

No. 2018-5515

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

**Date: MAY 24 2018**

**Subject Considered:**

VICTOR MILES HAYWOOD  
7754 Eastbrook Farm  
San Antonio, Texas 78239

**DEFAULT ORDER**  
SOAH DOCKET NO. 454-18-2236.C  
TDI ENFORCEMENT FILE NO. 14469

The subject of this order is whether a general lines agent license with a life, accident, and health qualification should be issued to Victor Miles Haywood (Haywood).

**FINDINGS OF FACT**

**License Application**

1. Haywood submitted an application for a general lines agent license with a life, accident, and health qualification to the Texas Department of Insurance (department) on or about February 16, 2017.
2. The department proposed to deny Haywood's application on August 9, 2017, based on his criminal history. Haywood appealed that decision and made a written request for a hearing.

**Criminal History**

3. Haywood was convicted of burglary of a habitation, a second degree felony, in the 227th District Court, San Antonio, Texas in cause number CAU: 2008CR1354. On December 3, 2009, Haywood was sentenced to seven years probation. On October 25, 2010, Haywood's sentence was modified and he was ordered to serve 30 days confinement and one year of zero tolerance probation.
4. On November 5, 2013, Haywood was convicted of evading arrest detention, a misdemeanor, in the Bexar County Court at Law 14, San Antonio, Texas in cause number CAU: 430565 and sentenced to two days confinement.
5. On June 27, 2017, Haywood was sentenced to two years deferred adjudication probation for Felon Possession Firearm, a felony, in the 144th District Court of Bexar County, Texas in cause number 2016CR6207.

6. Haywood is currently on felony deferred adjudication probation until approximately 2019.

**Failure to Respond to Notice of Hearing**

7. On February 13, 2018, the department sent an amended notice of hearing to Haywood's last known address provided in writing to the department, 7754 Eastbrook Farm, San Antonio, Texas 78239.
8. Haywood failed to file a written response to the amended notice of hearing within 20 days of the date the amended notice of hearing was mailed.

**Failure to Appear at Hearing on the Merits**

9. After receiving proper notice of the date, time, and location of the hearing on the merits, Haywood failed to appear for the hearing on May 7, 2018.

**CONCLUSIONS OF LAW**

1. The commissioner has jurisdiction over this matter pursuant to TEX. INS. CODE §§ 82.051-82.055, 4001.002, 4005.101-4005.105, and 4054.051; 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. Pursuant to 28 TEX. ADMIN. CODE § 19.906, Haywood's last known address is presumed to be 7754 Eastbrook Farm, San Antonio, Texas 78239.
4. The department sent an amended notice of hearing to Haywood's last known 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 Ch. 2001.
5. Haywood received 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, and 1.89.
6. Based on Haywood's failure to file a written response to the amended notice of hearing and failure to appear in person or by legal representative at the hearing, the department is entitled to disposition by default pursuant to 28 TEX. ADMIN. CODE §§ 1.88 and 1.89.
7. The department's allegations in the notice of hearing, set out herein as findings of fact nos. 1-6, are deemed admitted as true pursuant to 28 TEX. ADMIN. CODE § 1.89.
8. Haywood has committed acts for which a license may be denied because:

- a. he has engaged in fraudulent or dishonest acts or practices, as contemplated by TEX. INS. CODE § 4005.101(b)(5); and
  - b. he has been convicted of a felony, as contemplated by TEX. INS. CODE § 4005.101(b)(8).
9. Haywood has committed an offense for which fraud, dishonesty, or deceit is an essential element, as contemplated in 28 TEX. ADMIN. CODE § 1.502(e)(1) and TEX. OCC. CODE §§ 53.021-53.023.
10. Haywood committed offenses that the department considers to be of such serious nature that it is of prime importance in determining fitness for licensure, as contemplated by 28 TEX. ADMIN. CODE § 1.502(e).
11. 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 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. 28 TEX. ADMIN. CODE § 1.502(e)(1); and
  - d. considers the offense of burglary of a habitation and felon possession firearm to be of such serious nature that it is of prime importance when determining fitness for licensure. 28 TEX. ADMIN. CODE § 1.502(e)(4)(E).
12. Pursuant to TEX. OCC. CODE § 53.021(d), the department may consider Haywood to have been convicted of the offense of felon possession firearm because:
  - a. he has not completed the period of supervision; and
  - b. after consideration of the factors in TEX. OCC. CODE §§ 53.022 and 53.023(a), the department determines that Haywood may pose a continued threat to public safety.
13. Haywood has been convicted of a felony involving dishonesty or breach of trust, as specified in 18 U.S.C. § 1033 and requires written consent from the commissioner of insurance to engage or participate in the business of insurance.

