

2019- 6118

No. _____

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

Date: OCT 29 2019

Subject Considered:

Jim Mathew Gonzalez
P.O. Box 580061
Houston, Texas 77258

Default Order
SOAH Docket No. 454-19-6815.C
TDI Enforcement File No. 17320

General remarks and official action taken:

The subject of this default order is whether an adjuster all lines license should be granted to Jim Mathew Gonzalez (Gonzalez). Respondent did not respond to a Notice of Hearing filed by the Texas Department of Insurance. This order denies Respondent's license application.

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

Findings of Fact

Failure to Respond to Notice of Hearing

1. On August 20, 2019, the department 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 Gonzalez's last known address provided in writing to the department, P.O. Box 580061, Houston, Texas 77258.

Notice was also sent to an additional address associated with Gonzalez: 18101 Point Lookout Drive, Houston, Texas 77058.

4. Gonzalez 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

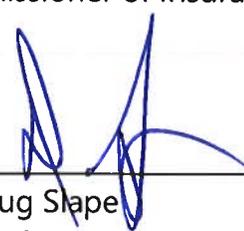
1. The commissioner has jurisdiction pursuant to Texas law, including TEX. INS. CODE §§ 82.051-82.055, 4001.001, 4001.105, 4005.101, 4005.102, and 4054.051; TEX. GOV'T CODE §§ 2001.051-2001.178; 28 TEX. ADMIN. CODE § 1.502; and TEX. OCC. CODE §§ 53.021-53.023.
2. The commissioner has authority to dispose 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 Gonzalez'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 Jim Mathew Gonzalez's application for an adjuster all lines license is denied. A copy of this order will be provided to law enforcement and/or other appropriate administrative agencies for further investigation as may be warranted.

Kent C. Sullivan
Commissioner of Insurance

By: _____


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

Prepared and reviewed by:


Sarah White, 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.

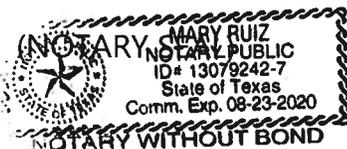
I have reviewed TDI's records concerning Jim Mathew Gonzalez. I have confirmed that:

- a. The last mailing address provided to the department in writing by Jim Mathew Gonzalez is P.O. Box 580061, Houston, Texas 77258.
- b. The file maintained by the Enforcement Section of the Legal and Enforcement Division contains a Notice of Hearing dated August 20, 2019, which was filed with the State Office of Administrative Hearings.
- c. On August 20, 2019, a Notice of Hearing addressed to Jim Mathew Gonzalez was mailed first-class and certified, return receipt requested, to his last known address and one additional address: 18101 Point Lookout Drive, Houston, Texas 77058.

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 13, 2019.



Mary Ruiz
Signature of Notary Public
Mary Ruiz
Printed Name of Notary Public

2019- 6118

**SOAH DOCKET NO. 454-19-6815.C
TDI ENFORCEMENT FILE NO. 17320**

TEXAS DEPARTMENT OF INSURANCE,

Petitioner

v.

JIM MATHEW GONZALEZ

Respondent.

BEFORE THE STATE OFFICE

OF

ADMINISTRATIVE HEARINGS

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 Thursday, November 7, 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 4054.051; 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.



2019- 6118

Notice of Hearing
Jim Mathew Gonzalez
SOAH Docket No. 454-19-6815.C
Page 2 of 7

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) 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 May 29, 2018, Jim Mathew Gonzalez (Gonzalez) applied for an adjuster all lines license to be issued by the Texas Department of Insurance (TDI).
2. On September 19, 2018, TDI proposed to deny Gonzalez's application based on his criminal history. Gonzalez appealed that decision and made a written request for a hearing on September 27, 2018.

Criminal History

3. On January 10, 2008, Gonzalez received deferred adjudication for the state jail felony offense of possession of cocaine less than one gram in cause number 1122865, in the 248th District Court of Harris County, Texas. Gonzalez was placed on community supervision for two years and ordered to pay court costs.
4. On February 26, 2009, Gonzalez was convicted of the first degree felony offense of delivery of cocaine, 4-200 grams, in cause number 1195865, in the 248th District Court of Harris County, Texas. Gonzalez was sentenced to five years incarceration and ordered to pay court costs.
5. On February 26, 2009, the court revoked Gonzalez's community supervision in cause number 1122865 due to his conviction in cause number 1195865. The court sentenced him to one-year incarceration and ordered him to pay court costs.
6. On March 20, 2009, Gonzalez was convicted of the class B misdemeanor offense of theft by check \$50-\$500, in cause number 1587303, in the County Criminal Court at Law No. 1 of Harris County, Texas. Gonzalez was sentenced to 10 days confinement and ordered to pay court costs.
7. On September 18, 2017, Gonzalez received deferred adjudication for the third degree felony offense of felon in possession of firearm, in cause number

151397701010, in the 174th District Court of Harris County, Texas. Gonzalez was placed on community supervision for eight years and ordered to pay a \$200 fine.

8. Gonzalez is still on community supervision as of the date of Gonzalez's application for licensure and this Notice of Hearing, and he is not set to be released from community supervision until August 17, 2025.

