

No. 2022-7512

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

Date: 09/20/2022

Subject Considered:

Xyavier Jamal Walker

[REDACTED]
Dallas, Texas 75243

Default Order
SOAH Docket No. 454-22-06927
TDI Enforcement File No. 29218

General remarks and official action taken:

This is a default order taken against Xyavier Jamal Walker (Respondent) because he has committed a felony, failed to inform the department of a change to his mailing address, changed his state of residence making him ineligible for the license type he holds, and he is not actively engaged in the business of insurance for the general public. 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 July 28, 2022, 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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Commissioner's Order

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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], Dallas, Texas 75243. The Notice of Hearing and Original Petition were also sent by electronic mail and to two additional addresses associated with Respondent: [REDACTED], Fort Worth, Texas 76137 and [REDACTED], Monroe, Louisiana 71201.
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, 4001.104, 4005.101, 4005.102, 4005.107, 4101.051 and 4101.201; 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. 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.

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Order

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

DocuSigned by:

FC5D7EDDFFBB4F8...

Cassie Brown
Commissioner of Insurance

Prepared and reviewed by:



Stephanie Andrews, Staff Attorney
Enforcement

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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 Xyavier Jamal Walker. I have confirmed that:

- a. The last mailing address provided to the department in writing by Xyavier Jamal Walker is [REDACTED], Dallas, Texas 75243.
- b. The file maintained by Enforcement contains a Notice of Hearing and Original Petition dated July 28, 2022, which were filed with the State Office of Administrative Hearings.
- c. On July 28, 2022, the Notice of Hearing and Original Petition addressed to Xyavier Jamal Waler were mailed certified, return receipt requested, to his last known address and two additional addresses: [REDACTED] Fort Worth, Texas 76137 and [REDACTED], Monroe, Louisiana 71201.

Copies of the certified mail log maintained by Enforcement is attached as Exhibit C."

DocuSigned by:

9A2A8A95B92F4E4...

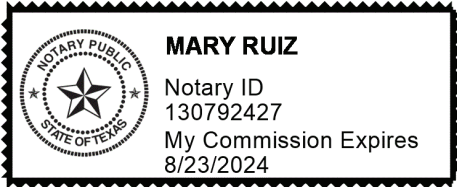
Affiant

2022-7512

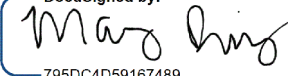
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SWORN TO AND SUBSCRIBED before me by means of an interactive two-way audio and video communication on 9/1/2022. This notarial act was an online notarization.

Notary Seal



Digital Certificate

DocuSigned by:

795DC4D59167489...

Notary Public State of Texas

2022-7512FILED
454-22-06927
7/28/2022 8:23 AM
STATE OFFICE OF
ADMINISTRATIVE HEARINGS
Pegah Nasrollahzadeh, CLERKACCEPTED
454-22-06927
7/28/2022 12:27:09 pm
STATE OFFICE OF
ADMINISTRATIVE HEARINGS
Pegah Nasrollahzadeh, CLERK**SOAH DOCKET NO. 454-22-06927
TDI ENFORCEMENT FILE NO. 29218****TEXAS DEPARTMENT OF INSURANCE,****Petitioner****v.****XYAVIER JAMAL WALKER,****Respondent****BEFORE THE STATE OFFICE****OF****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 **Wednesday, November 9, 2022, 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 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**A**

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Notice of Hearing

Xyavier Jamal Walker

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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 REVOCATION OF YOUR LICENSE, ISSUANCE OF A CEASE AND DESIST ORDER, IMPOSITION OF ADMINISTRATIVE PENALTIES, AND/OR PAYMENT OF RESTITUTION, 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, ISSUANCE OF A CEASE AND DESIST ORDER, IMPOSITION OF ADMINISTRATIVE PENALTIES, AND/OR PAYMENT OF RESTITUTION, 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)*
Stephanie Andrews, Staff Attorney

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Notice of Hearing

Xyavier Jamal Walker

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Texas Department of Insurance
Enforcement, MC ENF
P.O. Box 12030
Austin, Texas 78711-2030
(512) 490-1020 (Fax)
Stephanie.Andrews@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.

