

No. 2022-7412

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

Date: 07/28/2022

Subject Considered:

Latora Boykin

[REDACTED]
Mobile, Alabama 36609

Consent Order
TDI Enforcement File No. 29494

General remarks and official action taken:

This is a consent order with Latora Boykin (Boykin). Boykin applied for an Adjuster All Lines non-resident license. Boykin provided rehabilitative evidence which outweighs the serious nature of her criminal history. This order grants Boykin an Adjuster All Lines non-resident license subject to the terms of the two-year probated suspension detailed in this order.

Waiver

Boykin acknowledges the Texas Insurance Code and other applicable law provide certain rights. Boykin waives all of these rights, and any other applicable procedural rights, in consideration of the entry of this consent order.

Findings of Fact

License Application

1. On February 24, 2022, Boykin applied for an Adjuster All Lines non-resident license to be issued by the Texas Department of Insurance.

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Criminal History

2. On November 2, 2015, Boykin was convicted of Theft of Property in the second degree, a Class C felony, in case CC-2015 in the [REDACTED] Baldwin County, Alabama. She was sentenced to probation for three years and ordered to pay \$607 in restitution for a total of \$2,224.80 in court fees. Boykin currently owes \$1,917.80 in court fees and is continuing to make payments.
3. This conviction was a result of Boykin stealing merchandise to sell later, in an attempt to provide for her family.
4. At the time of the theft, Boykin was employed part-time as a cashier, had one small child, and was the sole provider. While she worked, her grandmother watched her child. Both Boykin and her grandmother were experiencing food insecurity, and Boykin was trying to provide for them.

Evidence of Rehabilitation

5. Boykin cooperated with the department's requests during the investigation of her criminal background. She provided evidence of her rehabilitation in support of her fitness for licensure.
6. In accordance with the requirements of TEX. OCC. CODE § 53.025, the department has developed guidelines relating to the matters the department considers when determining whether to grant, deny, suspend, or revoke any license or authorization under its jurisdiction, as described in 28 TEX. ADMIN. CODE § 1.502(e)-(k).
7. Pursuant to 28 TEX. ADMIN. CODE § 1.502(f), the department may issue a license if the applicant has engaged in criminal activity, if the commissioner determines that the serious nature of the criminal activity is outweighed by the rehabilitative factors described in 28 TEX. ADMIN. CODE § 1.502(h).
8. TEX. OCC. CODE §§ 53.022 and 53.023 and 28 TEX. ADMIN. CODE § 1.502(h) provide numerous factors the department must consider in determining whether the rehabilitative evidence provided outweighs the serious nature of the applicant's criminal history.

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9. TEX. OCC. CODE § 53.022 and 28 TEX. ADMIN. CODE § 1.502(h)(1) describe the initial factors the department must consider in determining whether issuance of the license is appropriate:

FACTORS IN DETERMINING WHETHER CONVICTION DIRECTLY RELATES TO OCCUPATION. In determining whether a criminal conviction directly relates to the duties and responsibilities of a licensed occupation, the licensing authority shall consider each of the following factors:

- (1) the nature and seriousness of the crime;
 - (2) the relationship of the crime to the purposes for requiring a license to engage in the occupation;
 - (3) the extent to which a license might offer an opportunity to engage in further criminal activity of the same type as that in which the person previously had been involved;
 - (4) the relationship of the crime to the ability or capacity required to perform the duties and discharge the responsibilities of the licensed occupation; and
 - (5) any correlation between the elements of the crime and the duties and responsibilities of the licensed occupation.
10. Considering the factors outlined in TEX. OCC. CODE § 53.022 and 28 TEX. ADMIN. CODE § 1.502(h)(1), Boykin's conviction for Theft of Property is serious in nature and directly relates to the licensed occupation. 28 TEX. ADMIN. CODE §1.502(e)(4)(F). Boykin's conviction affects her ability and capacity because of "the special nature of the relationship between licensees ... and the public with respect to insurance and related businesses regulated by the department requires that the public place trust in and reliance upon such persons due to the complex and varied nature of insurance and insurance-related products." 28 TEX. ADMIN. CODE §1.502(a).
11. TEX. OCC. CODE § 53.023 and 28 TEX. ADMIN. CODE § 1.502(h)(2) describe additional factors the department must consider in determining whether issuance of the license is appropriate:

ADDITIONAL FACTORS FOR LICENSING AUTHORITY TO CONSIDER AFTER DETERMINING CONVICTION DIRECTLY RELATES TO OCCUPATION.

