

No. 2019 - 5897

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

**Date:** MAR 15 2019

**Subject Considered:**

Texas Department of Insurance

v.

Cindy Sue March

SOAH Docket No. 454-19-0385.C

**General remarks and official action taken:**

The subject of this order is Cindy Sue March's application for a general lines life, accident, and health license.

**Background**

After proper notice was given, the above styled case was heard by an administrative law judge for the State Office of Administrative Hearings. The administrative law judge made and filed a proposal for decision containing a recommendation and underlying rationale and including separately stated findings of fact and conclusions of law. A copy of the proposal for decision is attached as Exhibit A.

Staff for the Texas Department of Insurance filed exceptions to the administrative law judge's proposal for decision. Ms. March did not file a response to the exceptions.

In response to the filed exceptions, the administrative law judge did not recommend revising the findings of fact or conclusions of law contained in the proposal for decision. A copy of the administrative law judge's response to exceptions is attached as Exhibit B.

The general counsel for the Texas Department of Insurance filed a request for clarification of the proposal for decision regarding the date of Ms. March's guilty plea.

COMMISSIONER'S ORDER  
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SOAH Docket No. 454-19-0385.C  
Page 2 of 2

In response to the request for clarification, the administrative law judge corrected finding of fact no. 5 in the proposal for decision. A copy of the administrative law judge's response to the request for clarification is attached as Exhibit C.

**Findings of Fact**

The findings of fact contained in Exhibit A as revised consistent with Exhibit C are adopted by the Texas Department of Insurance and incorporated by reference into this order.

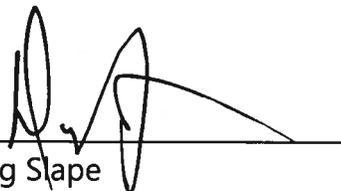
**Conclusions of Law**

The conclusions of law contained in Exhibit A are adopted by the Texas Department of Insurance and incorporated by reference into this order.

**Order**

It is ordered that Cindy Sue March's application for a general lines life, accident, and health license is granted.

Kent C. Sullivan  
Commissioner of Insurance

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

2019- 5897



State Office of Administrative Hearings



Lesli G. Ginn  
Chief Administrative Law Judge

January 3, 2019

Kent Sullivan  
Commissioner of Insurance  
Texas Department of Insurance  
333 Guadalupe, Tower 1, 13<sup>th</sup> Floor, Mail Code 113-2A  
Austin, Texas 78714

**INTERAGENCY**

**RE: Docket No. 454-19-0385.C; *Texas Department of Insurance v. Cindy Sue March***

Dear Commissioner Sullivan:

Please find enclosed a Proposal for Decision in this case. It contains my recommendation and underlying rationale.

Exceptions and replies may be filed by any party in accordance with 1 Tex. Admin. Code § 155.507, a SOAH rule which may be found at [www.soah.texas.gov](http://www.soah.texas.gov).

A handwritten signature in black ink that reads "L Brite".

**LINDA BRITE  
ADMINISTRATIVE LAW JUDGE  
STATE OFFICE OF ADMINISTRATIVE HEARINGS**

LB/lc

cc: Casey Seeboth, Staff Attorney, Texas Department of Insurance, 333 Guadalupe, Tower 1, 13<sup>th</sup> Floor, Austin, Texas 78701 **VIA INTER-AGENCY**  
Cindy Sue March, 10613 Ashmore Drive, Fort Worth, TX 76131 - **VIA REGULAR MAIL**

SOAH DOCKET NO. 454-19-0385.C

TEXAS DEPARTMENT  
OF INSURANCE,  
Petitioner

v.

CINDY SUE MARCH,  
Applicant

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BEFORE THE STATE OFFICE

OF

ADMINISTRATIVE HEARINGS

PROPOSAL FOR DECISION

The staff (Staff) of the Texas Department of Insurance (Department) seeks to deny the application of Cindy Sue March for a General Lines Life, Accident and Health License based on her criminal history. After considering the evidence and the applicable law, the Administrative Law Judge (ALJ) recommends the Department grant Ms. March's license application.

I. PROCEDURAL HISTORY, NOTICE, AND JURISDICTION

The hearing in this case was held on November 5, 2018, before ALJ Linda Brite at the State Office of Administrative Hearings in Austin, Texas. Staff was represented by staff attorney Casey Seeboth. Ms. March represented herself. The hearing concluded and the record closed the same day. Notice and jurisdiction were not disputed and are set out in the Findings of Fact and Conclusions of Law below.