Legal Allegations

1. Gonzalez has committed an act for which a license may be denied pursuant to TEX. INS. CODE § 4005.101(b) because he:
 - a. has engaged in fraudulent or dishonest acts or practices, as contemplated by TEX. INS. CODE § 4005.101(b)(5); and
 - b. has been convicted of a felony, as contemplated by TEX. INS. CODE § 4005.101(b)(8) and TEX. OCC. CODE § 53.021(a) and (d).
2. Gonzalez 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) and (f).
3. Gonzalez committed an offense that TDI considers to be of such serious nature that it is of prime importance in determining fitness for licensure or authorization, as contemplated by 28 TEX. ADMIN. CODE § 1.502(e).
4. Gonzalez committed an offense for which fraud, dishonesty, or deceit is an essential element as contemplated by 28 TEX. ADMIN. CODE § 1.502(e)(1) and TEX. OCC. CODE §§ 53.021-53.023.
5. Gonzalez has committed an offense with the essential elements of a theft offense, as contemplated by 28 TEX. ADMIN. CODE § 1.502(e)(4)(F).
6. Gonzalez has committed an offense with the essential elements of an offense relating to the manufacture, delivery, or possession with intent to manufacture or deliver, a controlled substance or dangerous drug, as contemplated by 28 TEX. ADMIN. CODE § 1.502(e)(4)(G).

Notice of Hearing
Jim Mathew Gonzalez
SOAH Docket No. 454-19-6815.C
Page 5 of 7

7. Pursuant to TEX. OCC. CODE §§ 53.021 (c)-(d), the commissioner may deny Gonzalez's application and consider him to have been convicted of an offense for which he received deferred adjudication, after consideration of the factors in TEX. OCC. CODE §§ 53.022 and 53.023(a), the commissioner determines that:
 - a. Gonzalez has not completed his period of supervision; or
 - b. Gonzalez has not completed his period of supervision less than five years before the date he applied for the license; and
 - c. Gonzalez may pose a continued threat to public safety.
8. 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.

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. 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.

2019- 6118

Notice of Hearing
Jim Mathew Gonzalez
SOAH Docket No. 454-19-6815.C
Page 6 of 7

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

2019- 6118

Notice of Hearing
Jim Mathew Gonzalez
SOAH Docket No. 454-19-6815.C
Page 7 of 7

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 20th day of August 2019 to:

Jim Mathew Gonzalez
P.O. Box 580061
Houston, Texas 77258

Via CM/RRR No.:
9214 8901 9403 8388 4447 02

18101 Point Lookout Drive
Houston, Texas 77058

Via CM/RRR No.:
9214 8901 9403 8388 4447 88

Respondent Pro Se



Sarah White

Name and Address of Sender
 Texas Dept of Insurance
 Mail Code 110-1A
 333 Guadalupe St
 Austin TX 78701
 Mariah Cook
 August 20, 2019

- Check type of mail or service
- Adult Signature Required
 - Adult Signature Restricted Delivery
 - Certified Mail
 - Certified Mail Restricted
 - 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	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	RD Fee	RR Fee	SCRD Fee	SH Fee
WHIT17320	Jim Matthew Gonzalez P.O. Box 580061 Houston, Texas 77258	1.30											
	Jim Matthew Gonzalez 18101 Point Lookout Drive Houston, Texas 77058	1.30											

RECEIVED
 AUG 21 2019
TDI - ENFORCEMENT

2019-6118

Total Number of Pieces Listed by Sender	Total Number of Pieces Received at Post Office	Postmaster: Per (Name of receiving employee)

- Handling
- over \$50,000 in value
- Adult Signature Req
- Adult Signature Restricted Del.
- Restricted Delivery
- Return Receipt
- Signature Confirmation
- Signature Confirmation Restricted Delivery
- Special Handling

GMF WINDOW
 AUG 20 2019
 AUSTIN TX 78710

OFFICIAL BUSINESS
 STATE OF TEXAS
 CIVILITY FOR PRIVATE USE

neopost
 08/20/2019
US POSTAGE \$002.90
 ZIP 78701
 041M12252405





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

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 8388 4447 02

JIM MATHEW GONZALEZ PO Box 580061 HOUSTON TX 77258

1.15 3.50

1.60

WHITE/17320

2. 9214 8901 9403 8388 4447 88

JIM MATHEW GONZALEZ 18101 POINT LOOKOUT DRIVE HOUSTON TX 77058

1.15 3.50

1.60

2019-6118

RECEIVED
AUG 21 2019
TDI - ENFORCEMENT

GME WINDOW
AUG 20 2019
AUSTIN TX 78710

Handling Charge - if Registered and over \$50,000 in value

Adult Signature Required

Adult Signature Restricted Delivery

Restricted Delivery

Return Receipt

Signature Confirmation

Signature Confirmation Restricted Delivery

Special Handling

Total Number of Pieces Listed by Sender

2

Total Number of Pieces Received at Post Office

Postmaster, Per (Name of receiving employee)



2019-6118



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: 08/20/2019

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	2
Total	2

*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 4840 39

