

No. 2020 - 6279

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

Date: MAR 05 2020

Subject Considered:

Selena Roxanne Alejo
1609 Amy Drive
Kyle, Texas 78640

Consent Order
TDI Enforcement File No. 18885

General remarks and official action taken:

The subject of this consent order is whether a general lines agent license with a property and casualty qualification should be issued to Selena Roxanne Alejo (Alejo). Alejo has provided rehabilitative evidence that outweighs the serious nature of her criminal history. This order grants Alejo a general lines agent license with a property and casualty qualification subject to the terms of the probated suspension detailed in this order.

Waiver

Alejo acknowledges that the Texas Insurance Code and other applicable law provide certain rights. Alejo waives all of these rights, and any other applicable procedural rights, in consideration of the entry of this consent order.

Findings of Fact

License Application

1. On October 12, 2018, Alejo applied for a general lines agent license with a property and casualty qualification to be issued by the Texas Department of Insurance (department).

Criminal History

2. On June 6, 2013, Alejo was convicted of the offense of Intoxication Assault with Vehicle Serious Bodily Injury, a felony, in cause number CR-12-0303, in the 22nd Judicial District Court of Hays County, Texas. Alejo was sentenced to 10 years of probation. Alejo is currently on probation until 2023.
3. On June 16, 2014, Alejo was convicted of the offense of Attempted Obstruction or Retaliation, a state jail felony, in cause number D-1-DC-14-203514, in the 167th District Court Austin of Austin, Texas. Alejo was sentenced to 90 days confinement.

Evidence of Rehabilitation

4. Alejo has cooperated with the department in its investigation of her criminal background. Alejo provided evidence of her rehabilitation to support her fitness for licensure.
5. In accordance with the requirements of TEX. OCC. CODE § 53.025, the department has developed guidelines relating to the matters which the department will consider in determining whether to grant, deny, suspend, or revoke any license or authorization under its jurisdiction, as described in 28 TEX. ADMIN. CODE §§ 1.502(e)-1.502(k).
6. Pursuant to 28 TEX. ADMIN. CODE § 1.502(f), the department may issue a license if the applicant has engaged in criminal activity if the commissioner determines that the serious nature of the criminal activity is outweighed by the rehabilitative factors described in 28 TEX. ADMIN. CODE § 1.502(h).
7. 28 TEX. ADMIN. CODE § 1.502(h) and TEX. OCC. CODE §§ 53.022 and 53.023 provide several factors that the department must consider in determining whether the provided rehabilitative evidence outweighs the serious nature of the applicant's criminal history.
8. TEX. OCC. CODE § 53.022 and 28 TEX. ADMIN. CODE § 1.502(h)(1) describe the initial factors the department must consider in determining whether issuance of the license is appropriate:

FACTORS IN DETERMINING WHETHER CONVICTION RELATES TO OCCUPATION.
In determining whether a criminal conviction directly relates to an occupation, the licensing authority shall consider:

- (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 licensed 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
 - (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.
9. Considering the factors outlined in TEX. OCC. CODE ANN. § 53.022 and 28 TEX. ADMIN. CODE § 1.502(h)(1), Alejo's convictions for intoxication assault with serious bodily injury and attempted obstruction or retaliation are serious in nature but do not directly relate to the occupation of a general lines agent. However, Alejo's convictions affect her ability, capacity, or fitness required because of "the special nature of the relationship between licensees...and the public with respect to insurance and related businesses regulated by the department requires that the public place trust in and reliance upon such persons due to the complex and varied nature of insurance and insurance-related products." 28 TEX. ADMIN. CODE §§ 1.502(a), 1.502(e)(1), and 1.502(e)(4)(F).
10. TEX. OCC. CODE ANN. § 53.023 and 28 TEX. ADMIN. CODE § 1.502(h)(2) describe additional factors the department must consider in determining whether issuance of the license is appropriate:

ADDITIONAL FACTORS FOR LICENSING AUTHORITY TO CONSIDER.

