

No. 2025-9304

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

Date: 05/20/2025

Subject Considered:

Macedonio John Martinez, III
San Antonio, Texas

Default Order
TDI Enforcement File No. 35725

General Remarks and Official Action Taken:

This is a default order taken against Macedonio John Martinez, III (Respondent) because he has been convicted of two felonies, which he failed to report. Respondent did not respond to a Notice of Allegations mailed by the Texas Department of Insurance (TDI). This order revokes Respondent's license.

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

Findings of Fact

Failure to Respond to Notice of Allegations

1. On April 2, 2025, TDI sent a Notice of Allegations, attached as Exhibit A, to Respondent.
2. TDI sent the Notice of Allegations to Respondent's last known address provided in writing to the department, [REDACTED] San Antonio, TX 78253-7112.
3. Respondent received and waived an opportunity for a hearing because Respondent failed to send TDI a written response to the Notice of Allegations within 20 days after the date the Notice of Allegations was mailed.

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Macedonio John Martinez, III
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4. TDI'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, 4001.102, 4001.105, 4001.252(a)(2), 4005.101-4005.105, and 4005.101(b)(8); TEX. OCC. CODE §§ 53.021-53.023; 28 TEX. ADMIN. CODE § 1.502; 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. TDI 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, 1.47, and 19.906.
4. Based on Respondent's failure to send TDI 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. TDI'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.

Order

It is ordered that any licenses held by Macedonio John Martinez, III are revoked. 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:

FC5D7EDDFB84F8
Cassie Brown
Commissioner of Insurance

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Prepared and reviewed by:

Jeannie Ricketts

Jeannie Ricketts, Staff Attorney
Enforcement

Affidavit

STATE OF TEXAS §
 §
COUNTY OF TRAVIS §

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

"My name is David Moreno 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 Macedonio John Martinez, III. I have confirmed that:

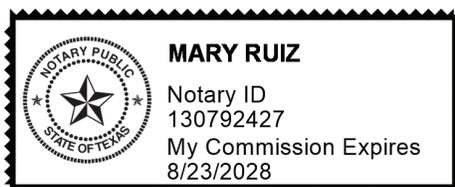
- a. The last mailing address provided to the department in writing by Macedonio John Martinez, III is [REDACTED] San Antonio, Texas 78253-7112.
- b. The file maintained by Enforcement contains a Notice of Allegations dated April 2, 2025, which was sent to Macedonio John Martinez, III.
- c. On April 2, 2025, the Notice of Allegations addressed to Macedonio John Martinez, III was mailed first-class and certified, return receipt requested, to his last known address and email 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:
David Moreno _____
4E21002A291B4EC...
ATTIANT

SWORN TO AND SUBSCRIBED before me by means of an interactive two-way audio and video communication on 5/2/2025. This notarial act was an online notarization.

Notary Seal



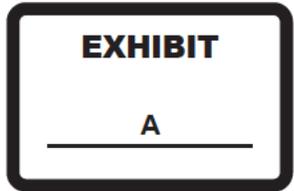
Digital Certificate

Signed by:
Mary Ruiz _____
795DC4D59167489...
Notary Public State of Texas

2025-9304



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



April 2, 2025

Macedonio John Martinez, III
[REDACTED]
San Antonio, TX 78253-7112

Via CM/RRR No. 9214890194038308046009
Via Email: [REDACTED]

**TDI ENFORCEMENT CASE NO. 35725
NOTICE OF ALLEGATIONS AGAINST MACEDONIO JOHN MARTINEZ, III**

The Texas Department of Insurance (TDI) seeks to take disciplinary action against you. 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:

Jeannie Ricketts, Staff Attorney
Texas Department of Insurance
Enforcement, MC ENF
P.O. Box 12030
Austin, Texas 78711-2030
(512) 490-1020 (Fax)
Jeannie.ricketts@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 4101.051; TEX. OCC. CODE §§ 53.021–53.023; 28 TEX. ADMIN. CODE § 1.502; and TEX. GOV'T CODE §§ 2001.003(1) and 2001.051–2001.178.

Factual Allegations

License History:

1. Martinez holds an insurance adjuster license with a property and casualty qualification originally issued on January 8, 2007.

Criminal History:

Case No. CC723910, *Misdemeanor Terroristic Threat Cause Fear of Imminent Severe Bodily Injury*

2. On December 21, 2023, in Case No. CC723910, in County Court at Law No. 13, in Bexar County, Texas, Martinez was charged with Misdemeanor Terroristic Threat Cause Fear of Imminent Severe Bodily Injury, and Aggravated Robbery against DH, which occurred on June 6, 2023, at a fast-food restaurant.
3. The court dismissed this case on June 10, 2024, when he was convicted in Case Nos. 2024-cr-0348 and 2024-CR-1860.

