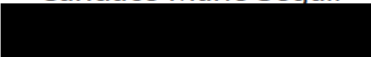


No. 2020-6558

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

Date: 11/12/2020

Subject Considered:

Candace Marie Segall

Porter, Texas 77365-5938

Default Order
SOAH Docket No. 454-21-0383
TDI Enforcement File No. 19505

General remarks and official action taken:

This is a default order taken against Candace Marie Segall (Respondent) because she engaged in fraudulent or dishonest practices and engaged in dishonest activity that directly relates to the duties and responsibilities of the licensed occupation. Respondent did not respond to a Notice of Hearing filed by the Texas Department of Insurance. 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 Hearing

1. On October 14, 2020, the department filed a Notice of Hearing, attached as Exhibit A, and an Original Petition, attached as Exhibit B, with the State Office of Administrative Hearings.
2. The department's factual allegations set out in the attached Notice of Hearing and Original Petition are incorporated in this order as findings of fact.

2020-6558

Commissioner's Order

Candace Marie Segall

SOAH Docket No. 454-21-0383

Page 2 of 5

3. The department sent the Notice of Hearing and Original Petition to Respondent's last known address provided in writing to the department, [REDACTED], [REDACTED], Porter, Texas 77365. The Notice of Hearing and Original Petition were also sent by electronic mail and to an additional address associated with Respondent, [REDACTED], Kingwood, Texas 77339.
4. Respondent failed to file a written response to the Notice of Hearing within 20 days of the date the Notice of Hearing and Original Petition were mailed.

Conclusions of Law

1. The commissioner has jurisdiction pursuant to Texas law, including TEX. INS. CODE §§ 82.051-82.055, 4001.002, 4005.101, 4005.102, 4051.051, 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 Respondent'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 and Original Petition are incorporated in this order and deemed admitted as true pursuant to 28 TEX. ADMIN. CODE § 1.89.

2020-6558

Commissioner's Order
Candace Marie Segall
SOAH Docket No. 454-21-0383
Page 3 of 5

Order

It is ordered that any licenses held by Candace Marie Segall are revoked. A copy of this order will be provided to law enforcement and/or other appropriate administrative agencies for further investigation as may be warranted.

Commissioner of Insurance

DocuSigned by:

By: C77A87C8C21B435...
Doug Slape
Chief Deputy Commissioner
TEX. GOV'T CODE § 601.002
Commissioner's Order No. 2018-5528

Prepared and reviewed by:



Anna Kalapach, Staff Attorney
Enforcement Division

2020-6558

Commissioner's Order
Candace Marie Segall
SOAH Docket No. 454-21-0383
Page 4 of 5

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 Candace Marie Segall. I have confirmed that:

- a. The last mailing address provided to the department in writing by Candace Marie Segall is [REDACTED], Porter, Texas 77365.
- b. The file maintained by the Enforcement Division contains a Notice of Hearing and Original Petition dated October 14, 2020, which were filed with the State Office of Administrative Hearings.
- c. On October 14, 2020, the Notice of Hearing and Original Petition addressed to Candace Marie Segall were sent by electronic mail and mailed certified, return receipt requested, to her last known address and an additional address, [REDACTED], Kingwood, Texas 77339.

A copy of the certified mail log maintained by the Enforcement Division is attached as Exhibit C."

DocuSigned by:

David Moreno

A80BB6ECBECC4CF...

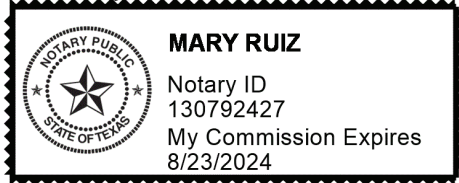
Affiant

2020-6558

Commissioner's Order
Candace Marie Segall
SOAH Docket No. 454-21-0383
Page 5 of 5

SWORN TO AND SUBSCRIBED before me by means of an interactive two-way audio and video communication on 11/6/2020. This notarial act was an online notarization.

Notary Seal



Digital Certificate

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

ACCEPTED **2020-6558**
454-21-0383
10/14/2020 10:01 AM
STATE OFFICE OF
ADMINISTRATIVE HEARINGS
Donnie Roland, CLERK

FILED
454-21-0383
10/14/2020 9:45 AM
STATE OFFICE OF
ADMINISTRATIVE HEARINGS
Donnie Roland, CLERK

SOAH DOCKET NO. 454-21-0383
TDI ENFORCEMENT FILE NO. 19505

TEXAS DEPARTMENT OF INSURANCE,

BEFORE THE STATE OFFICE

Petitioner

v.

OF

CANDACE MARIE SEGALL,

ADMINISTRATIVE HEARINGS

Respondent

NOTICE OF HEARING

The Texas Department of Insurance seeks to take disciplinary action against you. This Notice of Hearing and the Original Petition, which is attached and incorporated for all purposes, states the allegations against you and the relief sought by the Department.

