

No. 2019 - 5878

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

Date: FEB 19 2019

Subject Considered:

Ruby Lakeese Rucker
4833 Lomax Drive
Dallas, Texas 75227

Default Order
SOAH Docket No. 454-19-1366.C
TDI Enforcement File No. 14804

General remarks and official action taken:

The subject of this order is whether a general lines agent license with a property and casualty qualification should be issued to Ruby Lakeese Rucker (Respondent).

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

Findings of Fact

Failure to Respond to Notice of Hearing

1. On November 28, 2018, the Texas Department of Insurance filed a Notice of Hearing, attached as Exhibit A, with the State Office of Administrative Hearings.
2. The department's factual allegations set out in the attached Notice of Hearing are incorporated in this order as findings of fact.
3. The department sent the Notice of Hearing to Respondent's last known address provided in writing to the department, 4833 Lomax Drive, Dallas, Texas 75227. Notice was also sent to three additional addresses associated with Respondent: 627 Laurel Street, Lancaster, Texas 75134; 5740 Prospect Avenue Suite 2000, Dallas, Texas 75206; and 9666 Scyene Road, Apt. 603, Dallas, Texas 75227.

4. Respondent failed to file a written response to the Notice of Hearing within 20 days of the date the Notice of Hearing was mailed.

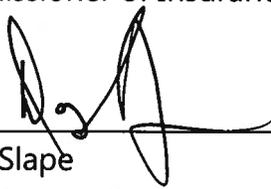
Conclusions of Law

1. The commissioner has jurisdiction pursuant to Texas law, including TEX. INS. CODE §§ 82.051-82.055, 4001.001, 4001.105, 4005.101, 4005.102, 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 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. The department provided 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, 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 pursuant to 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 are incorporated in this order and deemed admitted as true pursuant to 28 TEX. ADMIN. CODE § 1.89.

Order

It is ordered that Ruby Lakeese Rucker's application for a general lines agent license with a property and casualty qualification is denied.

Kent C. Sullivan
Commissioner of Insurance

By: 
Doug Slape
Chief Deputy Commissioner
Commissioner's Order No. 2018-5528

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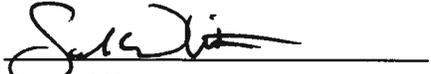
Commissioner's Order

Ruby Lakeese Rucker

SOAH Docket No. 454-19-1366.C

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Prepared and reviewed by:

A handwritten signature in black ink, appearing to read "Sarah White", is written over a solid horizontal line.

Sarah White

Staff Attorney

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 Ruby Lakeese Rucker. I have confirmed that:

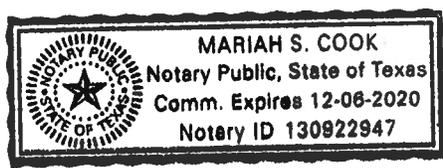
- a. The last mailing address provided to the department in writing by Ruby Lakeese Rucker is 4833 Lomax Drive, Dallas, Texas 75227.
- b. The file maintained by the Enforcement Section of the Legal and Enforcement Division contains a Notice of Hearing dated November 28, 2018, which was filed with the State Office of Administrative Hearings.
- c. On November 28, 2018 a Notice of Hearing addressed to Ruby Lakeese Rucker was mailed first-class and certified, return receipt requested, to her last known address and three additional addresses: 627 Laurel Street, Lancaster, Texas 75134; 5740 Prospect Avenue Suite 2000, Dallas, Texas 75206; and 9666 Scyene Road, Apt. 603, Dallas, Texas 75227.

Copies of the first-class mail log and certified mail log maintained by the Enforcement Section are attached as Exhibit B and Exhibit C, respectively."

Mary Ruiz
Affiant

SWORN TO AND SUBSCRIBED before me on January 22, 2019

(NOTARY SEAL)



Mariah S. Cook
Signature of Notary Public

MARIAH S. COOK
Printed Name of Notary Public

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**SOAH DOCKET NO. 454-19-1366.C
TDI ENFORCEMENT FILE NO. 14804**

TEXAS DEPARTMENT OF INSURANCE,

BEFORE THE STATE OFFICE

Petitioner

v.

OF

RUBY LAKEESE RUCKER,

ADMINISTRATIVE HEARINGS

Respondent.

NOTICE OF HEARING

The Texas Department of Insurance is seeking to deny your license application. A public hearing will be held before an Administrative Law Judge on Tuesday, February 19, 2019, at 9:00 a.m. The hearing will take place at the State Office of Administrative Hearings, located in the William P. Clements Building, 300 W. 15th Street, 4th Floor, Austin, Texas, 78701.

