

No. 4277

**OFFICIAL ORDER
of the
TEXAS COMMISSIONER OF INSURANCE**

Date: JAN 26 2016

Subject Considered:

JENNIFER LEE GONZALES
1800 N. Lee Trevino, Ste. 201
El Paso, TX 79936

DEFAULT ORDER
SOAH DOCKET NO. 454-16-1156.C
ENFORCEMENT FILE NO. 8818

General Remarks and Official Action Taken:

The commissioner of insurance considers whether a limited lines insurance license should be granted to Jennifer Lee Gonzales.

FINDINGS OF FACT

1. On or about August 21, 2014, the Texas Department of Insurance received an application for issuance of a new limited lines insurance license by Jennifer Lee Gonzales.
2. Question 7.c. of the application asks, "Have you ever had adjudication deferred on any misdemeanor or felony charge or offense in Texas, in any other state or by the federal government?" Below the question, the applicant can check either the box marked "Yes" or "No." Gonzales marked the "No" box. In fact, Gonzales did receive two separate deferred adjudications for two separate offenses.
3. Question 7.d. of the application asks, "Have you ever served any period of probation for any misdemeanor or felony charge or offense in Texas, in any other state or by the federal government?" Below the question, the applicant can check either the box marked "Yes" or "No." Gonzales marked the "No" box. In fact, Gonzales did receive two separate probations for two separate offenses.
4. Gonzales was arrested for theft of property valued between \$50.00 and \$500.00 in cause number 375553, County Court at Law No. 5 of Bexar County, Texas and pleaded "No Contest." She was placed on six months deferred adjudication probation on December 16, 2011, which was terminated unsatisfactorily on August 21, 2012.
5. Gonzales was arrested for theft of property valued between \$500.00 and \$1,500.00 in cause number 387936, County Court at Law No. 5 of Bexar County, Texas and pleaded, "No Contest." She was placed on deferred adjudication probation on August 21, 2012, for

one year with a six month extension which was dismissed and discharged on February 24, 2014.

6. TDI mailed a proposed summary denial letter to Gonzales on or about December 29, 2014.
7. On or about July 13, 2015, Gonzales requested a hearing regarding the denial of her license application.
8. TDI records show the last mailing address Gonzales provided to the department in writing is 1800 N. Lee Trevino, Ste. 201, El Paso, TX 79936. Gonzales also provided a residential address of 218 North Hill Dr., San Antonio, TX 78201-2641.
9. On November 23, 2015, TDI sent a notice of hearing to Gonzales' last known mailing address and residential address by certified mail return receipt requested and first class mail.
10. Gonzales failed to file a written response to the notice of hearing within 20 days after the date the notice of hearing was mailed.

CONCLUSIONS OF LAW

1. The commissioner has jurisdiction over this matter pursuant to TEX. INS. CODE §§ 82.051 – 82.055, 84.021 – 84.022, 4001.002, 4005.101, 4005.102, 4051.101, and 4054.101 and TEX. GOV'T CODE §§ 2001.051–2001.178.
2. The commissioner has the 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. Based on 28 TEX. ADMIN. CODE § 19.906, Gonzales' last known mailing address is presumed to be 1800 N. Lee Trevino, Ste. 201, El Paso, TX 79936.
4. TDI mailed a notice of hearing to Gonzales' last known mailing address as required by 28 TEX. ADMIN. CODE §§ 1.28(c) and 1.88(c); 1 TEX. ADMIN. CODE § 155.401; and TEX. GOV'T CODE Chapter 2001.
5. TDI's allegations in the notice of hearing, as set out in findings of fact nos. 1 - 5, are deemed admitted as true pursuant to 28 TEX. ADMIN. CODE § 1.89.
6. After considering the factors outlined in TEX. OCC. CODE §§ 53.022 and 53.023(a), Gonzales is deemed convicted of the offenses even though she received deferred adjudication probation, because the commissioner has determined that employment in the licensed occupation would create an opportunity for her to repeat the prohibited conduct. TEX. OCC. CODE §§ 53.021(d)(2)(B).