- (a) In determining the fitness to perform the duties and discharge the responsibilities of the licensed occupation of a person who has been convicted of a crime, the licensing authority shall consider, in addition to the factors listed in Section 53.022:
 - (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 after release; and
 - (6) other evidence of the person's 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 person in contact with the convicted person.
- (b) The applicant has the responsibility, to the extent possible, to obtain and provide to the licensing authority the recommendations of the prosecution, law enforcement, and correctional authorities as required by Subsection (a)(6).
- (c) In addition to fulfilling the requirements of Subsection (b), the applicant shall furnish proof in the form required by the licensing authority that the applicant has:
- (1) maintained a record of steady employment;
 - (2) supported the applicant's dependents;
 - (3) maintained a record of good conduct; and
 - (4) paid all outstanding court costs, supervision fees, fines, and restitution ordered in any criminal case in which the applicant has been convicted.
11. In consideration of TEX. OCC. CODE § 53.023(a)(1) and 28 TEX. ADMIN. CODE § 1.502(h)(2)(A), Alejo's conviction for intoxication assault with serious bodily injury and attempted obstruction or retaliation are her only criminal convictions.
12. In consideration of TEX. OCC. CODE § 53.023(a)(2) and 28 TEX. ADMIN. CODE § 1.502(h)(2)(B), Alejo's criminal activity occurred in 2011 and 2014 when she was 30 years old and 33 years old respectively.

13. In consideration of TEX. OCC. CODE § 53.023(a)(3) and 28 TEX. ADMIN. CODE § 1.502(h)(2)(C), it has been over five years since Alejo's last criminal activity and conviction occurred.
14. In consideration of TEX. OCC. CODE §§ 53.023(a)(4)-(5) and 53.023(c)(1), and 28 TEX. ADMIN. CODE §§ 1.502(h)(2)(D), 1.502(h)(2)(E), and 1.502(h)(2)(G)(i), Alejo has provided the department with evidence demonstrating her commitment to rehabilitation while incarcerated and after incarceration. Alejo provided the department with a copy of her resume and an explanation of her employment history. She has maintained steady employment since her convictions. Alejo has worked as a medical assistant, a receptionist and is currently employed with Paul Guerrero Insurance as an office manager. Alejo has had a sobriety sponsor since 2015 that provided a letter of reference on her behalf stating Alejo has maintained sobriety and continues to attend meetings regularly. Alejo also provided documentation detailing her completion of a Relapse Outpatient Program through Clean Investments, Inc.
15. In consideration of TEX. OCC. CODE § 53.023(a)(6) and 28 TEX. ADMIN. CODE § 1.502(h)(2)(F), the department received multiple letters of recommendation from Alejo's friends, colleagues, and her sponsor who describe her as trustworthy, optimistic, passionate, dependable, loyal, and responsible.
16. In consideration of TEX. OCC. CODE § 53.023(c)(2) and 28 TEX. ADMIN. CODE § 1.502(h)(2)(G)(ii), Alejo has children for whom she provides support.
17. In consideration of TEX. OCC. CODE § 53.023(c)(3) and 28 TEX. ADMIN. CODE § 1.502(h)(2)(G)(iii), Alejo has maintained a record of good conduct without any criminal activity for over five years.
18. In consideration of TEX. OCC. CODE § 53.023(c)(4) and 28 TEX. ADMIN. CODE § 1.502(h)(2)(G)(iv), Alejo is currently on probation and provided documentation from the Travis County Adult Probation Department stating that she is in current good standing with her probation.
19. The factors described in 28 TEX. ADMIN. CODE § 1.502(h) and TEX. OCC. CODE §§ 53.022 and 53.023 outweigh the serious nature of Alejo's convictions.
20. Due to Alejo's criminal background and current probation status, the department needs the opportunity to monitor her insurance activities to ensure she

demonstrates the ability, capacity, and fitness required to perform and discharge the responsibilities of a general lines agent with a property and casualty qualification.

Conclusions of Law

1. The commissioner has jurisdiction over this matter pursuant to TEX. INS. CODE §§ 82.051-82.055, 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.
2. The commissioner has the authority to dispose of this case informally pursuant to the provisions of TEX. GOV'T CODE § 2001.056, TEX. INS. CODE § 82.055, and 28 TEX. ADMIN. CODE § 1.47.
3. Alejo has knowingly and voluntarily waived all procedural rights to which she may have been entitled regarding the entry of this order, including, but not limited to, issuance and service of notice of intention to institute disciplinary action, notice of hearing, a public hearing, a proposal for decision, rehearing by the commissioner, and judicial review.
4. Alejo committed an act for which the department may deny a license under TEX. INS. CODE §§ 4001.105 and 4005.101.
5. Pursuant to 28 TEX. ADMIN. CODE § 1.502(f), the commissioner has determined that the factors in TEX. OCC. CODE §§ 53.022-53.023 and 28 TEX. ADMIN. CODE § 1.502 outweigh the serious nature of Alejo's criminal convictions.

