

2019- 6115
No. _____

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

Date: OCT 24 2019

Subject Considered:

Jeremy Lafon Perkins
6611 Nauert Road
Fort Worth, Texas 76140-1328

Default Order
SOAH Docket No. 454-19-3925.C
TDI Enforcement File No. 14952

General remarks and official action taken:

The subject of this default order is whether a general lines agent license with a property and casualty insurance qualification should be issued to Jeremy Lafon Perkins (Respondent). Respondent did not appear at the hearing on the merits. This order denies Respondent's license application.

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

Findings of Fact

Failure to Appear at the Hearing on the Merits

1. On April 10, 2019, the Texas Department of Insurance filed a Notice of Hearing with the State Office of Administrative (SOAH) hearings. On August 12, 2019, the Department filed a First Amended Notice of Hearing, attached as Exhibit A, with the SOAH.
2. The department sent the First Amended Notice of Hearing to Respondent's last known mailing address provided in writing to the department, 6611 Nauert Road, Fort Worth, Texas 76140-1328. Notice was also sent by electronic mail.

3. After receiving proper notice of the date, time and location of the hearing on the merits, Respondent failed to appear for the hearing on September 4, 2019, as reflected in the record in SOAH Docket No. 454-19-3925.C
4. At hearing, the Administrative Law Judge granted TDI's motion for a trial amendment to remove the words "and cause no." from legal allegation No. 7 from TDI's First Amended Notice of Hearing. The department's factual allegations set out in the First Amended Notice of Hearing, and as amended at the hearing, are incorporated in this order as findings of fact.

Conclusions of Law

1. The commissioner has jurisdiction pursuant to Texas law, including TEX. INS. CODE §§ 82.051-82.055, 101.051, 101.102, 4001.101, 4001.002, 4001.051, 4005.101, 4005.102, and 4051.051; 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 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.
5. The department's factual and legal allegations set out in the attached First Amended Notice of Hearing, and as amended at the hearing, are incorporated in this order and deemed admitted as true pursuant to 28 TEX. ADMIN. CODE §1.89.

Order

It is ordered that Jeremy Lafon Perkin'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

Prepared and reviewed by:


Jeannie Ricketts, Staff Attorney
Enforcement Section

Affidavit

STATE OF TEXAS

§

§

COUNTY OF TRAVIS

§

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

"My name is Mariah Cook 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 Jeremy Lafon Perkins. I have confirmed that:

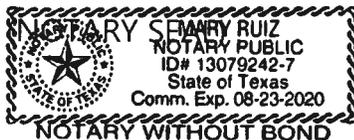
- a. The last mailing address provided to the department in writing by Jeremy Lafon Perkins is 6611 Nauert Road, Fort Worth, Texas 76140-1328.
- b. The file maintained by the Enforcement Section of the Legal and Enforcement Division contains a First Amended Notice of Hearing dated August 12, 2019, which was filed with the Staff Office of Administrative Hearings.
- c. On August 12, 2019, a First Amended Notice of Hearing addressed to Jeremy Lafon Perkins was mailed first-class and certified, return receipt requested, to his last known address, and his two email addresses.

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."

Mariah L. Cook

Affiant

SWORN TO AND SUBSCRIBED before me on September 12, 2019.



Mary Ruiz
Signature of Notary Public

Mary Ruiz
Printed Name of Notary Public

SOAH DOCKET NO. 454-19-3925.C
TDI ENFORCEMENT FILE NO. 14952

TEXAS DEPARTMENT OF INSURANCE,

BEFORE THE STATE OFFICE

Petitioner

v.

OF

JEREMY LAFON PERKINS,

ADMINISTRATIVE HEARINGS

Respondent

First Amended 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 Wednesday, September 4, 2009, 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, 101.051, 101.102, 4001.101, 4001.002, 4001.051, 4005.101, 4005.102, and 4051.051; TEX. GOV'T CODE §§ 2001.051-2001.178; TEX. OCC. CODE §§ 53.021-53.023; and 28 TEX. ADMIN. CODE § 1.502.

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.



First Amended Notice of Hearing
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SOAH Docket No. 454-19-3925.C
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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, MC112-2A
P.O. Box 149104
Austin, Texas 78714-9104
(512) 490-1064 (Fax)
chiefclerk@tdi.texas.gov; and
- (3) Jeannie Ricketts
Staff Attorney
Texas Department of Insurance
Enforcement Section, MC110-1A
P.O. Box 149104
Austin, Texas 78714-9104
(512) 490-1020 (Fax)
Jeannie.Ricketts@tdi.texas.gov.

Factual Allegations

License Application

1. Jeremy Lafon Perkins (Perkins), individual identification number 1744452, applied for a general lines agent license with a property and casualty qualification with the Texas Department of Insurance on April 18, 2017.
2. The department proposed to deny Perkins's application on September 11, 2017, due to his criminal history. Perkins requested a hearing on October 2, 2017.