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

Respectfully Submitted,



Stephanie Andrews
State Bar No. 24063672
Texas Department of Insurance
Enforcement, MC ENF
P.O. Box 12030
Austin, Texas 78711-2030
(512) 676-6346 (Direct)
(512) 490-1020 (Fax)
stephanie.andrews@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
Ginger Loeffler, Litigation Director, Enforcement, MC ENF
Administrative Review, MC CO-AAL

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CERTIFICATE OF SERVICE

I, Stephanie Andrews, certify that a true and correct copy of the *Notice of Hearing* and the *Original Petition* were sent by email and certified mail, return receipt requested, on this 28th day of July, 2022 to:

Xyavier Jamal Walker

[REDACTED]

Dallas, TX 75243

Respondent Pro Se

Via CM/RRR No.: 9214 8901 9403 8384 3862 80

Xyavier Jamal Walker

[REDACTED]

Fort Worth, TX 76137

Respondent Pro Se

Via CM/RRR No.: 9214 8901 9403 8384 3863 65

Xyavier Jamal Walker

[REDACTED]

Monroe, LA 71201

Respondent Pro Se

Via CM/RRR No.: 9214 8901 9403 8384 3870 65

Xyavier Jamal Walker

[REDACTED]

Respondent Pro Se

Via Email



Stephanie Andrews

2022-7512

SOAH DOCKET No. 454-22-06927

FILED
454-22-06927
7/22/2022 3:12 PM
STATE OFFICE OF
ADMINISTRATIVE HEARINGS
Carol Hale, CLERK

SOAH DOCKET NO. 454-_____
TDI ENFORCEMENT FILE NO. 29218

ACCEPTED
454-22-06927
7/22/2022 3:44:24 pm
STATE OFFICE OF
ADMINISTRATIVE HEARINGS
Carol Hale, CLERK

TEXAS DEPARTMENT OF INSURANCE,

BEFORE THE STATE OFFICE

Petitioner

v.

OF

XYAVIER JAMAL WALKER,

ADMINISTRATIVE HEARINGS

Respondent

ORIGINAL PETITION

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

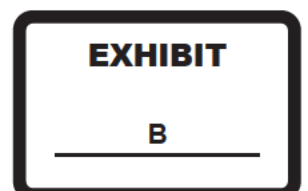
Jurisdiction

The Commissioner of Insurance has jurisdiction over this matter under TEX. INS. CODE §§ 82.051-82.055, 84.021-84.044, 4001.002, 4001.104, 4005.101, 4005.102, 4005.107, 4101.051, and 4101.201; 28 TEX. ADMIN. CODE § 1.502; TEX. OCC. CODE § 53.021-53.023; and TEX. GOV'T CODE §§ 2001.051-2001.178.

Factual Allegations

Licensure

1. Xyavier Jamal Walker (Walker), individual identification number 2463495, holds a resident adjuster all lines license issued by the Texas Department of Insurance on November 5, 2021.
2. Walker is not actively engaging in the business of insurance. He has no active appointments or associations and has not attended any educational courses since receiving his license.



Felony and Misdemeanor Criminal Charges

3. A *Bill of Information* filed on March 8, 2022, in case number 21-CR-003992-1 in the [REDACTED], Parish of Ouachita, Louisiana, charged Walker with:

Count 1 - Attempted Second Degree Murder (Felony) on or about July 21, 2021 wilfully [sic] and unlawfully attempt to commit second degree murder of A[] R[] . . .

Count 2 – Battery of a Dating Partner by Strangulation (Felony) on or about July 21, 2021 one dating partner Xyavier Walker, intentionally used force or violence upon the person of another dating partner D[] A[] . . .

4. An *Affidavit for Arrest Warrant* filed in case number 21-CR-003992-1 in the [REDACTED], Parish of Ouachita, Louisiana, indicates that Walker grabbed D.A. around the neck and began to strangle her. A.R. saw Walker grab D.A. at which time A.R. pushed Walker out the door. Walker then pulled a handgun from the waistband of his clothing leading A.R. to shut the door. Walker then fired through the door grazing A.R. on the arm.

5. A *Bill of Information* filed on March 29, 2022, in case number 22-CR-000583-1 in the [REDACTED], Parish of Ouachita, Louisiana, charged Walker with:

Count 1 – Domestic Abuse Battery (Misdemeanor) on or about February 6th, 2022 one household member or family member Xyavier Walker, intentionally used force or violence upon the person of another household member or family member D[] F[] . . .

Count 2 – Simple Criminal Damage to Property (Felony) on or about February 6th, 2022 wilfully [sic] and intentionally damage the I-phone 12 of D[] F[], without the consent of the said D[] F[], said damage amounting to a value of more than \$1,000.00 but less than \$5,000.00 . . .

6. An *Affidavit of Probable Cause for Arrest Without a Warrant*, filed in case number 22-CR-000583-1 in the [REDACTED], Parish of Ouachita, Louisiana,

indicates that Walker grabbed the cell phone belonging to his ex-girlfriend and “slammed it to the ground causing it to break” when she refused to show him who sent her a message. “[Walker] then punched her in the mouth causing a cut to her upper lip.” Walker admitted to breaking the phone and striking the victim in the mouth.

