

No. 2022-7192

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

Date: 01/26/2022

Subject Considered:

Kristen Nicole Dominguez
[REDACTED]
Wichita Falls, TX 76308

Default Order
SOAH Docket No. 454-22-1116
TDI Enforcement File No. 27470

General remarks and official action taken:

The subject of this default order is whether both a County Mutual license and a General Lines Life, Accident, and Health license should be issued to Kristen Nicole Dominguez (Respondent). Respondent did not respond to a Notice of Hearing filed by the Texas Department of Insurance. This order denies Respondent's license applications.

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

Findings of Fact

Failure to Respond to Notice of Hearing

1. On December 17, 2021, 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.
3. The department sent the Notice of Hearing and Original Petition to Respondent's last known address provided in writing to the department, [REDACTED]

2022-7192

Commissioner's Order

Kristen Nicole Dominguez

SOAH Docket No. 454-22-1116

Page 2 of 5

Wichita Falls, TX 76308. The Notice of Hearing and Original Petition were also sent by electronic mail.

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, 4001.102, 4001.105, 4005.101-4005.105, and 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 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.

2022-7192

Commissioner's Order


Kristen Nicole Dominguez

SOAH Docket No. 454-22-1116

Page 3 of 5

Order

It is ordered that Kristen Nicole Dominguez's applications are denied. A copy of this order will be provided to law enforcement or other appropriate administrative agencies for further investigation as may be warranted.

DocuSigned by:

FC5D7EDDFFB84F8... _____
Cassie Brown
Commissioner of Insurance

Prepared and reviewed by:

L. Merida

Latoya Merida, Staff Attorney
Enforcement Division

2022-7192

Commissioner's Order
Kristen Nicole Dominguez
SOAH Docket No. 454-22-1116
Page 4 of 5

Affidavit

STATE OF TEXAS §

§

COUNTY OF TRAVIS §


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

"My name is David Moreno, and I am employed by the Texas Department of Insurance. I am of sound mind, capable of making this affidavit, and have personal knowledge of these facts which are true and correct.

I have reviewed TDI's records concerning Kristen Nicole Dominguez. I have confirmed that:

- a. The last mailing address provided to the department in writing by Kristen Nicole Dominguez is [REDACTED] Wichita Falls, TX 76308.
- b. The file maintained by the Enforcement Division contains a Notice of Hearing and Original Petition dated December 17, 2021, which were filed with the State Office of Administrative Hearings.
- c. On December 17, 2021, the Notice of Hearing and Original Petition addressed to Kristen Nicole Dominguez were mailed certified, return receipt requested, to her last known address.

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

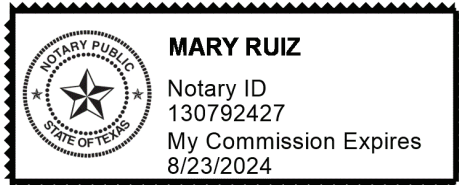
DocuSigned by:

A78CACF507F44D8...
Affiant

2022-7192

Commissioner's Order
Kristen Nicole Dominguez
SOAH Docket No. 454-22-1116
Page 5 of 5

SWORN TO AND SUBSCRIBED before me by means of an interactive two-way audio and video communication on 1/13/2022. This notarial act was an online notarization.

Notary Seal



Digital Certificate

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

2022-7192

FILED
454-22-1116
12/17/2021 10:41 AM
STATE OFFICE OF
ADMINISTRATIVE HEARINGS
Carol Hale, CLERK

**SOAH DOCKET NO. 454-22-1116
TDI ENFORCEMENT FILE NO. 27470**

TEXAS DEPARTMENT OF INSURANCE,

BEFORE THE STATE OFFICE

Petitioner

ACCEPTED
454-22-1116
12/17/2021 2:00:29 pm
STATE OFFICE OF
ADMINISTRATIVE HEARINGS
Carol Hale, CLERK

v.

OF

KRISTEN NICOLE DOMINGUEZ,

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 1, 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

2022-7192

Notice of Hearing

Kristen Nicole Dominguez

SOAH Docket No. 454-22-1116

Page 2 of 5

IF YOU FAIL TO FILE A WRITTEN RESPONSE, THE SCHEDULED HEARING CAN BE CANCELED AND WITHOUT FURTHER NOTICE TO YOU THE COMMISSIONER OF INSURANCE CAN ISSUE AN ORDER IN WHICH THE ALLEGATIONS IN THE NOTICE OF HEARING ARE DEEMED ADMITTED AS TRUE AND THE RELIEF SOUGHT IN THE NOTICE OF HEARING, INCLUDING 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) *(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/e-filing-soah
- (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)*
Latoya Merida, Staff Attorney
Texas Department of Insurance
Enforcement Division, MC ENF

2022-7192

Notice of Hearing

Kristen Nicole Dominguez

SOAH Docket No. 454-22-1116

Page 3 of 5

P.O. Box 12030
Austin, Texas 78711-2030
(512) 490-1020 (Fax)
Latoya.merida@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 with SOAH. You may file documents with SOAH by mail, fax, or electronically. To file electronically, you must use eFileTexas. Instructions on using eFileTexas 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.