II. DISCUSSION

A. Background

Cindy Sue March has four criminal convictions related to the same incident.<sup>1</sup> In February 1989, Ms. March pleaded guilty to two counts conspiracy to commit murder and two counts accessory-after-the-fact, all felonies, in Cause No. CRF-88-292 in the District Court of

<sup>1</sup> Cindy Sue March was previously known as Cindy Sue Wynn.

Payne County, Oklahoma. During the police investigation, Ms. March did not disclose to the police that she was present during the June 1988 murder of Mark and Delores Stepp, the parents of Ms. March's friend, Francine Stepp. Ms. March actively attempted to conceal the facts and mislead the police during their investigation. She was sentenced to ten years in prison. Ms. March completed her sentence after seven years' imprisonment.

Ms. March applied for a General Lines Life, Accident and Health License on January 29, 2017, and disclosed her felony convictions in her application. On April 28, 2017, the Department proposed to deny her application, and Ms. March requested a hearing.

#### **B. Applicable Law**

The Department may deny a license to an applicant who has been convicted of a felony or misdemeanor, or has engaged in fraudulent or dishonest activity that directly relates to the duties and responsibilities of the licensed occupation.<sup>2</sup> The Department shall not issue a license or authorization if an applicant has committed a felony or misdemeanor, or engaged in fraudulent or dishonest activity that directly relates to the duties and responsibilities of the licensed occupation unless the commissioner finds that the factors to be considered below<sup>3</sup> outweigh the serious nature of the criminal offense when viewed in light of the occupation being licensed.<sup>4</sup> The factors to be considered in determining whether a conviction directly relates to the occupation are:

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; and

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<sup>2</sup> Tex. Ins. Code § 4005.101(b)(8); 28 Tex. Admin. Code § 1.502(d).

<sup>3</sup> Tex. Occ. Code §§ 53.022 and 53.023 as incorporated in 28 Tex. Admin. Code § 1.502(h).

<sup>4</sup> 28 Tex. Admin. Code § 1.502(f).

4. the relationship of the crime to the ability, capacity, or fitness required to perform the duties and discharge the responsibilities of the licensed occupation.<sup>5</sup>

In determining the fitness to perform the duties and responsibilities of the licensed occupation of a person who has been convicted of a crime, the licensing authority must also consider the following factors:

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 following release;
6. other evidence of the person's present fitness, including letters of recommendation from:
  - a. prosecutors and law enforcement and correctional officers who prosecuted, arrested, or had custodial responsibility for the person;
  - b. the sheriff or chief of police in the community where the person resides; and
  - c. any other persons in contact with the convicted person; and
7. proof furnished by the applicant that the applicant has:
  - a. maintained a record of steady employment;
  - b. supported the applicant's dependents;
  - c. maintained a record of good conduct; and

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<sup>5</sup> Tex. Occ. Code § 53.022.

- d. paid all outstanding court costs, supervision fees, fines, and restitution ordered in any criminal case in which the applicant or holder has been convicted.<sup>6</sup>

### C. Evidence

Staff offered two exhibits, which were both admitted. These exhibits included Ms. March's application, information she provided about her convictions, and letters of recommendation. Staff called one witness, Mr. Lewis Weldon Wright IV, an insurance regulator with the Texas Department of Insurance. Ms. March testified on her own behalf. She did not offer any exhibits at the hearing.

#### 1. Testimony of Mr. Wright

Mr. Wright testified that Ms. March's application was brought to his attention because of her criminal history. Mr. Wright explained that Ms. March was charged with two counts conspiracy to commit murder and two counts accessory-after-the-fact and was an active participant in concealing facts surrounding the homicides. Mr. Wright also testified that Ms. March was not forthright with information during the criminal investigation.<sup>7</sup>

Mr. Wright stated insurance agents need to be honest, trustworthy, and reliable to protect consumers. The insurance industry is complex, and many times consumers will not understand the mechanisms of the products they are buying, so they rely on the agent to provide information about the insurance products.<sup>8</sup> Mr. Wright testified that the statutes and rules do not provide a framework for an amount of years after which previous incidents would no longer be considered.<sup>9</sup> The Department has proposed to deny Ms. March's application for licensure.<sup>10</sup>

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<sup>6</sup> Tex. Occ. Code § 53.023. The Department has adopted these factors in its guidelines. 28 Tex. Admin. Code § 1.502(h).

<sup>7</sup> Tr. at 10-12.

<sup>8</sup> Tr. at 13.

<sup>9</sup> Tr. at 18.