Licensee Resident State

7. According to documents filed in the above-mentioned criminal cases, Walker’s residential address is in Monroe, Louisiana.
8. Walker failed to inform the department of his address change. Since he holds a resident adjuster license, his relocation makes him ineligible for the license type he currently holds.

Legal Allegations

1. Walker has committed acts for which a license holder may be disciplined under TEX. INS. CODE § 4005.101, as contemplated in TEX. INS. CODE §§ 4005.102 and 4101.201.
2. Walker is not actively engaging in the business of insurance for the public generally as required by TEX. INS. CODE § 4001.104(a), as contemplated by TEX. INS. CODE §§ 4005.101(b)(10) and 4101.201.
3. Department guidelines, 28 TEX. ADMIN. CODE § 1.502(a), (c)-(e), emphasize that TDI:
 - a. considers it very important that license holders be honest, trustworthy, and reliable due to the special nature of the relationship between licensees, insurance companies, and the public;
 - b. may revoke or refuse to renew a license if the department determines that the license holder has committed a felony or has engaged in fraudulent or dishonest activity that directly relates to the duties and responsibilities of the licensed occupation;
 - c. considers the offense of Attempted Second Degree Murder 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)(3) and (e)(4)(A);

- d. considers the offense of Battery of a Dating Partner by Strangulation 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)(3) and (e)(4)(B); and
 - e. considers the offense of Simple Criminal Damage to Property 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)(3).
- 4. Walker failed to inform the department of a change to his mailing address in violation of TEX. INS. CODE § 4001.252(a)(1) and contemplated by TEX. INS. CODE § 4101.201.
 - 5. Walker is not a resident of the State of Texas and is therefore not eligible to hold a resident adjuster license, as contemplated by TEX. INS. CODE § 4101.053(2)(B).
 - 6. Walker is not trustworthy and is therefore not qualified to hold a resident adjuster license, as contemplated by TEX. INS. CODE § 4101.053(2)(D).

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 Xyavier Jamal Walker's license;
- 2. directing Xyavier Jamal Walker to pay an administrative penalty under TEX. INS. CODE §§ 84.021 – 84.022; and
- 3. 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,



Stephanie Andrews
State Bar No. 24063672

2022-7512

Original Petition
Xyavier Jamal Walker
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Texas Department of Insurance
Enforcement, MC ENF
P.O. Box 12030
Austin, Texas 78711-2030
(512) 676-6346 (Direct)
(512) 490-1020 (Fax)
stephanie.andrews@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: 07/28/2022
 Shipped From:
 Name: MC 110-1A M RUIZ
 Address: 333 GUADALIPE 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	3
Total	3

*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.

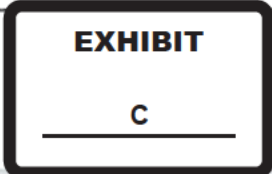
USPS SCAN AT ACCEPTANCE



9275 0901 1935 6200 0038 2794 15



ANDREWS/29218





Firm Mailing Book For Accountable Mail

2022-7512

Name and Address of Sender
 MC 110-1A M RUIZ
 TEXAS DEPARTMENT OF INSURANCE
 333 GUADALUPE ST
 AUSTIN TX 78701

Check type of mail or service
 Adult Signature Required
 Adult Signature Restricted Delivery
 Certified Mail
 Certified Mail Restricted Delivery
 Collect on Delivery (COD)
 Insured Mail
 Priority Mail

Priority Mail Express
 Registered Mail
 Return Receipt for Merchandise
 Signature Confirmation
 Signature Confirmation Restricted Delivery

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

USPS Tracking/Article Number

1. 9214 8901 9403 8384 3862 80
 ANDREWS/29218

2. 9214 8901 9403 8384 3863 65

3. 9214 8901 9403 8384 3870 65

Postage	(Extra Service) Fee	Handling Charge	Actual Value if Registered	Insured Value	Due Sender if COD	ASR Fee	Return Receipt Fee	Signature Confirmation Fee	SC Fee	Signature Confirmation Restricted Delivery Fee	SH Fee
0.81	4.00	Handling Charge - if Registered and over \$50,000 in value					2.00			Signature Confirmation Restricted Delivery	Special Handling
0.81	4.00						2.00			Signature Confirmation	
0.81	4.00							2.00		Return Receipt	
										Adult Signature Restricted Delivery	
										Adult Signature Required	

Postmaster, Per (Name of receiving employee)
 Complete in Ink

RECEIVED
 JUL 29 2022
TDI - ENFORCEMENT

Total Number of Pieces Received at Post Office
 3