Case No. 2024-cr-0348, *Third Degree Felony Assault Family – Choking/Strangulation*

4. On January 11, 2024, in Case No. 2024-cr-0348, in Bexar County, Texas, Martinez was indicted for Assault Family Choking Strangulation, for intentionally applying pressure to the throat or neck of CM, a family member or a person with whom he has or had a dating relationship, on June 5, 2023.
5. On June 10, 2024, in 2024-cr-0348, Martinez pleaded nolo contendere and the court convicted him of Third-Degree Felony offense of Assault Family Violence-Choking/Strangulation under TEX. PEN. CODE § 22.01(B).

Case No. 2024-CR-1860, *Third Degree Felony Cruelty-Nonlivestock Tort, etc.*

6. On February 7, 2024, in Case No. 2024-CR-1860, in Bexar County, Texas, Martinez was indicted for Third Degree Felony Cruelty-Nonlivestock Tort, etc., when he shot a rabbit and crushed the head of a snake, which occurred on June 6, 2023.
7. On June 10, 2024, Martinez pleaded nolo contendere, and the court convicted him of two counts of Third-Degree Felony Cruelty-Nonlivestock Tort, etc., under TEX. PEN. CODE § 42.092.
8. The court sentenced Martinez concurrently in both cases to jail confinement, which it then suspended to eight years community supervision.
9. In Case No. 2024-CR-0348, the court ordered Martinez to pay \$390 in court costs, a family violence fine under TEX. CODE OF CRIM. PROC. Art. 42A.504, a \$60 monthly administrative fee, a \$20 set up fee, and either a \$210 (passive) or \$270 (active) fee for GPS monitoring.
10. In Case No. 2024-CR-1860, the court ordered Martinez to pay \$290 in court costs and a \$1,000 fine.
11. Martinez is required to complete 200 hours community service restitution (at the rate of 20 hours a month), take parenting classes, participate in urinalysis testing, submit to DNA testing and one random field visit a month, and acquire and wear a global positioning device (GPS).
12. Martinez was ordered not to: purchase or possess weapons, have contact with CM or DM, leave Laredo (Webb County), have employment as a home health provider or supervisor of minors. He is prohibited from owning or having any contact with animals. He must have no unsupervised contact with minors.
13. On September 24, 2024, the Nevada Division of Insurance (DOI) filed an open records request with TDI to check the status of Martinez' Texas license after he applied for an insurance adjuster license in Nevada. The Nevada DOI's investigation revealed that Martinez had two recent felony convictions. TDI does not have a record of Martinez reporting his offenses and administrative action within 30 days as TEX. INS. CODE § 4001.252(a)(2) requires. TDI also does not have a record of Martinez disclosing his offenses and administrative action on his license renewal in January 2025.

14. Martinez is scheduled to remain on community supervision until June 10, 2034.

Legal Allegations

1. Martinez committed an act for which a license may be denied as contemplated by TEX. OCC. CODE §§ 53.021 – 53.023 and 28 TEX. ADMIN. CODE § 1.502.
2. Martinez has been convicted of a felony, as contemplated by TEX. INS. CODE § 4005.101(b)(8).
3. Martinez failed to notify the TDI, on a monthly basis, of:
 - a. a felony conviction, and
 - b. an administrative action taken against him by an insurance regulator of another state as TEX. INS. CODE § 4001.252(a)(2) requires.
4. Martinez has been convicted of a felony involving moral turpitude as contemplated by 28 TEX. ADMIN. CODE § 1.502(f)(3).¹
5. Martinez committed an offense that is of prime importance to TDI in licensing decisions and that directly relates to the duties and responsibilities of the licensed occupation, as TEX. OCC. CODE § 53.021 and 28 TEX. ADMIN. CODE § 1.502(f)(4)(F) contemplate.
6. TDI guidelines and 28 TEX. ADMIN. CODE § 1.502(c)-(f), 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 the offense of Assault Family Violence-Choking/Strangulation to be of such a serious nature that it is of prime importance when determining fitness for licensure, as 28 TEX. ADMIN. CODE § 1.502(f)(3) and (f)(4)(F) contemplates.

¹ See e.g. *Texas Lottery Commission v. Thomas Taylor*, 2011 WL 1178577 (March 24, 2011)(determining that “the Respondent’s ‘Assault Causing Bodily Injury to a Family Member . . . Class A Misdemeanor’ was a crime of moral turpitude”); see also *Hardeman v. State*, 868 S.W.2d 404, 405 (Tex. App.—Austin 1993)(holding “...that a conviction for misdemeanor assault, as defined by Penal Code § 22.01, by a man against a woman is a crime involving moral turpitude....”).