The hearing shall be conducted pursuant to 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.

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.

The commissioner of insurance has jurisdiction over this matter pursuant to TEX. INS. CODE §§ 82.051-82.055, 4001.001, 4001.105, 4005.101, 4005.102 and 4051.051; TEX. GOV'T CODE §§ 2001.051-2001.178; 28 TEX. ADMIN. CODE § 1.502; and TEX. OCC. CODE §§ 53.021-53.023

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 PURSUANT TO 1 TEX. ADMIN. CODE § 155.501 AND 28 TEX. ADMIN. CODE §§ 1.88 AND 1.89.



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) 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);
- (2) Chief Clerk
Texas Department of Insurance, MC113-2A
P.O. Box 149104
Austin, Texas 78714-9104
(512) 490-1064 (Fax)
chiefclerk@tdi.texas.gov; and
- (3) Sarah White
Staff Attorney
Texas Department of Insurance
Enforcement Section, MC110-1A
P.O. Box 149104
Austin, Texas 78714-9104
(512) 490-1020 (Fax)

Sarah.white@tdi.texas.gov.

FACTUAL ALLEGATIONS

License Application

1. On July 3, 2017, Ruby Lakeese Rucker (Rucker) applied for a general lines agent license with a property and casualty qualification to be issued by the Texas Department of Insurance.
2. On September 6, 2017, the department proposed to deny Rucker's application based on her criminal history and failure to disclose her criminal history. Rucker appealed that decision and made a written request for a hearing on September 29, 2017.

Criminal History

3. On December 12, 2003, Rucker was convicted of the misdemeanor offense of stealing, in cause number CR02-00412, in the Circuit Court of Jackson County, Missouri. She was sentenced two months of probation and ordered to pay \$6,497 in restitution.
4. On February 23, 2004, Rucker was convicted of three counts of the felony offense of Forgery in cause number CR0603-001071F, in the Circuit Court of Johnson County, Missouri. She was sentenced to 5 years of probation.
5. On June 17, 2004, Rucker was convicted of the felony offense of making a false writing in cause number 02CR2892, in the Judicial District Court of Johnson County, Kansas. She was sentenced to eight months confinement, 12 months of probation, and ordered to pay \$250 in restitution.

Misrepresentation on License Application

6. In her application, when asked if she had "ever been convicted of a misdemeanor, had a judgment withheld or deferred, or are you currently charged with committing a misdemeanor," She answered "No." However, at the time of her application, Rucker had been convicted of one misdemeanor offense by the Circuit Court of Jackson County, Missouri.

7. In her application, when asked if she had "ever been convicted of a felony, had a judgment withheld or deferred, or are you currently charged with committing a felony," she answered "No." However, at the time of her application, Rucker had been convicted of two felony offenses by the Circuit Court of Johnson County, Missouri and the Judicial District Court of Johnson County, Kansas.

LEGAL ALLEGATIONS

1. Rucker intentionally made a material misstatement in her license application, in violation of TEX. INS. CODE § 4005.101(b)(2).
2. Rucker attempted to obtain a license by fraud or misrepresentation, in violation of TEX. INS. CODE § 4005.101(b)(3).
3. Rucker has committed an act for which a license may be denied pursuant to TEX. INS. CODE § 4005.101(b) because she:
 - a. Has engaged in fraudulent or dishonest acts or practices;
 - b. She has been convicted of a felony; and
 - c. She has committed an offense for which fraud, dishonesty, or deceit is an essential element.
4. Department guidelines, 28 TEX. ADMIN. CODE § 1.502(c)-(e), emphasize that TDI:
 - 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 prime importance when determining fitness for licensure. 28 TEX. ADMIN. CODE § 1.502(e)(1).

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NOTICE OF HEARING
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RELIEF SOUGHT

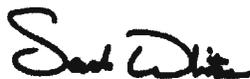
If one or more of the above allegations is found to be true, the commissioner may enter an order denying your license application and/or taking additional administrative action. You have the right to appear at this hearing and to be represented by an attorney. Please address any questions and correspondence to the undersigned counsel at the address or telephone number below.

IMPORTANT SECURITY NOTICE

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.