- (a) If a licensing authority determines under Section 53.022 that a criminal conviction directly relates to the duties and responsibilities of a licensed occupation, the licensing authority shall consider the following in determining whether to take an action authorized by Section 53.021:

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- (1) the extent and nature of the person's past criminal activity;
 - (2) the age of the person when the crime was committed;
 - (3) the amount of time that has elapsed since the person's last criminal activity;
 - (4) the conduct and work activity of the person before and after the criminal activity;
 - (5) evidence of the person's rehabilitation or rehabilitative effort while incarcerated or after release;
 - (6) evidence of the person's compliance with any conditions of community supervision, parole, or mandatory supervision; and
 - (7) other evidence of the person's fitness, including letters of recommendation.
 - (b) The applicant has the responsibility, to the extent possible, to obtain and provide to the licensing authority the recommendations described by Subsection (a)(7).
12. In consideration of TEX. OCC. CODE § 53.023(a)(1) and 28 TEX. ADMIN. CODE §§ 1.502(e)(4)(F), Boykin's conviction for Theft of Property in the second degree, a Class C felony, is her only criminal conviction and it is directly related to the licensed occupation.
 13. In consideration of TEX. OCC. CODE § 53.023(a)(2) and 28 TEX. ADMIN. CODE § 1.502(h)(2)(B), Boykin's criminal activity occurred in 2015, when she was 25 years old.
 14. In consideration of TEX. OCC. CODE § 53.023(a)(3) and 28 TEX. ADMIN. CODE § 1.502(h)(2)(C), it has been seven years since Boykin's last criminal activity occurred.
 15. In consideration of TEX. OCC. CODE § 53.023(a)(4)-(5) and 28 TEX. ADMIN. CODE §§ 1.502(h)(2)(D)-(E), and 1.502(h)(2)(G)(i), Boykin provided the department with evidence demonstrating her commitment to rehabilitation after her conviction. Boykin provided the department with a copy of her resume which shows her steady employment since 2011.
 16. In consideration of TEX. OCC. CODE § 53.023(a)(7) and 28 TEX. ADMIN. CODE § 1.502(h)(2)(F), the department received letters of recommendation for Boykin

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from a former manager and a former co-worker. They state she is highly competent, well-organized, passionate, and has good moral character.

17. In consideration of TEX. OCC. CODE § 53.023(a)(4) and (7), and 28 TEX. ADMIN. CODE § 1.502(h)(2)(G)(ii), Boykin currently has three minor children for whom she is the sole provider.
18. In consideration of TEX. OCC. CODE § 53.023(a)(3), (4), and (7), and 28 TEX. ADMIN. CODE § 1.502(h)(2)(G)(iii), Boykin has maintained a record of good conduct without any criminal activity for seven years.
19. In consideration of TEX. OCC. CODE § 53.023(a)(4) and (6), and 28 TEX. ADMIN. CODE § 1.502(h)(2)(G)(iv), Boykin still owes \$1,917.80 in court fees on which she is making payments.
20. The factors described in 28 TEX. ADMIN. CODE § 1.502(h) and TEX. OCC. CODE §§ 53.022 and 53.023 outweigh the serious nature of Boykin's conviction.
21. Due to Boykin's criminal history, the department needs the opportunity to monitor her insurance activities to ensure she demonstrates the ability and capacity required to perform and discharge the responsibilities of an adjuster.

