

No. 2024-8995

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

Date: 12/04/2024

Subject Considered:

Mysti Danielle Gomez
Arlington, Texas

Default Order
TDI Enforcement File No. 32532

General remarks and official action taken:

The subject of this default order is whether a limited lines license should be issued to Mysti Danielle Gomez (Respondent). Respondent did not respond to a Notice of Allegations mailed 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 Allegations

1. On October 31, 2024, the department sent a Notice of Allegations, attached as Exhibit A, to Respondent.
2. The department sent the Notice of Allegations to Respondent's last known address provided in writing to the department, [REDACTED], Arlington, Texas 76002.
3. Respondent received and waived an opportunity for a hearing because Respondent failed to send the department a written response to the Notice of Allegations within 20 days after the date the Notice of Allegations was mailed.

2024-8995

Commissioner's Order

Mysti Danielle Gomez

Page 2 of 4

4. The department's factual allegations set out in the attached Notice of Allegations are incorporated in this order as findings of fact.

Conclusions of Law

1. The commissioner has jurisdiction under Texas law, including TEX. INS. CODE §§ 82.051-82.055, 4001.002, 4005.101, 4005.102, and 4051.101; 28 TEX. ADMIN. CODE § 1.502¹; TEX. OCC. CODE §§ 53.021-53.023; and TEX. GOV'T CODE §§ 2001.003(1) and 2001.051-2001.178.
2. The commissioner has authority to dispose of this case informally under TEX. GOV'T CODE § 2001.056; TEX. INS. CODE § 82.055; and 28 TEX. ADMIN. CODE § 1.47.
3. The department provided proper notice to Respondent under TEX. GOV'T CODE §§ 2001.003(1), 2001.051, 2001.052, 2001.054, and 2001.056(4), and 28 TEX. ADMIN. CODE §§ 1.28, and 1.47.
4. Based on Respondent's failure to send the department a written response to the Notice of Allegations, the department is entitled to disposition by default under 28 TEX. ADMIN. CODE § 1.47.
5. Respondent failed to show compliance with the law.
6. The department's factual and legal allegations set out in the attached Notice of Allegations are incorporated in this order and deemed admitted as true under 28 TEX. ADMIN. CODE § 1.47.

¹ All references to 28 TEX. ADMIN. CODE § 1.502 herein, are to the version of that rule pre-dating amendments adopted in Order 2023-8185, effective on and after September 26, 2023.

2024-8995

Commissioner's Order

Mysti Danielle Gomez

Page 3 of 4

Order

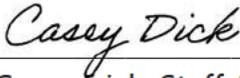
It is ordered that Mysti Danielle Gomez's application is denied. A copy of this order will be provided to law enforcement or other appropriate administrative agencies for further investigation as may be warranted.

Signed by:

FC5D7EDDFFB4F8...

Cassie Brown
Commissioner of Insurance

Prepared and reviewed by:


Casey Dick, Staff Attorney
Enforcement

Affidavit

STATE OF TEXAS §

§

COUNTY OF TRAVIS §

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

"My name is Roxanne Rodriguez 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 Mysti Danielle Gomez. I have confirmed that:

- a. The last mailing address provided to the department in writing by Mysti Danielle Gomez is [REDACTED], Arlington, Texas 76002.
- b. The file maintained by Enforcement contains a Notice of Allegations dated October 31, 2024, which was sent to Mysti Danielle Gomez.
- c. On October 31, 2024, the Notice of Allegations addressed to Mysti Danielle Gomez was mailed first-class and certified, return receipt requested, to her last known address.

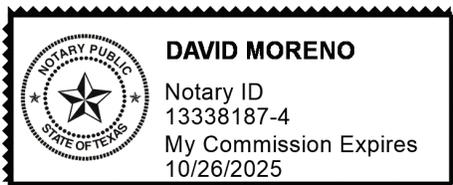
Copies of the first-class mail log and certified mail log maintained by Enforcement are attached as Exhibit B and Exhibit C, respectively."

Signed by:

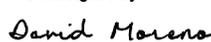
 D16F1A7D2569447...
 Affiant

SWORN TO AND SUBSCRIBED before me by means of an interactive two-way audio and video communication on 11/21/2024. This notarial act was an online notarization.

Notary Seal



Digital Certificate

DocuSigned by:

 455E4109E15D4CD...
 Notary Public State of Texas

2024-8995



PO Box 12030 | Austin, TX 78711 | 800-578-4677 | tdi.texas.gov

October 31, 2024

Mysti Danielle Gomez
[REDACTED]
Arlington, TX 76002

Via CM/RRR 9214 8901 9403 8385 8788 38
Via First Class Mail
Via Email: [REDACTED]
and: training-dallas@fredloya.com

**TDI ENFORCEMENT CASE NO. 32532
NOTICE OF ALLEGATIONS AGAINST MYSTI DANIELLE GOMEZ**

The Texas Department of Insurance (TDI) seeks to deny your license application. This Notice states the allegations against you and the relief sought by TDI.