<sup>10</sup> Tr. at 15.

## 2. Testimony of Ms. March

Ms. March testified that the events leading to her criminal convictions occurred in June 1988 when she was 17 or 18 years old.<sup>11</sup> Ms. March witnessed her friend, Francine Stepp, kill her parents, Mark and Delores Stepp.<sup>12</sup> Ms. March testified that she was unaware of any plans Francine Stepp had to kill her own parents.<sup>13</sup> Ms. March testified that she in no way conspired to murder Mr. and Mrs. Stepp.<sup>14</sup> Ms. March testified that although Francine Stepp had said "I wish [my parents] would just die," Ms. March dismissed it as an expression of typical teenage anger.<sup>15</sup>

Ms. March admitted to misleading the police by giving false information during the investigation of the Stepps' murder.<sup>16</sup> Ms. March admitted that during the police investigation she implicated two persons who were not involved in the murders.<sup>17</sup> Ms. March testified that after the murders, Francine Stepp threatened to kill Ms. March, Ms. March's parents, and Ms. March's boyfriend at the time.<sup>18</sup> Ms. March testified that she lied to the police because she feared for the lives of herself and her loved ones.<sup>19</sup> Although she signed the plea agreement, she did not understand the charges to which she was pleading guilty.<sup>20</sup> Ms. March testified that she served seven years in prison.<sup>21</sup> Ms. March acknowledged she made poor choices in the events leading to her criminal convictions.<sup>22</sup>

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<sup>11</sup> Tr. at 23 and 28.

<sup>12</sup> Tr. at 23 and 27.

<sup>13</sup> Tr. at 30.

<sup>14</sup> Tr. at 41.

<sup>15</sup> Tr. at 28-30.

<sup>16</sup> Tr. at 55.

<sup>17</sup> Tr. at 37-39.

<sup>18</sup> Tr. at 41 and 45.

<sup>19</sup> Tr. at 71.

<sup>20</sup> Tr. at 36.

<sup>21</sup> Tr. at 78.

<sup>22</sup> Tr. at 43 and 71.

Ms. March testified she has changed immensely since the crimes 30 years ago.<sup>23</sup> Ms. March testified she has not otherwise had any issues with the law.<sup>24</sup> Ms. March testified that she has two daughters, ages 19 and 24.<sup>25</sup> Ms. March testified that she provides guidance to her children's friends.<sup>26</sup> Ms. March testified that she has since held jobs at a pharmacy handling pharmaceuticals and a retail store handling cash deposits without incident.<sup>27</sup> Ms. March testified that the people who wrote her recommendation letters want to hire her once she gets a license.<sup>28</sup>

### 3. Letters of Recommendation

Ms. March submitted a letter of recommendation from Robert Wallace, who works in the life insurance industry.<sup>29</sup> Mr. Wallace's letter does not address her criminal history. His letter states he has worked with Ms. March both personally and professionally over the past year. He notes that Ms. March is "professional and excellent in working with others." He further states that Ms. March has been working on her licensing requirements and learning about different kinds of insurance products. He believes Ms. March will be "exceptional in working with clients and other agents in providing good insurance protection and recommendations for families everywhere."<sup>30</sup>

Ms. March submitted a letter of recommendation from Michelle Wallace, who works in the life insurance industry.<sup>31</sup> Ms. Wallace's letter does not address Ms. March's criminal history. Ms. Wallace states that Ms. March has worked as her nutritional counselor, and Ms. Wallace has seen tremendous results. Ms. Wallace's letter commends Ms. March's interpersonal abilities,

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<sup>23</sup> Tr. at 43.

<sup>24</sup> Tr. at 17.

<sup>25</sup> Tr. at 29.

<sup>26</sup> Tr. at 60-61.

<sup>27</sup> Tr. at 71-72.

<sup>28</sup> Tr. at 63.

<sup>29</sup> Staff Ex. 1 at 9.

<sup>30</sup> Staff Ex. 1 at 9.