Conclusions of Law

1. The commissioner has jurisdiction over this matter under TEX. INS. CODE §§ 82.051–82.055, 84.021–84.044, 4005.101, 4005.102, and 4101.051.
2. The commissioner has the authority to informally dispose of this matter as set forth in TEX. GOV'T CODE § 2001.056; TEX. INS. CODE §§ 36.104 and 82.055; and 28 TEX. ADMIN. CODE § 1.47.
3. Boykin has knowingly and voluntarily waived all procedural rights to which she may have been entitled regarding the entry of this order, including, but not limited to, issuance and service of notice of intention to institute disciplinary action, notice of hearing, a public hearing, a proposal for decision, rehearing by the commissioner, and judicial review.
4. Boykin committed acts for which the department may deny a license under TEX. INS. CODE § 4005.101(b)(8).

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5. Considering the factors outlined in TEX. OCC. CODE § 53.022 and 28 TEX. ADMIN. CODE § 1.502(h)(1), Boykin's conviction for Theft of Property is serious in nature and directly relates to the licensed occupation.
6. The factors described in 28 TEX. ADMIN. CODE § 1.502(h) and TEX. OCC. CODE §§ 53.022 and 53.023 outweigh the serious nature of Boykin's conviction.
7. The commissioner is an insurance regulatory official authorized to regulate Boykin's activities in the business of insurance. The commissioner has primary jurisdiction to grant Boykin written consent to engage or participate in the business of insurance, pursuant to 18 U.S.C. § 1033.

Order

It is ordered that an Adjuster All Lines non-resident license is granted to Latora Boykin. It is further ordered the Adjuster All Lines non-resident license is suspended for two years. The suspension will be probated, subject to the terms of this order below.

If, during the probation period imposed by this order, the department issues any additional licenses or authorizations to Boykin, those additional licenses or authorizations will be suspended until the probation period imposed by this order has ended. The suspension shall be probated, and the same terms and conditions stated in this order will apply.

Beginning from the date of this order, and continuing through the probation period, Boykin must provide written notice of this order to any employer, company, or other entity on behalf of which she performs the acts of an adjuster. Boykin must provide the department with a copy of the notification within 30 days of the appointment, employment, or sponsorship by emailing it to the Texas Department of Insurance at EnforcementReports@tdi.texas.gov

Beginning from the date of this order and continuing through the probation period, Boykin must file a written report, on or before the 15th day of the month on a quarterly basis for the months of August, November, February, and May with the Texas Department of Insurance by emailing it to EnforcementReports@tdi.texas.gov. The reports must include the following information:

- a. Boykin's current mailing address and telephone number;

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- b. The name, mailing address, and telephone number of Boykin's employer, and if Boykin is self-employed, then a statement that she is self-employed and the name, mailing address, and telephone number of her business;
- c. The name and address of any insurer or entity which has employed or contracted with Boykin as an adjuster;
- d. The name and address of any insurer or entity which has terminated Boykin's employment or contract as an adjuster; and
- e. A copy of any and all contracts Boykin has entered into with an insurer, adjusting firm, broker, managing general agent, managing general agency, or any person or entity in the business of insurance.

Boykin must notify the department immediately of the following by emailing EnforcementReports@tdi.texas.gov;

- a. Any charges or indictments filed against her for a misdemeanor or felony during the period she is required to file reports, excluding traffic offenses and Class C misdemeanors;
- b. Any state or regulatory actions taken against her, including both formal and informal actions;
- c. Any change in her employment or residence; and
- d. Any complaint made against Boykin concerning her performance as an adjuster, as well as a written explanation detailing the steps taken to resolve it.

Written consent, as contemplated by 18 U.S.C. § 1033(e)(2), is granted for Boykin to engage or participate in the business of insurance with respect to persons who are domiciled in and risks and subjects of insurance that are resident, located, or to be performed in Texas. This written consent will remain in effect as long as Boykin maintains a license or authorization issued by the department. This written consent terminates immediately if any insurance license or authorization held by Boykin is suspended or revoked.

DocuSigned by:

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Cassie Brown
Commissioner of Insurance

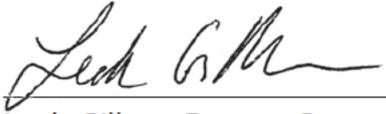
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Recommended and reviewed by:



Leah Gillum, Deputy Commissioner
Fraud and Enforcement Division



Stephanie Daniels, Staff Attorney
Enforcement

