

No. 2020-6623

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

Date: 12/22/2020

Subject Considered:

Clymika Cha'Net Bowen
[REDACTED]
Dallas, Texas 75216

Default Order
SOAH Docket No. 454-21-0675
TDI Enforcement File No. 24861

General remarks and official action taken:

The subject of this default order is whether an adjuster license should be issued to Clymika Cha'Net Bowen (Respondent). Respondent did not respond to an Amended 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 Amended Notice of Hearing

1. On November 20, 2020, the department filed an Amended 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 Amended Notice of Hearing and Original Petition are incorporated in this order as findings of fact.
3. The department sent the Amended Notice of Hearing and Original Petition to Respondent's last known address provided in writing to the department, [REDACTED]

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██████████ Dallas, Texas 75216. The Amended Notice of Hearing and Original Petition were also sent by electronic mail.

4. Respondent failed to file a written response to the Amended Notice of Hearing within 20 days of the date the Amended 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, 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. 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 Amended 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 Amended Notice of Hearing and Original Petition are incorporated in this order and deemed admitted as true pursuant to 28 TEX. ADMIN. CODE § 1.89.

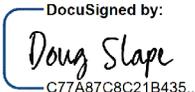
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Order

It is ordered that Clymika Cha'Net Bowen's application is denied. A copy of this order will be provided to law enforcement and/or other appropriate administrative agencies for further investigation as may be warranted.

Commissioner of Insurance

By:  C77A87C8C21B435...

Doug Slape
Chief Deputy Commissioner
TEX. GOV'T CODE § 601.002
Commissioner's Order No. 2018-5528

Prepared and reviewed by:



Kaycee Crisp, Staff Attorney
Enforcement Division

2020-6623

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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 Clymika Cha'Net Bowen. I have confirmed that:

- a. The last mailing address provided to the department in writing by Clymika Cha'Net Bowen is [REDACTED], Dallas, Texas 75216.
- b. The file maintained by the Enforcement Division contains an Amended Notice of Hearing and Original Petition dated November 20, 2020, which were filed with the State Office of Administrative Hearings.
- c. On November 20, 2020, the Amended Notice of Hearing and Original Petition addressed to Clymika Cha'Net Bowen were mailed certified, return receipt requested, to her last known address and sent by electronic mail.

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

DocuSigned by:

David Moreno

B7AF4F57714E483...

Affiant

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SWORN TO AND SUBSCRIBED before me by means of an interactive two-way audio and video communication on 12/14/2020. This notarial act was an online notarization.

Notary Seal



Digital Certificate

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

ACCEPTED **2020-6623**
454-21-0675
11/20/2020 3:19 PM
STATE OFFICE OF
ADMINISTRATIVE HEARINGS
Donnie Roland, CLERK

FILED
454-21-0675
11/20/2020 3:16 PM
STATE OFFICE OF
ADMINISTRATIVE HEARINGS
Donnie Roland, CLERK

SOAH DOCKET NO. 454-21-0675
TDI ENFORCEMENT FILE NO. 24861

TEXAS DEPARTMENT OF INSURANCE,

BEFORE THE STATE OFFICE

Petitioner

v.

OF

CLYMIKA CHA'NET BOWEN,

ADMINISTRATIVE HEARINGS

Respondent

AMENDED NOTICE OF HEARING

The Texas Department of Insurance (TDI) seeks to deny your license application. This Amended 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 **Thursday, January 21, 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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Clymika Cha'Net Bowen

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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) Kaycee Crisp, Staff Attorney
Texas Department of Insurance
Enforcement Division, MC110-1A
P.O. Box 149104
Austin, Texas 78714-9104
(512) 490-1020 (Fax)
Kaycee.Crisp@tdi.texas.gov

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Clymika Cha'Net Bowen

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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.