7. Gonzales has committed a misdemeanor or engaged in fraudulent or dishonest activity that directly relates to the duties and responsibilities of an insurance agent. 28 TEX. ADMIN. CODE § 1.502(d).
8. The factors described in 28 TEX. ADMIN. CODE § 1.502(h) and TEX. OCC. CODE §§ 53.022 and 53.023 do not outweigh the serious nature of Gonzales' offenses. 28 TEX. ADMIN. CODE § 1.502(f).
9. Gonzales committed an offense involving essential elements of theft which is a crime the department considers to be of such a serious nature that it is of prime importance in determining fitness for licensure. 28 TEX. ADMIN. CODE § 1.502(e)(4)(f).
10. Gonzales made a material misstatement in her license application in violation of TEX. INS. CODE § 4005.101(b)(2).
11. Gonzales attempted to obtain her license by fraud or misrepresentation in violation of TEX. INS. CODE § 4005.101(b)(3).
12. Gonzales has engaged in fraudulent or dishonest acts or practices in violation of TEX. INS. CODE § 4005.101(b)(5).

The commissioner of insurance orders that the application for a limited lines license submitted by Jennifer Lee Gonzales is denied.



David C. Mattax
Commissioner of Insurance

STATE OF TEXAS §
 §
COUNTY OF TRAVIS §

Affidavit

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

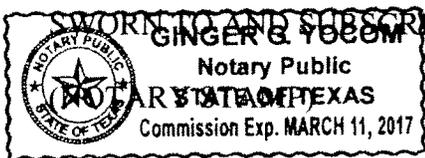
“My name is Judy Lopez and I am employed by the Texas Department of Insurance. I am of sound mind, capable of making this affidavit, and have personal knowledge of these facts which are true and correct.

I have reviewed TDI's records concerning Jennifer Lee Gonzales and I have confirmed that:

- (1) The last mailing address provided to the department in writing by Jennifer Lee Gonzales was 1800 N. Lee Trevino, Ste. 201, El Paso, TX 79936.
- (2) The file maintained by the Enforcement Section of the Compliance Division contains a notice of hearing dated November 23, 2015, filed with the State Office of Administrative Hearing.
- (3) A certified letter, return receipt requested, and a first class mailing, both containing a notice of hearing addressed to Jennifer Lee Gonzales's last known address, were both deposited in the United States mails.

Copies of the certified and first class mail logs are attached as exhibits A and B.”

Judy Lopez
Affiant



Notary without Bond

Ginger G. Yuccom
Notary Public, State of Texas

SWORN TO AND SUBSCRIBED before me on January 13, 2016.

110-1A

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Firm Mailing Book For Accountable Mail

Name and Address of Sender
 Texas Dept of Insurance
 Mail Code 110-1A
 333 Guadalupe St
 Austin TX 78701
 November 23, 2015
 Judy Lopez

Check type of mail or service

Adult Signature Required
 Adult Signature Restricted Delivery
 Certified Mail
 Certified Mail Restricted
 Collect on Delivery (COD)
 Insured Mail
 Priority Mail

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

Affix Stamp Here
 (If issued as an international certificate of mailing or for additional copies of this receipt). Postmark with Date of Receipt

	USPS Tracking/Article Number	Address (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	SH Fee
Winograd	7014 1820 0000 4515 7481 ✓	Jennifer Lee Gonzales 1800 N. Lee Trevino Ste. 201 El Paso, TX 79936	7.05	3.45								2.80			
Winograd	7014 1820 0000 4515 7498 ✓	Jennifer Lee Gonzales 218 North Hill Dr. San Antonio, TX 78201-2641	7.05	1								2.80			
					Handling Charge-if Registered and over \$50,000 in value										
									Adult Signature Required						
									Adult Signature Restricted Delivery						
									Restricted Delivery						
									Return Receipt						
									Signature Confirmation						
									Signature Confirmation Restricted Delivery						
									Special Handling						



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