 4001.002, 4005.101, 4005.102, and 4101.051; 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 pursuant to 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 pursuant to 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 pursuant to 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 pursuant to 28 TEX. ADMIN. CODE § 1.89.

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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 Roscelyn Larhonda Walton. I have confirmed that:

- a. The last mailing address provided to the department in writing by Roscelyn Larhonda Walton is [REDACTED], Lewisville, TX 75057.
- b. The file maintained by the Enforcement Division contains a Notice of Hearing and Original Petition dated December 3, 2020, which were filed with the State Office of Administrative Hearings.
- c. On December 3, 2020, the Notice of Hearing and Original Petition addressed to Roscelyn Larhonda Walker were mailed certified, return receipt requested, to her last known address and one additional address: [REDACTED], Dallas, TX 75237.

A copy of the certified mail log maintained by the Enforcement Division is attached as Exhibit C.

DocuSigned by:

818EBA711D054C1... _____
Affiant

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SWORN TO AND SUBSCRIBED before me by means of an interactive two-way audio and video communication on 12/17/2020. This notarial act was an online notarization.

Notary Seal



Digital Certificate

DocuSigned by:
Mary Ruiz
795DC4D59167489...
Notary Public State of Texas

ACCEPTED **2021-6642**
454-21-0756
12/03/2020 3:23 PM
STATE OFFICE OF
ADMINISTRATIVE HEARINGS
Donnie Roland, CLERK

FILED
454-21-0756
12/3/2020 3:17 PM
STATE OFFICE OF
ADMINISTRATIVE HEARINGS
Donnie Roland, CLERK

SOAH DOCKET NO. 454-21-0756
TDI ENFORCEMENT FILE NO. 22890

TEXAS DEPARTMENT OF INSURANCE,

BEFORE THE STATE OFFICE

Petitioner

v.

OF

ROSCELYN LARHONDA WALTON,

ADMINISTRATIVE HEARINGS

Respondent

NOTICE OF HEARING

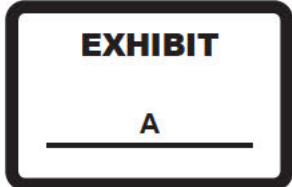
The Texas Department of Insurance seeks to deny your license application. This Notice of Hearing and the Original Petition, which is attached and incorporated for all purposes, states the allegations against you and the relief sought by the Department.

A public hearing will be held before an Administrative Law Judge on **Tuesday, March 9, 2021, at 9:00 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 pursuant to 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 PURSUANT TO 1 TEX. ADMIN. CODE § 155.501 AND 28 TEX. ADMIN. CODE §§ 1.88 AND 1.89.



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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 DENIAL OF YOUR LICENSE APPLICATION, 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 DENIAL OF YOUR LICENSE APPLICATION, 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) 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);
- (2) Chief Clerk
Texas Department of Insurance
P.O. Box 149104, MC112-2A
Austin, Texas 78714-9104
(512) 490-1064 (Fax)
chiefclerk@tdi.texas.gov; and
- (3) Nancy Williams, Staff Attorney
Texas Department of Insurance
Enforcement Division, MC110-1A
P.O. Box 149104
Austin, Texas 78714-9104
(512) 490-1020 (Fax)
Nancy.Williams@tdi.texas.gov

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Receiving Documents

The State Office of Administrative Hearings (SOAH) offers you the ability to receive service of orders and other documents issued by SOAH through email instead of by mail or fax. If you want to receive SOAH-issued documents by email, go to SOAH's website, www.soah.texas.gov, click on the "E-Services" tab, then click the hyperlink "Request Service by Email (only for use by self-represented litigants)," and follow the instructions.

NOTE: A request to receive SOAH-issued documents by email does not change the procedures you must follow to file documents with SOAH. The rules for filing documents and providing copies to all other parties in the case are described in SOAH's Procedural Rules, which are available on SOAH's website. Click the "Agency" tab, then click "Administrative Rules and Laws" to view SOAH's Procedural Rules.

Important Security Notice

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.

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

Respectfully Submitted,

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Notice of Hearing

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Nancy Williams

State Bar No. 24058175

Texas Department of Insurance

Enforcement Division, MC110-1A

P.O. Box 149104

Austin, Texas 78714-9104

(512) 676-6338 (Direct)

(512) 490-1020 (Fax)

Nancy.Williams@tdi.texas.gov

ATTORNEY FOR THE PETITIONER

TEXAS DEPARTMENT OF INSURANCE

Enclosure: Original Petition

cc: Leah Gillum, Deputy Commissioner, Enforcement Division, MC-110-1A
Whitney Fraser, Litigation Director, Enforcement Division, MC-110-1A
Administrative Review, MC107-1A

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CERTIFICATE OF SERVICE

I, Nancy Williams, certify that a true and correct copy of the *Notice of Hearing and the Original Petition* were sent via electronic mail to: [REDACTED], and by certified mail, return receipt requested, on this 3rd day of December, 2020 to:

Roscelyn Larhonda Walton
[REDACTED]
Lewisville, TX 75075
Respondent Pro Se

Via CM/RRR No.:
9214 8901 9403 8326 8158 23

Roscelyn Larhonda Walton
[REDACTED]
Dallas, TX 75237
Respondent Pro Se

Via CM/RRR No.:
9214 8901 9403 8326 8160 66



Nancy Williams

454-21-0756

**SOAH DOCKET NO. 454-21-
TDI ENFORCEMENT FILE NO. 22890**

TEXAS DEPARTMENT OF INSURANCE,

Petitioner

v.