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

Respectfully Submitted,



Kaycee Crisp
State Bar No. 24057368
Texas Department of Insurance
Enforcement Division, MC110-1A
P.O. Box 149104
Austin, Texas 78714-9104
(512) 676-6327 (Direct)
(512) 490-1020 (Fax)
Kaycee.Crisp@tdi.texas.gov

ATTORNEY FOR THE PETITIONER
TEXAS DEPARTMENT OF INSURANCE

Enclosure: Original Petition

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

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CERTIFICATE OF SERVICE

I, Kaycee Crisp, certify that a true and correct copy of the *Amended Notice of Hearing and the Original Petition* were sent by certified mail, return receipt requested, on this 20th day of November, 2020 to:

Clymika Cha'Net Bowen

[REDACTED]

Dallas, Texas 75216

Respondent Pro Se

Via CM/RRR No 9214 8901 9403 8326 0506 68

Via Email: [REDACTED]



Kaycee Crisp

SOAH DOCKET NO. 454-_____
TDI ENFORCEMENT FILE NO. 24861

TEXAS DEPARTMENT OF INSURANCE,

Petitioner

v.

CLYMIKA CHA'NET BOWEN,

Respondent

BEFORE THE STATE OFFICE

OF

ADMINISTRATIVE HEARINGS

ORIGINAL PETITION

The Texas Department of Insurance (TDI) seeks to deny Clymika Cha'Net Bowen's license application. In support of this petition, TDI 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, 4101.051, 28 TEX. ADMIN. CODE § 1.502; TEX. OCC. CODE §§ 53.021–53.023, and TEX. GOV'T CODE §§ 2001.051–2001.178.

Factual Allegations

License Application

1. On March 10, 2020, Clymika Cha'Net Bowen (Bowen) submitted an application to TDI for an adjuster-all lines license.
2. On May 8, 2020, TDI proposed to deny Bowen's application based upon her criminal history.
3. On May 15, 2020, Bowen appealed TDI's decision and requested a hearing.



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Criminal History

4. On November 18, 2008, Dallas County issued an arrest warrant for Bowen. The warrant was based upon Bowen's theft of funds from customers of her employer, Encore Payment Systems.
5. On December 16, 2008, Bowen was charged by indictment with Felony Theft \$1500 in docket number F-0811228-H in Dallas County, Texas.
6. On December 30, 2008, two additional warrants were issued for Bowen's arrest stemming from her actions while an employee of Encore Payment Systems.
7. On February 16, 2009, Bowen was charged by indictment with two counts of Felony Credit Card Abuse in dockets number F-0811274-H and F-0811273-H in Dallas County, Texas.
8. On May 20, 2010, Bowen pleaded guilty to the Felony Theft charge and was sentenced to five years of deferred probation and a \$3000 fine.
9. On May 20, 2010, Bowen pleaded guilty to the first charge of Felony Credit Card Abuse and was sentenced to five years of deferred probation and a \$1500 fine.
10. On May 20, 2010, Bowen pleaded guilty to the second charge of Felony Credit Card Abuse and was sentence to five years of deferred probation.
11. Pursuant to her sentences, Bowen was placed on community supervision for a period of five years in Dallas County, Texas on May 20, 2010.
12. On May 20, 2015, Dallas County Criminal District Court #1 entered three Orders Dismissing Proceedings and Granting Discharge from Community Supervision Following Deferred Adjudication in docket numbers F-0811228-H, F0811274-H, and F0811273-H. The orders terminated Bowen's period of supervision for the charges, discharged Bowen from community supervision, and dismissed all proceedings against Bowen on all charges.

