

No. 2018- 5579

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

Date: JUL 16 2018

Subject Considered:

XAVIER VICENTE ALVARADO
356 Noddy Rd
Buda, Texas 78610-2066

DEFAULT ORDER
SOAH DOCKET NO. 454-18-3459.C
TDI ENFORCEMENT FILE NO. 14464

General remarks and official action taken:

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

FINDINGS OF FACT

License Application

1. Alvarado, individual identification number 1773492, applied for a general lines agent license with a life, accident, and health qualification with the Texas Department of Insurance on July 3, 2017.
2. The department proposed to deny Alvarado's application on August 3, 2017, due to his criminal history. Alvarado requested a hearing on August 31, 2017.

Felony Conviction

3. On January 9, 2013, Alvarado pleaded guilty to larceny of government property under Article 121 of the Uniform Code of Military Justice, 10 U.S.C. § 921 (2006), a felony. The court ordered Alvarado to pay \$1,010.00 per month for six months and confined him for six months. Alvarado was also dishonorably discharged from the military.
4. Alvarado has been convicted of a felony involving dishonesty or breach of trust, as specified in 18 U.S.C § 1033 and requiring written consent from the commissioner of insurance to engage or participate in the business of insurance.

Failure to Respond to Notice of Hearing

5. On May 3, 2018, the department sent a notice of hearing to Alvarado's last known address provided in writing to the department: 356 Noddy Rd, Buda, Texas 78610-2066.
6. Alvarado failed to file a written response to the notice of hearing within 20 days of the date the notice of hearing was mailed.

CONCLUSIONS OF LAW

1. The commissioner of insurance has jurisdiction over this matter pursuant to TEX. INS. CODE §§ 82.051–82.055, 4001.002, 4005.101, 4005.102, and 4054.051; TEX. GOV'T CODE §§ 2001.051–2001.178; 28 TEX. ADMIN. CODE § 1.502; and TEX. OCC. CODE §§ 53.021–53.023.
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, Alvarado's last known address is presumed to be 356 Noddy Rd, Buda, Texas 78610-2066.
4. The department sent a notice of hearing to Alvarado'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. The allegations in the notice of hearing, set out herein as findings of fact nos. 1–4 are deemed admitted as true pursuant to 28 TEX. ADMIN. CODE § 1.89.
6. Based on Alvarado's prior criminal history, Alvarado has committed acts for which a license may be denied under TEX. INS. CODE, Chapter 4005, Subchapter C, 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. OCC. CODE § 53.021(a) and TEX. INS. CODE § 4005.101(b)(8).
7. Alvarado committed an offense and has engaged in fraudulent or dishonest activity that directly relates to the duties and responsibilities of the licensed occupation, as contemplated in 28 TEX. ADMIN. CODE § 1.502(d).
8. 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; and
 - c. considers any offense for which fraud, dishonesty, or deceit is an essential element to be of such a serious nature that they are of prime importance when determining fitness for licensure.
9. Alvarado has been convicted of a felony involving dishonesty or breach of trust, as specified in 18 U.S.C § 1033 and requiring written consent from the commissioner of insurance to engage or participate in the business of insurance.

It is ordered that Xavier Vicente Alvarado's application for a general lines agent license with a life, accident, and health qualification is denied.



Kent C. Sullivan
Commissioner of Insurance

2018- 5579



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: 05/03/2018

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:

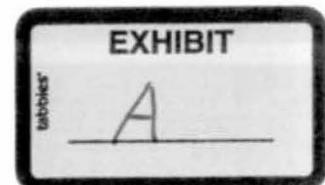
1. Home screen > Mailing/Shipping > More
2. Select Shipment Confirm
3. Scan or enter the barcode/label number from PS Form 5630
4. Confirm the volume count message by selecting Yes or No
5. Select Pay and End Visit to complete transaction

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 0008 2962 99





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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 8305 9441 17	XAVIER VICENTE ALVARADO 356 NODDY RD BUDA TX 78610-2066	0.71	3.45	Handling Charge - if Registered and over \$50.00 in value							1.50				
WILLS/14464															

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

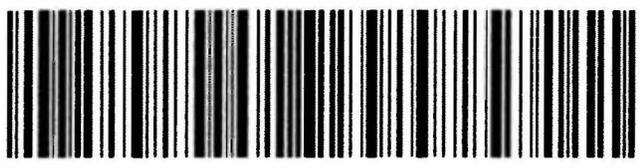
Postmaster, Per (Name of receiving employee)

2018-5579

USPS CERTIFIED MAIL



Texas Department
of Insurance
MC110-1A
333 Guadalupe
Austin, TX 78701



9214 8901 9403 8305 9441 17

XAVIER VICENTE ALVARADO
356 NODDY RD
BUDA TX 78610-2066

Return Ref# WILLS/14464

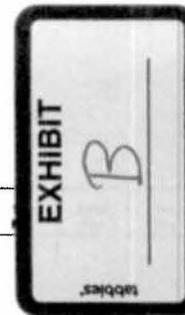
Postage \$5.6600

Name and Address of Sender
 Texas Dept of Insurance
 Mail Code 110-1A
 333 Guadalupe St
 Austin TX 78701
Mary Ruiz
 May3, 2018

Check type of mail or service

Adult Signature Required Priority Mail Express
 Adult Signature Restricted Delivery Registered Mail
 Certified Mail Return Receipt for Merchandise
 Certified Mail Restricted Signature Confirmation
 Collect on Delivery (COD) Signature Confirmation Restricted Delivery
 Insured Mail
 Priority Mail

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 # Registered	Insured Value	Due Sender # COD	ASR Fee	ASRD Fee	RD Fee	RR Fee
WILLS/14464	XAVIER VICENTE ALVARADO 356 NODDY RD BUDA, TEXAS 78610-2066	47		50,000 in value							
				Handling Charge							
				Adult Signature Req							
				Adult Signature Restricted De							
				Restricted Delivery							
				Return Receipt							
				Signature Confirmation							
				Signature Confirmation Restricted Delivery							
				Special Handling							

heopost
 OFFICIAL BUSINESS
 STATE OF TEXAS
 PENALTY FOR PRIVATE USE
 US POSTAGE \$001.40
 ZIP 78701
 4425200004

RECEIVED
 MAY 07 2018

GMF WINDOW
 MAY - 3 2018
 AUSTIN TX 78710

Total Number of Pieces Listed by Sender: *4*
 Total Number of Pieces Received at Post Office: *4*

Postmaster, Print Name of receiving employee
[Signature]

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