

No. 2022-7310

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

Date: 04/28/2022

Subject Considered:

KyKaiya Anthony Williams



Houston, Texas 77076

Consent Order
TDI Enforcement File No. 25618

General remarks and official action taken:

This is a consent order with KyKaiya Anthony Williams (Williams). The subject of this order is whether a general lines agent license with a life, accident, and health qualification should be issued to Williams. Williams has provided rehabilitative evidence that outweighs the serious nature of his criminal activity. This order grants Williams a general lines agent license with a life, accident, health qualification subject to the terms of the probated suspension detailed in this order.

Findings of Fact

1. On June 1, 2020, Williams applied for a general lines agent license with a life, accident, and health qualification to be issued by the Texas Department of Insurance (department). He did not disclose his criminal activity on his application.

Criminal History

2. On October 1, 2005, the U.S. Navy-Marine Corps Court of Criminal Appeals affirmed that Williams was found guilty by a general court-martial of the felony-equivalent offense of assault with a deadly weapon-maiming. The court sentenced

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Williams to five years of confinement, total forfeiture of his pay and allowances, reduction of his pay grade to E-1, and a dishonorable discharge.

3. On October 26, 2016, Williams plead guilty to misdemeanor assault by judicial confession in cause number F16-11759, in the 282nd Judicial District Court in Dallas County, Texas. The court sentenced him to 90-days confinement in county jail.

Evidence of Rehabilitation

4. Williams has cooperated with the department in its investigation of his criminal background. Williams provided evidence of his rehabilitation to support his ability and capacity 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 committed a felony or misdemeanor 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. TEX. OCC. CODE §§ 53.022 and 53.023 and 28 TEX. ADMIN. CODE § 1.502(h) state the rehabilitative factors the department must consider in determining whether those factors outweigh 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 the duties and responsibilities of a licensed occupation, the licensing authority shall consider each of the following factors:

- (1) the nature and seriousness of the crime;

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- (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;
 - (4) the relationship of the crime to the ability or capacity required to perform the duties and discharge the responsibilities of the licensed occupation; and
 - (5) any correlation between the elements of the crime and the duties and 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), Williams's court martial and conviction for misdemeanor assault directly relates to the occupation of an general lines agent because "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) If a licensing authority determines under Section 53.022 that a criminal conviction directly relates to the duties and responsibilities of a licensed occupation, the licensing authority shall consider the following in determining whether to take an action authorized by Section 53.021:
 - (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;

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- (6) evidence of the person's compliance with any conditions of community supervision, parole, or mandatory supervision; and
 - (7) other evidence of the person's fitness, including letters of recommendation.
 - (b) The applicant has the responsibility, to the extent possible, to obtain and provide to the licensing authority the recommendations described by Subsection (a)(7).
11. In consideration of TEX. OCC. CODE § 53.023(a)(1) and 28 TEX. ADMIN. CODE § 1.502(h)(2)(A), Williams has no other criminal history besides his court martial for maiming and misdemeanor assault conviction. Williams has accepted responsibility and expressed remorse for his criminal conduct.
 12. In consideration of TEX. OCC. CODE § 53.023(a)(2) and 28 TEX. ADMIN. CODE § 1.502(h)(2)(B), Williams's criminal conduct for the court martial occurred in 2001, when he was 22 years old. Williams's criminal conduct for the misdemeanor assault occurred in 2016, when he was 37 years old.
 13. In consideration of TEX. OCC. CODE § 53.023(a)(3) and 28 TEX. ADMIN. CODE § 1.502(h)(2)(C), it has been almost 20 years since Williams's criminal conduct occurred for the court martial and over 5 years since his misdemeanor assault conviction.
 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), Williams has provided the department with evidence demonstrating his commitment to rehabilitation as shown by letters of recommendation and evidence of steady employment. Williams provided the department with a detailed resume and explanation of his employment history. He has been steadily employed since his conviction. Williams has been working for Western Extrusions as a painter since 2016. Prior to this, Williams worked for Lowes as a stocker and a cashier.
 15. In consideration of TEX. OCC. CODE § 53.023(a)(7) and 28 TEX. ADMIN. CODE § 1.502(h)(2)(F), the department received letters of recommendation from Williams's current employer who states he is a natural leader and shows great

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dedication to his work, and a co-worker who says Williams has a very optimistic outlook on life and strives to better himself.