YOUR WRITTEN RESPONSE IS REQUIRED WITHIN 20 DAYS

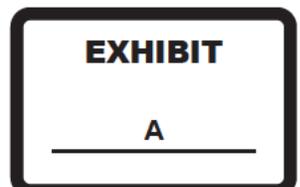
YOU HAVE THE RIGHT TO A HEARING AND ARE INVITED TO SHOW COMPLIANCE WITH THE LAW. To request a hearing, you must send a written response to TDI within 20 days of the date this Notice was mailed.

If you fail to send a written response by the deadline, *you waive your right to a hearing*, and TDI may seek disposition by default under 28 TEX. ADMIN. CODE § 1.47, TEX. INS. CODE § 82.055, and TEX. GOV'T. CODE § 2001.056.

If you fail to send a written response by the deadline, without further notice to you, the commissioner of insurance may issue a default order that admits the factual matters asserted, deems all allegations as true, and orders the relief recommended in this Notice.

You must send your written response by mail, fax, or email to:

Casey Dick, Staff Attorney
Texas Department of Insurance
Enforcement, MC ENF
P.O. Box 12030
Austin, Texas 78711-2030
(512) 490-1020 (Fax)
casey.dick@tdi.texas.gov



Jurisdiction

The commissioner of insurance has jurisdiction over this matter under TEX. INS. CODE §§ 82.051–82.055, 4001.002, 4005.101, 4005.102, and 4051.101, 28 TEX. ADMIN. CODE § 1.502¹, TEX. OCC. CODE §§ 53.021-53.023, and TEX. GOV'T CODE §§ 2001.003(1) and 2001.051–2001.178.

Factual Allegations

License Application

1. On June 8, 2023, Gomez applied for a limited lines agent license to be issued by TDI.
2. On July 17, 2023, TDI proposed to deny Gomez's application based on her criminal history. Gomez made a written request for a hearing to appeal that decision.

Criminal History

3. On June 28, 2017, a Tennessee court convicted Gomez of misdemeanor possession of drug paraphernalia and imposed a suspended sentence of 11 months and 29 days and ordered Gomez to pay a \$150 fine.
4. On May 10, 2017, in the Criminal Court for Hamilton County, Tennessee, case number 301897, Gomez was indicted on the following counts:
 - a. count one, possession of methamphetamine for resale;
 - b. count two, possession of marihuana;
 - c. count three, possession of MDMA;
 - d. count four, possession of alprazolam; and,
 - e. count five, attempt to smuggle contraband into a penal institution.
5. On December 6, 2017, Gomez pled guilty to and was convicted of count one, a class C felony, and count five, a class B felony. Gomez was sentenced to six years

¹ All references to 28 TEX. ADMIN. CODE § 1.502 herein, are to the version of that rule pre-dating amendments adopted in Order 2023-8185, effective on and after September 26, 2023.

- of probation and required to pay a \$2,000 fine. Counts two, three, and four were dismissed.
6. On November 7, 2017, Gomez was arrested for felony possession of less than .5 grams of methamphetamine in Loudon County, Tennessee.
 7. On February 2, 2018, Gomez was arrested for felony possession of greater than .5 grams of methamphetamine in Loudon County, Tennessee.
 8. On January 7, 2019, in case number 19CR6 in the Criminal Court for Loudon County, Tennessee, Gomez waived her right to an indictment and/or presentment and pled guilty to and convicted of two separate felony charges of possession of schedule II, methamphetamine with intent to manufacture, sell, or deliver.
 9. In case number 19CR6, Gomez was ordered to serve consecutive sentences of:
 - a. three years in prison for the class C felony, possession of methamphetamine less than .5 grams with intent; and,
 - b. eight years in prison for the class B felony, possession of methamphetamine greater than .5 grams with intent.
 10. In case number 19CR6, Gomez was also ordered to serve at least 30% of the sentence with credit for time served. The court waived her fines and added Gomez to the Tennessee methamphetamine registry for 10 years.
 11. Gomez was released on parole on January 19, 2022. Following release, the Criminal Court for Loudon County, Tennessee, granted a request to have her parole transferred to Texas. Gomez is not scheduled to be released from parole until August 16, 2027.

Legal Allegations

1. Gomez has committed acts for which a license holder may be disciplined, and a license may be denied under TEX. INS. CODE § 4005.101, because she has been convicted of a felony, as contemplated by TEX. INS. CODE § 4005.101(b)(8).