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COMMISSIONER'S ORDER

Victor Miles Haywood

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It is ordered that Victor Miles Haywood's application for a general lines agent license with a life, accident, and health qualification is denied.



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Kent C. Sullivan

Commissioner of Insurance

AFFIDAVIT

STATE OF TEXAS           §  
  §  
COUNTY OF TRAVIS       §

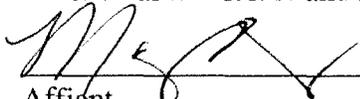
Before me, the undersigned authority, personally appeared Mary Ruiz, who, being by me duly sworn, deposed as follows:

“My name is Mary Ruiz 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 Victor Miles Haywood. I have confirmed that:

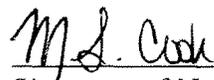
- a. The last mailing address provided to the department by Victor Miles Haywood in writing was 7754 Eastbrook Farm, San Antonio, Texas 78239.
- b. The file maintained by the Enforcement Section of the Legal and Enforcement Division contains an amended notice of hearing dated February 13, 2018, which was filed with the State Office of Administrative Hearings.
- c. On February 13, 2018, an amended notice of hearing addressed to Victor Miles Haywood, was mailed first class and certified, with return receipt requested, to his last known address.

Copies of the first class log and certified mail log maintained by the Enforcement Section are attached as Exhibit A and Exhibit B.”

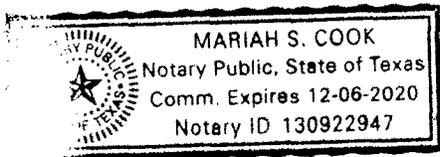
  
\_\_\_\_\_  
Affiant

SWORN TO AND SUBSCRIBED before me on May 10<sup>th</sup>, 2018.

(NOTARY SEAL)

  
\_\_\_\_\_  
Signature of Notary Public

MARIAH S. Cook  
\_\_\_\_\_  
Printed Name of Notary Public







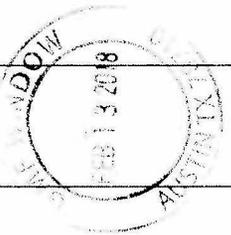
Name and Address of Sender  
 MC 110-1A M RUIZ  
 Texas Department of Insurance  
 333 Guadalupe St  
 Austin Tx 78701

- 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  
 (if issued as an international certificate of mailing or for additional copies of this receipt).  
 Postmark with Date of Receipt.

USPS Tracking/Article Number	Addressee (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	
1. 9214 8901 9403 8300 0004 3275 08	VICTOR MILES HAYWOOD 7754 EASTBROOK FARM SAN ANTONIO TX 78239	0.68	3.45	Handling Charge - if Registered and over \$50,000 in value							1.50				
ANDREWS/14469															

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**RECEIVED**  
 FEB 14 2018  
**TDI - ENFORCEMENT**

EXHIBIT  
 B

Total Number of Pieces Listed by Sender: 1  
 Total Number of Pieces Received at Post Office: 1

Postmaster, Per (Name of receiving employee)

2018-5515



# 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: 02/13/2018

Shipped From:

Name: MC 110-1A M RUIZ

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

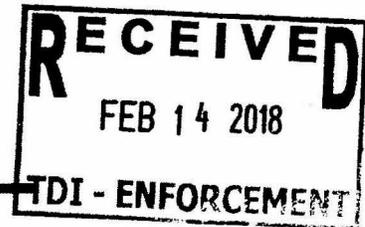
\*Start time for products with service guarantees will begin when mail arrives at the local Post Office™ and items receive individual processing and acceptance scans.

## 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 0007 1693 58