2022-7192

Notice of Hearing

Kristen Nicole Dominguez

SOAH Docket No. 454-22-1116

Page 4 of 5

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

Respectfully Submitted,

L. Merida

Latoya Merida
State Bar No. 24089625
Texas Department of Insurance
Enforcement Division, MC ENF
P.O. Box 12030
Austin, Texas 78711-2030
(512) 676-6344 (Direct)
(512) 490-1020 (Fax)
Latoya.merida@tdi.texas.gov

ATTORNEY FOR THE PETITIONER
TEXAS DEPARTMENT OF INSURANCE

Enclosure: Original Petition

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

2022-7192

Notice of Hearing

Kristen Nicole Dominguez

SOAH Docket No. 454-22-1116

Page 5 of 5

CERTIFICATE OF SERVICE

I, Latoya Merida, certify that a true and correct copy of the *Notice of Hearing and the Original Petition* were sent by certified mail, return receipt requested, on this 17th day of December, 2021 to:

Kristen Nicole Dominguez

[REDACTED]

Wichita Falls, TX 76308

Respondent Pro Se

CM/RRR: 9214 8901 9403 8361 6595 36

Via Email: [REDACTED]

L. Merida

Latoya Merida

2022-7192

FILED
454-22-1116
12/16/2021 9:33 AM
STATE OFFICE OF
ADMINISTRATIVE HEARINGS
Carol Hale, CLERK

SOAH DOCKET NO. 454- 22-1116
TDI ENFORCEMENT FILE NO. 27470

TEXAS DEPARTMENT OF INSURANCE,

BEFORE THE STATE OFFICE

Petitioner

ACCEPTED
454-22-1116
12/16/2021 11:17:15 pm
STATE OFFICE OF
ADMINISTRATIVE HEARINGS
Carol Hale, CLERK

v.

OF

KRISTEN NICOLE DOMINGUEZ,

ADMINISTRATIVE HEARINGS

Respondent

ORIGINAL PETITION

The Texas Department of Insurance seeks to deny Kristen Nicole Dominguez’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 under TEX. INS. CODE §§ 82.051-82.055, 4001.002, 4005.101, 4005.102, 4051.201, 4054.051 and 28 TEX. ADMIN. CODE § 1.502; TEX. OCC. CODE §§ 53.021–53.023; and TEX. GOV’T CODE §§ 2001.051-2001.178.

Factual Allegations

Prior Licensure

1. Kristen Nicole Dominguez (Dominguez), individual identification no. 1765813, previously held a temporary general lines-LAH agent license and a temporary county mutual agent license with the department, which were both cancelled on November 29, 2021.

Misrepresentation on License Application

2. In both of her license applications, Dominguez falsely answered “No” to the following question:

EXHIBIT

B

2022-7192

Original Petition

Kristen Nicole Dominguez

Page 2 of 4

Have you ever been convicted of a felony, had a judgement withheld or deferred, or are you currently charged with committing a felony?

License Application

3. On September 23, 2020, Dominguez submitted an application to the department for a county mutual and general lines LAH license.
4. The department proposed to deny Dominguez's application on March 24, 2021, based on her criminal history and failure to disclose her criminal history. Dominguez appealed that decision and made a written request for hearing.

Criminal History

5. On or about August 28, 2015, Dominguez pled guilty to the felony offense of Secure Execution of Document by Deception (\$1,500-\$20,000) in Cause No. 55434-A in the 30th District Court in Wichita County, Texas, for an offense occurring on June 13, 2012. Dominguez received 5 years Deferred Adjudication Community Supervision.
6. On September 9, 2020, the court entered an order discharging Dominguez from Deferred Adjudication Community Supervision.

Legal Allegations

1. Dominguez has committed an act for which a license may be denied under TEX. INS. CODE ANN. § 4005. 101, as contemplated in TEX. INS. CODE ANN. § 4001.105(3).
2. Dominguez has been sentenced to deferred adjudication probation for a felony offense involving moral turpitude, as contemplated in TEX. OCC. CODE § 53.021-53.023.
3. Dominguez intentionally made a material misstatement in a license application, as contemplated by TEX. INS. CODE § 4005.101(b)(2).
4. Dominguez attempted to obtain a license by fraud or misrepresentation, as contemplated by TEX. INS. CODE § 4005.101(b)(3).

5. 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 the offense of Secure Execution of Document by Deception (\$1,500-\$20,000) 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).

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 Kristen Nicole Dominguez'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,

L. Merida

Latoya Merida
State Bar No. 24089625
Texas Department of Insurance
Enforcement Division, MC ENF
P.O. Box 12030
Austin, Texas 78711-2030
(512) 676-6634 (Direct)
(512) 490-1020 (Fax)
Latoya.merida@tdi.texas.gov

2022-7192

Original Petition

Kristen Nicole Dominguez

Page 4 of 4

ATTORNEY FOR THE PETITIONER
TEXAS DEPARTMENT OF INSURANCE

Date Produced: 12/27/2021

ConnectSuite Inc.:

The following is the delivery information for Certified Mail™/RRE item number 9214 8901 9403 8361 6595 36. Our records indicate that this item was delivered on 12/20/2021 at 11:09 a.m. in WICHITA FALLS, TX 76308. The scanned image of the recipient information is provided below.

Signature of Recipient :

Kristen Nicole Dominguez
Dominguez

Address of Recipient :



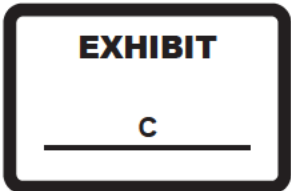
Thank you for selecting the Postal Service for your mailing needs. If you require additional assistance, please contact your local post office or Postal Service representative.

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:

KRISTEN NICOLE DOMINGUEZ
[Redacted]
WICHITA FALLS, TX 76308



Customer Reference Number: C3122535.18137167
Return Reference Number Merida/27470