Criminal History

3. On March 2, 2000, Perkins pleaded guilty to burglary of a vehicle, a class A misdemeanor, in case no. 0740277 in the County Criminal Court no. 6 of Tarrant County, Texas. The court ordered 40 days' confinement, a \$500 fine, and court costs.
4. On August 11, 2000, Perkins pleaded guilty to and was convicted of theft \$1,500-\$20,000, a state jail felony, in cause no. 31,646 in the 66th Judicial District Court of Hill County, Texas. The court ordered two years' confinement probated for two years, \$5,744 in restitution, \$277.25 in court costs, a \$40 monthly supervision fee, and 160 hours of community service work. On June 28, 2002, the court extended Perkins' probationary term an additional four years. Then, on June 16, 2004, the court revoked Perkins' probation and ordered 18 months' confinement and \$3,709.85 restitution.
5. On February 2, 2004, Perkins pleaded guilty to and was convicted of aggravated assault with a deadly weapon, a second-degree felony, in case no. 0860460D in the 213th District Court of Tarrant County, Texas. The court ordered three and a half years' confinement and \$263 in court costs.
6. On June 3, 2010, Perkins pleaded guilty to and was convicted of burglary of a habitation, a second-degree felony, in cause no. F-2009-2736-E in the 367th District Court of Denton County, Texas. The court ordered four years' confinement

and \$220 in court costs. This confinement was to run concurrently with the confinement ordered in F-2009-2735-E (evading arrest).

7. On the same day and in the same court and cause no., Perkins pleaded guilty to and was convicted of evading arrest, a state jail felony in cause no. F-2009-2735-E. The court ordered ten months' confinement and \$220 court costs. This confinement was to run concurrently with the confinement ordered in cause no. F-2009-2736-E (burglary of a habitation).
8. On June 18, 2010, Perkins pleaded nolo contendere to and was convicted of failure to identify and giving false, fictitious information, a misdemeanor, in cause no. CR-2009-08279-B at the County of Criminal Court No. 2 in Denton County, Texas. The court ordered 13 days' confinement and court costs and fees totaling \$234.
9. On October 1, 2010, Perkins pleaded guilty to and was convicted of theft of property \$1,500-\$20,000, a third-degree felony, in case no. 1197873D in the Criminal District Court No. 1, Tarrant County, Texas. The court ordered two years' confinement and \$284 in court costs.

Unlicensed Activity

10. Perkins has been acting as an agent at his wife's insurance agency, Royalty Trinity Insurance Agency, LLC. Both Perkins and the agency are unlicensed. The department has a separate hearing scheduled against Mrs. Perkins and Royalty Trinity Insurance Agency, LLC.

1033 Waiver

11. Perkins has been convicted of a felony involving dishonesty or breach of trust, as specified in 18 U.S.C. § 1033, and therefore requires written consent from the commissioner of insurance to engage or participate in the business of insurance.

Legal Allegations

1. Perkins engaged in acts constituting the business of insurance without a license, as defined in TEX. INS. CODE §§ 101.051 and 4001.051, in violation of TEX. INS. CODE §§ 101.102, 4001.101, and 4051.051.

2. Based on Perkins's prior criminal history and unauthorized acts, he has committed acts for which a license may be denied under TEX. INS. CODE, Ch. 4005, Subch. C, because:
 - a. he has willfully violated an insurance law of this state, as contemplated by TEX. INS. CODE § 4005.101(b)(1);
 - b. he has engaged in fraudulent or dishonest acts or practices, as contemplated by TEX. INS. CODE § 4005.101(b)(5); and
 - c. he has been convicted of a felony, as contemplated by TEX. OCC. CODE § 53.021(a) and TEX. INS. CODE § 4005.101(b)(8).
3. Perkins 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).
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 such a serious nature that they are of prime importance when determining fitness for licensure.
5. Perkins 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.

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

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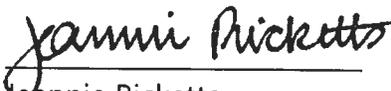
address any questions and correspondence to the undersigned counsel at the address or telephone number below.

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,



Jeannie Ricketts

Staff Attorney

State Bar No. 24041774

Texas Department of Insurance

Legal and Enforcement Division - Enforcement Section, MC110-1A

P.O. Box 149104

Austin, Texas 78714-9104

(512) 676-6336 (Direct)

(512) 490-1020 (Fax)

Jeannie.Ricketts@tdi.texas.gov

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

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Certificate of Service

I, Jeannie Ricketts, certify that a true and correct copy of this *First Amended Notice of Hearing* was sent by regular, first-class mail and by certified mail, return receipt requested, on this August 12, 2019 to:

Jeremy Perkins
6611 Nauert Road
Fort Worth, Texas 76140-1328
Respondent Pro Se

Via CM/RRR No.: 9214 8901 9403 8387
7680 83

kinghuncho33@gmail.com
lafonperkins@gmail.com

Via Email


Jeannie Ricketts



Firm Mailing Book For Accountable Mail

2019 - 6115

Name and Address of Sender
 MC-110-1A M. Cook
 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

Postage 1.15
(Extra Service) Fee 3.50
Handling Charge - if Registered and over \$50,000 in value

Actual Value if Registered
Insured Value
Due Sender if COD

ASRD Fee
ASR Fee
RD Fee
RR Fee 1.60
SC Fee
SCRD Fee
SH Fee

USPS Tracking/Article Number
 1. 9214 8901 9403 8387 7680 83
 rickettS/14952

Addressee (Name, Street, City, State, & ZIP Code™)
 JEREMY PERKINS 6611 NAUERT ROAD FORT WORTH TX 76140-1328

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

RECEIVED
 AUG 13 2019
 TDI - ENFORCEMENT

AUSTIN TX 78710
 AUG 12 2019
 GMF WINDOR

Total Number of Pieces Listed by Sender
 1

Total Number of Pieces Received at Post Office
 1

Postmaster, Per (Name of receiving employee)
 Complete in Ink



2019-6115

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: 08/12/2019

Shipped From:

Name: MC-110-1A M COOK

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 0016 2932 66