16. In consideration of TEX. OCC. CODE § 53.023(c)(3) and 28 TEX. ADMIN. CODE § 1.502(h)(2)(G)(iii), Williams has maintained a record of good conduct without any known criminal activity for over six years.
17. In consideration of TEX. OCC. CODE § 53.023(c)(4) and 28 TEX. ADMIN. CODE § 1.502(h)(2)(G)(iv), Williams has completed his sentencing requirements.
18. 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 Williams's convictions.
19. Due to Williams's criminal background, the department needs the opportunity to monitor his insurance activities to ensure he demonstrates the ability and capacity required to perform and discharge the responsibilities of a general lines agent.

Conclusions of Law

1. The commissioner has jurisdiction over this matter pursuant to TEX. INS. CODE §§ 82.051–82.055, 84.021–84.044, 4001.002, 4001.101, 4001.102, 4005.101, 4005.102, and 4054.051; TEX. GOV'T CODE §§ 2001.051–2001.178; TEX. OCC. CODE §§ 53.021–53.023; and 28 TEX. ADMIN. CODE § 1.502.
2. The commissioner has the authority to informally dispose of this matter as set forth in TEX. GOV'T CODE § 2001.056, TEX. INS. CODE §§ 36.104 and 82.055, and 28 TEX. ADMIN. CODE § 1.47.
3. Williams has knowingly and voluntarily waived all procedural rights to which he 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. Williams committed an act for which the department may deny a license under TEX. INS. CODE § 4005.101.

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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 Williams's criminal convictions.

Order

It is ordered that a general lines agent license with a life, accident, and health qualification is granted to KyKaiya Anthony Williams. It is further ordered that the general lines agent license with a life, accident, and health qualification is suspended for two years. 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 Williams, 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, Williams must provide written notice of his criminal record to any employer, company, or other entity on behalf of which he performs the acts of an agent. Williams 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, Williams must file a written report, on or before the 15th day of the month on a quarterly basis for the months of May, August, November, and February, with the Texas Department of Insurance by emailing it to EnforcementReports@tdi.texas.gov. The reports must include the following information:

- a. Williams's current mailing address and telephone number;
- b. the name, mailing address, and telephone number of Williams's employer, and if Williams's is self-employed, a statement that he is self-employed and the name, mailing address, and telephone number of his business;
- c. the name and address of any insurer or entity which has appointed Williams as an agent;

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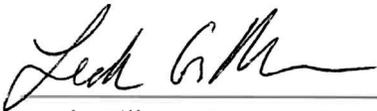
- d. the name and address of any insurer or entity which has terminated Williams's appointment as an agent; and
- e. a copy of any and all contracts Williams has entered into with an insurer, broker, managing general agent, managing general agency, or any person or entity in the business of insurance.

DocuSigned by:

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Cassie Brown
Commissioner of Insurance

Recommended and reviewed by:



Leah Gillum, Deputy Commissioner
Enforcement Division



Allison J. Anglin, Staff Attorney
Enforcement Division

Approved as to form and content:



Jason Danowsky, Counsel for Williams

Affidavit

STATE OF Texas §

COUNTY OF Dallas §

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

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

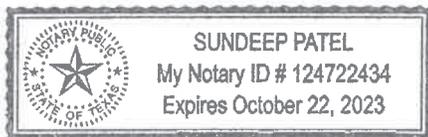
I waive rights provided by the Texas Insurance Code and other applicable law and acknowledge the jurisdiction of the commissioner.

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."

KyKaiya A. Williams
Affiant

SWORN TO AND SUBSCRIBED before me on March 28, 2022.

(NOTARY SEAL)



Sundeep Patel

Signature of Notary Public

Sundeep Patel

Printed Name of Notary Public