2024-8995

Notice of Allegations

Mysti Danielle Gomez

Page 4 of 6

2. Gomez committed felony offenses or 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) and TEX. OCC. CODE § 53.021(a)(1).
3. Gomez committed offenses that TDI considers to be of such serious nature that they are of prime importance in determining fitness for licensure or authorization, as contemplated by 28 TEX. ADMIN. CODE § 1.502(e) and TEX. OCC. CODE §§ 53.021-53.023.
4. Gomez 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 a dangerous drug as contemplated by 28 TEX. ADMIN. CODE § 1.502(e)(4)(G).
5. TDI 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 TDI determines that the applicant has committed a felony or misdemeanor or has engaged in fraudulent or dishonest activity that directly relates to the duties and responsibilities of the licensed occupation; and,
 - c. considers any 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 a dangerous drug to be of such a serious nature that it is of prime importance when determining fitness for licensure.

Relief Sought

TDI seeks the following relief:

1. denial of your license application; and,
2. imposition of any other just and appropriate relief to which the department may be entitled to by law, including any combination of the above actions.

2024-8995

Notice of Allegations
Mysti Danielle Gomez
Page 5 of 6

Respectfully,

Casey Dick

Casey Dick
State Bar No. 24132039
Texas Department of Insurance
Enforcement, MC ENF
P.O. Box 12030
Austin, Texas 78711-2030
(512) 676-6328 (Direct)
(512) 490-1020 (Fax)
Casey.Dick@tdi.texas.gov

cc: Leah Gillum, Deputy Commissioner, Fraud and Enforcement Division, MC: ENF
Rachel Cloyd, Litigation Director, Enforcement, MC: ENF
Administrative Review, MC: CO-AAL

CERTIFICATE OF SERVICE

I, Casey Dick, certify that a true and correct copy of this *Notice of Allegations Against Mysti Danielle Gomez* was sent by the following methods on this 31st day of October, 2024 to:

Mysti Danielle Gomez
[REDACTED]
Arlington, Texas 76002

Via CM/RRR: 9214 8901 9403 8385 8788 38
Via First Class Mail
Via Email: [REDACTED] *Via*
Email: training-dallas@fredloya.com

Casey Dick

Casey Dick

2024-8995

Name and Address of Sender
Texas Dept of Insurance
Mail Code ENF
1601 Congress Avenue, Suite 6.900
Austin TX 78701
David Moreno
October 31, 2024

Check type of mail or service
 Adult Signature Required
 Adult Signature Restricted Delivery
 Certified Mail
 Collect on Delivery (COD)
 Insured Mail
 Priority Mail
 First-Class Mail
 Priority Mail Express
 Registered Mail
 Return Receipt for Merchandise
 Signature Confirmation
 Signature Confirmation Restricted Delivery

USPS Tracking/Article Number
DICK32332
Address (Name, Street, City, State, & Zip Code)
Mysti Danielle Gomez
Arlington, Texas 76002

Postage
69

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

RECEIVED
NOV 01 2024
TDI - ENFORCEMENT



Postmaster, Per (Name of receiving employee)
Uthmaniyah

Completed in Ink

Privacy Note: For more information on USPS privacy policies, visit usps.com/privacy policy.

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



quadrant
CORRECTION
IMI
\$002.00
10/31/2024 ZIP 78701
043M32206395
US POSTAGE

- Adult Signature Required
- Adult Signature Restricted Delivery
- Restricted Delivery
- Return Receipt
- Signature Confirmation
- Signature Confirmation Restricted Delivery
- Special Handling

Postage (Extra Service) Fee

Handling Charge

Actual Value if Registered

Insured Value

Due Sender if COD

ASR Fee

ASRD Fee

RO Fee

RR Fee

SC Fee

SCRD Fee

SH Fee

Firm Mailing Book For Account

EXHIBIT

B

2024-8995



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: 10/31/2024

Shipped From:

Name: MC ENF D MORENO

Address: 1601 CONGRESS AVENUE SUITE 6 900

City: AUSTIN

State: TX ZIP+4® 78701

Type of Mail	Volume
Priority Mail Express®	
Priority Mail®	
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:

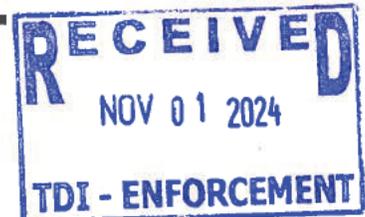
1. Home screen > Mailing/Shipping > More
2. Select Shipment Confirm
3. Scan or enter the barcode/label number from PS Form 5630
4. Confirm the volume count message by selecting Yes or No
5. Select Pay and End Visit to complete transaction

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 0056 7081 88



DICK/32532

EXHIBIT

C