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

Sincerely,



Sarah White
Staff Attorney
State Bar No. 24064622
Texas Department of Insurance
Legal and Enforcement Division - Enforcement Section, MC110-1A
P.O. Box 149104
Austin, Texas 78714-9104
(512) 676-6354(Direct)
(512) 490-1020 (Fax)
Sarah.white@tdi.texas.gov

cc: Leah Gillum, Associate Commissioner, Enforcement Section, MC-110-1A
Ginger Loeffler, Director, Licensing Litigation Office, Enforcement Section, MC-110-1A
Administrative Review, MC107-1A

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NOTICE OF HEARING
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CERTIFICATE OF SERVICE

I, Sarah White, certify that a true and correct copy of this *Notice of Hearing* was sent by regular, first-class mail, and by certified mail, return receipt requested on this 28th day of November, 2018 to:

Ruby Lakeese Rucker
4833 Lomax Drive
Dallas, Texas 75227

Via CM/RRR No.:
9214 8901 9403 8375 6228 85

Ruby Lakeese Rucker
627 Laurel Street
Lancaster, Texas 75134

Via CM/RRR No.:
9214 8901 9403 8375 6230 66

Ruby Lakeese Rucker
5740 Prospect Avenue Suite 2000
Dallas, Texas 75206

Via CM/RRR No.:
9214 8901 9403 8375 6230 80

Ruby Lakeese Rucker
9666 Scyene Road, Apt. 603
Dallas, Texas 75227

Via CM/RRR No.:
9214 8901 9403 8375 6231 10

Respondent Pro Se



Sarah White

Firm Mailing Book For Accountable Mail

2019-5878

Name and Address of Sender
 Texas Dept of Insurance
 Mail Code 110-1A
 333 Guadalupe St
 Austin TX 78701
 Mary Ruiz
 November 28, 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 if Registered	Insured Value	Due Sender if COD	ASR Fee	ASRD Fee	SH
WHITE14804	RUBY LAKEESE RUCKER 4833 LOMAX DRIVE DALLAS, TEXAS 75227	\$9.00								
	RUBY LAKEESE RUCKER 627 LAUREL STREET LANCASTER, TEXAS 75134	\$9.00								
	RUBY LAKEESE RUCKER 5740 PROSPECT AVENUE SUITE 2000 DALLAS, TEXAS 75206	\$9.00								
	RUBY LAKEESE RUCKER 9666 SCYENE ROAD, APT. 603 DALLAS, TEXAS 75227	\$9.00								
				Handling Charge						
				Adult Signature Restricted Delivery						
				Return Receipt						
				Signature Confirmation						
				Signature Confirmation Restricted Delivery						
				Special Handling						

US POSTAGE \$001.60
 11/28/2018
 PENALTY FOR PRIVATE USE
 OFFICIAL BUSINESS
 STATE OF TEXAS
 neopost



Postmarked For (Name of receiving employee)

Total Number of Pieces Received at Post Office

4



PS Form 3877, June 2015

Completed in Ink

Privacy Note: For more information on USPS privacy policies, visit usps.com/privacy policy.

2019- 5878



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: 11/28/2018

Shipped From:

Name: MC 110-1A M RUIZ

Address: 333 GUADALIPE 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	4
Total	4

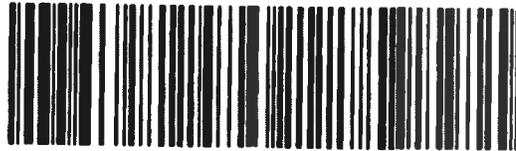
*Start time for products with service guarantees will begin when mail arrives at the local Post Office™ and items receive individual processing and acceptance scans.

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 0011 4724 44



WHITE/14804



Firm Mailing Book For Accountable Mail

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 8375 6228 85 WHITE/14804	RUBY LAKEESE RUCKER 4813 LOUJAX DRIVE DALLAS TX 75227	0.71	3.45	Handling Charge - if Registered and over \$50,000 in value							1.50			
2. 9214 8901 9403 8375 6230 66	RUBY LAKEESE RUCKER 627 LUNEL STREET LAWCASTER TX 75134	0.71	3.45								1.50			
3. 9214 8901 9403 8375 6230 80	RUBY LAKEESE RUCKER 5740 PROSPECT AVENUE SUITE 2000 DALLAS TX 75206	0.71	3.45								1.50			
4. 9214 8901 9403 8375 6231 10	RUBY LAKEESE RUCKER 8666 SCIENCE ROAD APT 603 DALLAS TX 75227	0.71	3.45								1.50			

2019 - 5878



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

Postmaster: Per (Name of receiving employee)