Legal Allegations

1. Bowen has committed an act for which a license may be denied pursuant to TEX. INS. CODE § 4005.101(b) because she:
 - a. has engaged in fraudulent or dishonest acts or practices, as contemplated by TEX. INS. CODE § 4005.101(b)(5), and
 - b. has been convicted of a felony, as contemplated by TEX. INS. CODE § 4005.101(b)(8) and TEX. OCC. CODE § 53.021(a)(1) and (d).
2. Bowen committed offenses and has engaged in fraudulent or dishonest activity that directly relates to the duties and responsibilities of the licensed occupation, as contemplated in 28 TEX. ADMIN. CODE § 1.502(d) and (f) and TEX. OCC. CODE § 53.021(a)(1).
3. Bowen committed offenses TDI considers to be of such serious nature that they are of prime importance in determining fitness for licensure or authorization, as contemplated by 28 TEX. ADMIN. CODE § 1.502(e).
4. Bowen committed offenses for which fraud, dishonesty, or deceit is an essential element, specifically TEX. PENAL CODE §§ 31.03 (theft) and 32.31 (credit card abuse), as contemplated by 28 TEX. ADMIN. CODE § 1.502(e)(1) and TEX. OCC. CODE §§ 53.021–53.023.
5. Bowen committed offenses with the essential elements of a theft offense, as described in TEX. PENAL CODE § 31.03, and as contemplated by 28 TEX. ADMIN. CODE § 1.502(e)(4)(F).
6. Pursuant to TEX. OCC. CODE § 53.021, the commissioner may deny Bowen's application and consider her to have been convicted of those offenses for which she received deferred adjudication because:
 - a. Bowen completed the period of supervision for her offenses less than five years before the date she applied for the license and

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- b. TDI determined:
 - i. Bowen continues to pose a continued threat to public safety or
 - ii. employment of Bowen in the licensed occupation will create a situation in which she has an opportunity to repeat the prohibited conduct.

- 7. TDI guidelines, 28 TEX. ADMIN. CODE § 1.502(c)-(e), emphasize that TDI:
 - a. considers it very important that applicants be honest, trustworthy, and reliable;
 - b. may refuse to issue an original license if TDI 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; and
 - d. considers any offense with the essential elements of a theft offense to be of prime importance when determining fitness for licensure.

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. denying Bowen'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.

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Clymika Cha'Net Bowen
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Respectfully Submitted,



Kaycee Crisp
State Bar No. 24057368
Texas Department of Insurance
Enforcement Division, MC110-1A
P.O. Box 149104
Austin, Texas 78714-9104
(512) 676-6327 (Direct)
(512) 490-1020 (Fax)
Kaycee.Crisp@tdi.texas.gov

ATTORNEY FOR THE PETITIONER
TEXAS DEPARTMENT OF INSURANCE



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: 11/20/2020
 Shipped From:
 Name: MC 110-1A D MORENO
 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	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 0025 4472 09

crisp/24861





Firm Mailing Book For Accountable Mail

Name and Address of Sender

MC 110-1A D Moreno
Texas Department of Insurance
333 Guadalupe St
Austin TX 78701

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

2020-6623

- 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 9901 9403 8326 0506 68

crisp/24861

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

CLYMIKA CHANET BOWEN
DALLAS, TEXAS 75216

Postage

1.40

Insured Value

Actual Value if Registered

Handling Charge

(Extra Service) Fee

3.55

Due Sender if COD

ASR Fee

ASRD Fee

RD Fee

RR Fee

SC Fee

SCRD Fee

SH Fee

1.70

Adult Signature Required

Adult Signature Restricted Delivery

Restricted Delivery

Return Receipt

Signature Confirmation

Signature Confirmation Restricted Delivery

Special Handling

Handling Charge - if Registered and over \$50,000 in value

Total Number of Pieces Listed by Sender
1

Postmaster, Per (Name of receiving employee)

Date Produced: 11/30/2020

ConnectSuite Inc.:

The following is the delivery information for Certified Mail™/RRE item number 9214 8901 9403 8326 0506 68. Our records indicate that this item was delivered on 11/24/2020 at 10:12 a.m. in DALLAS, TX 75216. The scanned image of the recipient information is provided below.

Signature of Recipient :

JH 11/24/20
Clymilla Sam

Address of Recipient :

[REDACTED] DALLAS, TX
75216

Thank you for selecting the Postal Service for your mailing needs. If you require additional assistance, please contact your local post office or Postal Service representative.

Sincerely,
United States Postal Service

The customer reference number shown below is not validated or endorsed by the United States Postal Service. It is solely for customer use.

This USPS proof of delivery is linked to the customers mail piece information on file as shown below:

[REDACTED] NET BOWEN
DALLAS, TEXAS 75216

Customer Reference Number: C2385153.13644036

Return Reference Number: crisp/24861