<sup>31</sup> Staff Ex. 1 at 10.

adaptability, and dedication. Ms. Wallace believes Ms. March would be a great addition to their company if she is allowed to obtain her license.<sup>32</sup>

Ms. March submitted a letter of recommendation from Deanna JeffersonSmith, an attorney and former judge.<sup>33</sup> Her letter refers to Ms. March's criminal history and states that Ms. March has grown into a mature and responsible citizen. Ms. JeffersonSmith has been Ms. March's friend and acquaintance for more than 25 years. Ms. JeffersonSmith states that Ms. JeffersonSmith and Ms. March worked together in a business venture for five years. Ms. JeffersonSmith commends Ms. March's integrity, persistence, respect, honesty, and ambition. Ms. JeffersonSmith describes Ms. March as a good, hard-working mother.<sup>34</sup>

#### **D. Analysis and Recommendation**

Under Texas Insurance Code § 4005.101(b)(8), the Department may deny a license application if the Department determines that the applicant has been convicted of a felony. In determining whether to grant Ms. March's license application, the Department must consider the factors listed in Texas Occupations Code § 53.023 and 28 Texas Administrative Code § 1.502(f), set out above.

Ms. March has four felony convictions: two counts conspiracy to commit murder and two counts accessory-after-the-fact. Ms. March disclosed the felony convictions on her application. These felonies are serious crimes and caused the Department concern about her fitness to act as an insurance agent. However, these offenses occurred over 30 years ago. Ms. March was 18 years old when she committed the offenses. She lacked the experience and maturity to handle the situation appropriately.

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<sup>32</sup> Staff Ex. 1 at 10.

<sup>33</sup> Staff Ex. 1 at 11-12.

<sup>34</sup> Staff Ex. 1 at 11-12.

Ms. March has completed all requirements of her sentences. Since her release from prison over 24 years ago, Ms. March has rehabilitated herself and established a record of good conduct. Ms. March expressed remorse for misleading law enforcement about the murders. The evidence shows that she has worked consistently, has not been charged with any further crimes, and has become a valued and respected member of her community. The letters of recommendation from two insurance professionals and an attorney consistently praise Ms. March for her interpersonal skills, judgement, and dedication.

Furthermore, the ALJ finds the Department's concerns about potential dishonesty unsubstantiated. While Ms. March admits to lying to the police about the murders, she did so in fear for her life and the lives of her loved ones. There is also no evidence to suggest Ms. March would be dishonest in pursuit of personal gain.

The preponderance of the evidence shows that in the 24 years since her release, Ms. March has turned her life around. She has become a productive and successful member of the community committed to helping people. The ALJ finds Ms. March is currently fit to perform the duties and responsibilities of a licensed insurance agent. Therefore, the ALJ concludes the Department should grant her application for a General Lines Life, Accident and Health License.

### III. FINDINGS OF FACT

1. On January 29, 2017, Cindy Sue March applied for a General Lines Life, Accident and Health License from the Texas Department of Insurance (Department).
2. On April 28, 2017, the Department proposed to deny Ms. March's application. Ms. March timely requested a hearing to challenge the denial on May 25, 2017.
3. On September 27, 2018, the Department issued to Ms. March a notice of hearing on the denial of her application. The notice of hearing contained a statement of the time, place, and nature of the hearing; a statement of the legal authority and jurisdiction under which the hearing was to be held; a reference to the particular sections of the statutes and rules involved; and either a short, plain statement of the factual matters asserted or an attachment that incorporates by reference the factual matters asserted in the complaint or petition filed with the state agency.

4. The hearing was held on November 5, 2018, before Administrative Law Judge (ALJ) Linda Brite at the State Office of Administrative Hearings (SOAH) in Austin, Texas. Staff was represented by attorney Casey Seeboth. Ms. March appeared and represented herself. The hearing concluded and the record was closed the same day.
5. On September 29, 1988, Ms. March pleaded guilty to two counts conspiracy to murder and two counts accessory-after-the-fact, all felonies, in the 9th District Court of Payne County, Oklahoma. The court sentenced Ms. March to ten years in prison. Ms. March completed her sentence and was released without restrictions on July 5, 1994. Ms. March completed all requirements of her sentences.
6. Ms. March was 18 years old at the time of the offenses.
7. Ms. March lied to the police during the investigation of the murder out of fear for the lives of herself, her parents, and her boyfriend at the time.
8. More than 30 years have passed since Ms. March last committed a crime, and she has been out of prison for more than 24 years. Since her release from prison, Ms. March has rehabilitated herself and established a record of good conduct. Ms. March has worked steadily, has successfully worked in various industries, has not been charged with any further crimes, supported her children who are now adults, and has become a valued and respected member of her community.
9. Ms. March expressed remorse for her past offenses.
10. The letters of recommendation submitted on behalf of Ms. March, two of which came from insurance industry professionals, consistently praise her willingness and desire to help others, judgement, and dedication.