ROSCELYN LARHONDA WALTON,

Respondent

BEFORE THE STATE OFFICE

OF

ADMINISTRATIVE HEARINGS

ORIGINAL PETITION

The Texas Department of Insurance seeks to deny Roscelyn Larhonda Walton's license application. In support of this petition, the department makes the following allegations upon information and belief:

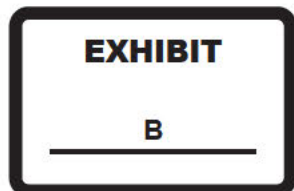
Jurisdiction

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

Factual Allegations

Licensing Application

1. Roscelyn Larhonda Walton (Walton) submitted an application for a general lines property and casualty license to the Texas Department of Insurance (TDI) on July 15, 2019, in which she failed to disclose her criminal history.
2. On September 30, 2019, TDI proposed to deny the license based on Walton's criminal history and her failure to disclose said criminal history.
3. On October 16, 2019, Walton requested a hearing on this matter.



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Criminal History

4. On April 14, 2008, Walton pleaded guilty to Securing Execution of Document by Deception, a felony offense, and was placed on five years deferred adjudication and ordered to repay \$14,922 in restitution in Case No. F0700308X in Dallas County District Court No. 6. Walton's deferment was extended to eight years and she was unsuccessfully discharged on April 14, 2016. Walton failed to provide the department with evidence that she paid the \$14,922 Court ordered restitution.

Legal Allegation

5. Walton has made a material misstatement in the application, in violation of TEX. INS. CODE § 4005.101(b)(2).
6. Walton has attempted to obtain a license by misrepresentation, in violation of TEX. INS. CODE § 4005.101(b)(3).
7. Walton has been convicted of a felony, for the purpose of licensing, as contemplated by TEX. INS. CODE § 4005.101(b)(8) and TEX. OCC. CODE § 53.021.
8. Walton has engaged in fraudulent or dishonest acts or practices, as contemplated by TEX. INS. CODE § 4005.101(b)(5).
9. Walton's offense in Cause No. 202521 may be considered a conviction, for purposes of licensing, because she completed the period of supervision less than five years before the date she applied for the license, as contemplated under TEX. OCC. CODE § 53.021(d)(1)(B)(i), and the department determined that she may pose a continued threat to public safety, as contemplated under TEX. OCC. CODE § 53.021(d)(2)(A).
10. Walton has committed an offense directly related to the business of insurance as contemplated by 28 TEX. ADMIN. CODE § 1.502(f).
11. Walton committed an offense that the department considers to be of such a serious nature that it is of prime importance in determining fitness for licensure, as contemplated by 28 TEX. ADMIN. CODE § 1.502(e)(4)(D) and TEX. OCC. CODE § 53.021-53.023.

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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 a felony or misdemeanor 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; any felony involving moral turpitude or breach of fiduciary duty; or containing the essential elements of theft, 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)(1),(3), & (4)(F).

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. denying Walton's license application and
2. imposing any other just and appropriate relief to which the department may be entitled to by law, including any combination of the above actions.

Respectfully Submitted,



Nancy Williams
State Bar No. 24058175
Texas Department of Insurance
Enforcement Division, MC110-1A
P.O. Box 149104
Austin, Texas 78714-9104
(512) 676-6338 (Direct)

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Original Petition

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(512) 490-1020 (Fax)

Nancy.Williams@tdi.texas.gov

ATTORNEY FOR THE PETITIONER
TEXAS DEPARTMENT OF INSURANCE

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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: 12/03/2020

Shipped From:

Name: MC 110-1A M RUIZ

Address: 333 GUADALUPE ST

City: AUSTIN

State: TX ZIP+4® 78701

Type of Mail	Volume
Priority Mail Express®*	
Priority Mail®	0
First-Class Package Service®	
Returns	
International*	
Other	2
Total	2

*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 0025 6364 05

WILLIAMS/22890

EXHIBIT

C



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

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

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- 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

Table with columns: 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, Special Handling Fee.








Total Number of Pieces Listed by Sender: 2
Total Number of Pieces Received at Post Office: 2
Postmaster, Per (Name of receiving employee)

2021-6642

Tracking History

Tracking #: 9214890194038326816066

Recipient: ROSCELYN LARHONDA WALTON
[REDACTED]
DALLAS, TX 75237

Date & Time	Event Type	Event	Event Location
12/03/2020 14:57		PRE-SHIPMENT INFO SENT USPS AWAITS ITEM	AUSTIN, TX, 78701
12/03/2020 21:24		ORIGIN ACCEPTANCE	AUSTIN, TX, 78701
12/03/2020 22:39		PROCESSED THROUGH USPS FACILITY	AUSTIN, TX, 78710
12/04/2020 09:27		DEPART USPS FACILITY	AUSTIN, TX, 78710
12/04/2020 14:23		PROCESSED THROUGH USPS FACILITY	DALLAS, TX, 75260
12/05/2020 04:05		DEPART USPS FACILITY	DALLAS, TX, 75260
12/08/2020 12:51		DELIVERED LEFT WITH INDIVIDUAL	DALLAS, TX, 75237