7. The factors referred to in 28 TEX. ADMIN. CODE § 1.502(g), listed in TEX. OCC. CODE §§ 53.022(1)-(5) and 53.023(a)(1)-(7), do not outweigh the serious nature of Martinez's criminal offense, as 28 TEX. ADMIN. CODE § 1.502(d) contemplates.

Relief Sought

TDI seeks the following relief:

1. revocation of your license; 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.

Respectfully,

/s/ Jeannie Ricketts

Jeannie Ricketts
State Bar No. 24041774
Texas Department of Insurance
Enforcement, MC ENF
P.O. Box 12030
Austin, Texas 78711-2030
(512) 676-6336 (Direct)
(512) 490-1020 (Fax)
Jeannie.ricketts@tdi.texas.gov

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

CERTIFICATE OF SERVICE

I, Jeannie Ricketts, certify that a true and correct copy of this *Notice of Allegations Against Respondent Name* was sent by the following methods on this 2nd day of April, 2025 to:

Macedonio John Martinez, III
[REDACTED]
San Antonio, TX 78253-7112

Via CM/RRR No. 9214890194038308046009
Via First Class Mail
Via Email: [REDACTED]

/s/ Jeannie Ricketts

Jeannie Ricketts

Name and Address of Sender
 Texas Dept of Insurance
 Mail Code ENF
 1601 Congress Avenue, Suite 6.900
 Austin TX 78701
 Roxanne Rodriguez
 April 2, 2025

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
 First-Class 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)

Firm Mailing Book For Accountable Mail

EXHIBIT
B

USPS Tracking/Article Number	Ricketts/35725	
Address (Name, Street, City, State, & Zip Code)	Macedonio John Martinez, III [REDACTED] San Antonio, TX 78253-7112	
Postage	1.69	
(Extra Service) Fee	Handling Charge	Actual Value if Registered
Insured Value	Due Sender if COD	ASR Fee
ASR Fee	ASRO Fee	BO Fee
RR Fee	SC Fee	SCRO Fee
SH Fee		

Number of Pieces Mailed by Sender	2025-9304
Total Number of Pieces Received at Post Office	1
Postmaster: Per Name of receiving employee	Yhanna

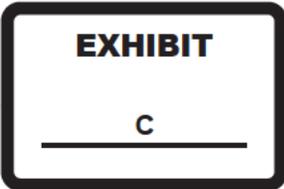
RECEIVED
 APR 04 2025
TDI - ENFORCEMENT

AMT STATION
 APR 2025
 AUSTIN, TX
 78711

Handling Charge if Registered and	
Adult Signature Required	
Adult Signature Restricted Delivery	
Restricted Delivery	
Return Receipt	
Signature Confirmation	
Signature Confirmation Restricted Delivery	
Special Handling	

quodent
 CORRECTION
 IMI
\$002.00
 04/02/2025 ZIP 78701
 043M92206395
US POSTAGE

2025-9304



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: 04/02/2025
Shipped From:
Name: ENF R RODRIGUEZ
Address: 1601 CONGRESS AVE
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.

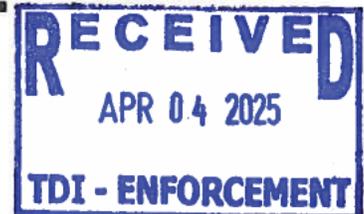
USPS SCAN AT ACCEPTANCE



9275 0901 1935 6200 0060 3184 41



Ricketts/35725





Firm Mailing Book For Accountable Mail

Name and Address of Sender
ENF R. RODRIGUEZ
1601 CONGRESS AVE
STE 6.900
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

Addresssee (Name, Street, City, State, & ZIP Code™)

1. 9214 8901 9403 8308 0460 09
Ricketts/35725

MACEOONIO JOHN MARTINEZ, III
SAN ANTONIO, TX 78253 7112

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

Affix Stamp Here
(for additional copies of this receipt).
Postmark with Date of Receipt.

2025-9304
RECEIVED
APR 04 2025
TDI - ENFORCEMENT

CAPITOL STATION
APR 2025
AUSTIN, TX
78711

Total Number of Pieces Listed by Sender

1

Total Number of Pieces Received at Post Office

Postmaster, Per (Name of receiving employee)

PS Form 3877, January 2017 (Page 1 of 1)

Complete in Ink

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