#### IV. CONCLUSIONS OF LAW

1. The Department has jurisdiction over this matter. Tex. Ins. Code §§ 4001.002, .105, 4005.101.
2. SOAH has authority to hear this matter and issue a proposal for decision with findings of fact and conclusions of law. Tex. Gov't Code ch. 2003; Tex. Ins. Code § 4005.104.
3. Ms. March received timely and sufficient notice of hearing. Tex. Gov't Code ch. 2001; Tex. Ins. Code § 4005.104(b).
4. The Department may deny a license application if the Department determines that the applicant has been convicted of a felony. Tex. Ins. Code § 4005.101(b)(8).
5. Despite her felony convictions, Ms. March has shown the fitness required to perform the duties and discharge the responsibilities of a licensed insurance agent. Tex. Occ. Code § 53.023; 28 Tex. Admin. Code § 1.502(h)(2).

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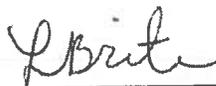
SOAH DOCKET NO. 454-19-0385.C

PROPOSAL FOR DECISION

PAGE 10

6. The Department should approve Ms. March's application.

SIGNED January 3, 2019.



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LINDA BRITE  
ADMINISTRATIVE LAW JUDGE  
STATE OFFICE OF ADMINISTRATIVE HEARINGS



## State Office of Administrative Hearings



Lesli G. Ginn  
Chief Administrative Law Judge

February 5, 2019

Kent Sullivan  
Commissioner of Insurance  
Texas Department of Insurance  
333 Guadalupe, Tower 1, 13<sup>th</sup> Floor, Mail Code 113-2A  
Austin, Texas 78714

VIA FACSIMILE: (512) 490-1045

**RE: Docket No. 454-19-0385.C; Texas Department of Insurance v. Cindy Sue March**

Dear Commissioner Sullivan:

On January 3, 2019, I issued the Proposal for Decision (PFD) in this case. The staff of the Texas Department of Insurance (Staff) timely filed exceptions on January 18, 2019. Cindy Sue March (Applicant) did not file any exceptions and did not respond to Staff's exceptions.

Staff's exceptions mostly set forth arguments that were fully presented at the hearing in this case and which the Administrative Law Judge (ALJ) carefully considered in preparation of the PFD. Staff's argues that Conclusion of Law No. 5 misapplies the standard in 28 Tex. Admin. Code § 1.502(f). As the PFD and Conclusion of Law No. 5 addresses, Ms. March's felony convictions and their seriousness were appropriately weighed to determine Ms. March's fitness to perform the duties of an agent. After considering Staff's Exceptions, the ALJ does not recommend any changes to the PFD and recommends that it be adopted as filed.

Sincerely,

A handwritten signature in black ink that appears to read "L. Brite".

Linda Brite  
Administrative Law Judge

LB/lc

cc: All Parties of Record

300 W. 15<sup>th</sup> Street, Suite 504, Austin, Texas 78701/P.O. Box 13025, Austin, Texas 78711-3025  
512.475.4993 (Main) 512.475.3445 (Docketing) 512.475.4994 (Fax)  
[www.soah.texas.gov](http://www.soah.texas.gov)

02/05/2019 8:09AM (GMT-06:00)



## State Office of Administrative Hearings



Lesli G. Ginn  
Chief Administrative Law Judge

February 21, 2019

Kent Sullivan  
Commissioner of Insurance  
Texas Department of Insurance  
333 Guadalupe, Tower 1, 13<sup>th</sup> Floor, Mail Code 113-2A  
Austin, Texas 78714

**VIA FACSIMILE: (512) 490-1045**

**RE: Docket No. 454-19-0385.C; Texas Department of Insurance v. Cindy Sue March**

Dear Commissioner Sullivan:

On February 20, 2019, the Texas Department of Insurance (TDI) filed a request for clarification of the proposal for decision (PFD) I issued.

The correct date of Cindy Sue March's guilty plea is February 1989. Finding of Fact No. 5 in the PFD misidentifies Ms. March's arraignment date as the date of her guilty plea. Finding of Fact No. 5 should state: "In February 1989, Ms. March pleaded guilty to two counts conspiracy to murder and two counts accessory-after-the fact, all felonies, in the 9th District Court of Payne County, Oklahoma."

I apologize for any confusion this error may have caused.

Sincerely,

A handwritten signature in black ink, appearing to read "L. Brite".

Linda Brite  
Administrative Law Judge

LB/lc  
cc: All Parties of Record

300 W. 15<sup>th</sup> Street, Suite 504, Austin, Texas 78701/P.O. Box 13025, Austin, Texas 78711-3025  
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02/21/2019 8:09AM (GMT-06:00)