Order

It is ordered that a general lines agent license with a property and casualty qualification is granted to Selena Roxanne Alejo. It is further ordered that the general lines agent license with a property and casualty qualification is suspended for four years or until the term of her criminal probation in cause number CR-12-0303 is completed, whichever is longer. The suspension will be probated, subject to the terms of this order below.

If, during the probation period imposed by this order, the department issues any additional licenses or authorizations to Alejo, those additional licenses or authorizations will be suspended until the probation period imposed by this order has ended. The

suspension shall be probated, and the same terms and conditions stated in this order will apply.

Beginning from the date of this order and continuing through the probation period, Alejo must provide written notice of her criminal record to any employer, company, or other entity on behalf of which she performs the acts of a general lines agent. Alejo must provide the department with a copy of the notification within 30 days of the appointment, employment, or sponsorship by emailing it to the Texas Department of Insurance at EnforcementReports@tdi.texas.gov.

Beginning from the date of this order and continuing through the probation period, Alejo must file a written report, on or before the 15th day of the month on a quarterly basis for the months of March, June, September, and December, with the Texas Department of Insurance by emailing it to EnforcementReports@tdi.texas.gov. The reports must include the following information:

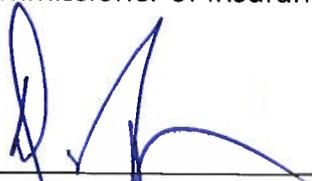
- a. Alejo's current mailing address and telephone number;
- b. the name, mailing address, and telephone number of Alejo's employer, and if Alejo is self-employed, a statement that she is self-employed and the name, mailing address, and telephone number of her business;
- c. the name and address of any insurer or entity which has appointed Alejo as a general lines agent;
- d. the name and address of any insurer or entity which has terminated Alejo's appointment as a general lines agent; and
- e. a copy of any and all contracts Alejo has entered into with an insurer, broker, managing general agent, managing general agency, or any person or entity in the business of insurance.

Alejo must notify the department immediately of the following by emailing EnforcementReports@tdi.texas.gov:

- a. any changes, motions to revoke, or action taken regarding her current criminal probation;
- b. any charges or indictments filed against her for a misdemeanor or felony during the period she is required to file reports, excluding traffic offenses and class C misdemeanors;
- c. any state or regulatory actions taken against her including formal and informal actions;
- d. any change in her employment or her residence; and

- e. any complaint made against Alejo concerning her performance as a general lines agent, as well as a written explanation detailing the steps taken to resolve it.

Kent C. Sullivan
Commissioner of Insurance

By: 

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

Recommended and reviewed by:



Leah Gillum, Deputy Commissioner
Enforcement Division



Stephanie Andrews, Staff Attorney
Enforcement Division

Affidavit

STATE OF _____ §

§

COUNTY OF _____ §

Before me, the undersigned authority, personally appeared the affiant, who being by me duly sworn, deposed of the following:

"My name is Selena Roxanne Alejo. I am of sound mind, capable of making this statement, and have personal knowledge of these facts which are true and correct.

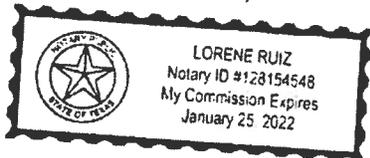
I waive rights provided by the Texas Insurance Code and other applicable law and acknowledge the jurisdiction of the commissioner.

I have knowingly and voluntarily entered into this consent order and agree with and consent to the issuance and service of the same by the commissioner of insurance of the State of Texas."

Selena Alejo
Affiant

SWORN TO AND SUBSCRIBED before me on this 25th day of December, 2019

(NOTARY STAMP)



Lorene Ruiz
Signature of Notary of Public