A public hearing will be held before an Administrative Law Judge on **Thursday, January 28, 2021, at 9:00 a.m.** The hearing will take place via videoconference using a videoconference platform controlled by the State Office of Administrative Hearings, unless otherwise ordered to proceed in another manner by the Administrative Law Judge.

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. You have the right to appear at this hearing and to be represented by an attorney.

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.

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.

**Exhibit
A**

2020-6558

Notice of Hearing

Candace Marie Segall

SOAH Docket No. 454-21-0383

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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 REVOCATION OR SUSPENSION OF YOUR LICENSE, 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 REVOCATION OR SUSPENSION OF YOUR LICENSE, 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
P.O. Box 149104, MC112-2A
Austin, Texas 78714-9104
(512) 490-1064 (Fax)
chiefclerk@tdi.texas.gov; and

2020-6558

Notice of Hearing

Candace Marie Segall

SOAH Docket No. 454-21-0383

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- (3) Anna Kalapach, Staff Attorney
Texas Department of Insurance
Enforcement Division, MC110-1A
P.O. Box 149104
Austin, Texas 78714-9104
(512) 490-1020 (Fax)
anna.kalapach@tdi.texas.gov

Receiving Documents

The State Office of Administrative Hearings (SOAH) offers you the ability to receive service of orders and other documents issued by SOAH through email instead of by mail or fax. If you want to receive SOAH-issued documents by email, go to SOAH's website, www.soah.texas.gov, click on the "E-Services" tab, then click the hyperlink "Request Service by Email (only for use by self-represented litigants)," and follow the instructions.

NOTE: A request to receive SOAH-issued documents by email does not change the procedures you must follow to file documents with SOAH. The rules for filing documents and providing copies to all other parties in the case are described in SOAH's Procedural Rules, which are available on SOAH's website. Click the "Agency" tab, then click "Administrative Rules and Laws" to view SOAH's Procedural Rules.

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.

2020-6558

Notice of Hearing
Candace Marie Segall
SOAH Docket No. 454-21-0383
Page 4 of 5

If you have any questions, please contact me at the address or telephone number shown below.

Respectfully Submitted,



Anna Kalapach
State Bar No. 24083290
Texas Department of Insurance
Enforcement Division, MC110-1A
P.O. Box 149104
Austin, Texas 78714-9104
(512) 676-6326 (Direct)
(512) 490-1020 (Fax)
anna.kalapach@tdi.texas.gov

ATTORNEY FOR THE PETITIONER
TEXAS DEPARTMENT OF INSURANCE

Enclosure: Original Petition

cc: Leah Gillum, Deputy Commissioner, Enforcement Division, MC-110-1A
Rachel Cloyd, Litigation Director, Enforcement Division, MC-110-1A
Administrative Review, MC107-1A

2020-6558

Notice of Hearing
Candace Marie Segall
SOAH Docket No. 454-21-0383
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CERTIFICATE OF SERVICE

I, Anna Kalapach, certify that a true and correct copy of the *Notice of Hearing and the Original Petition* were sent by the following methods, on this 14th day of October, 2020 to:

Candace Marie Segall

[Redacted]

Porter, TX 77365

Respondent Pro Se

CM/RRR: 9214 8901 9403 8322 9261 34

Via Email to:

[Redacted] and
[Redacted]

Candace Marie Segall

[Redacted]

Kingwood, TX 77339

CM/RRR: 9214 8901 9403 8322 9262 19



Anna Kalapach

454-21-0383

SOAH DOCKET NO. 454-_____
TDI ENFORCEMENT FILE NO. 19505

TEXAS DEPARTMENT OF INSURANCE,

Petitioner

v.

CANDACE MARIE SEGALL,

Respondent

BEFORE THE STATE OFFICE

OF

ADMINISTRATIVE HEARINGS

ORIGINAL PETITION

The Texas Department of Insurance seeks to take disciplinary action against Candace Marie Segall. In support of this petition, the department makes the following allegations upon information and belief:

Jurisdiction

The Commissioner of Insurance has jurisdiction over this matter pursuant to TEX. INS. CODE §§ 82.051-82.055, 4001.002, 4005.101, 4005.102, 4051.051, 4054.051, TEX. GOV'T CODE §§ 2001.051-2001.178, 28 TEX. ADMIN. CODE § 1.502, and TEX. OCC. CODE §§ 53.021-53.023.

Factual Allegations

Criminal History Prior to Licensure

1. On November 6, 2012, Candace Marie Segall (Segall) was indicted for Theft of Property, with a value of \$50 or more, but less than \$500, a Class B misdemeanor, in case number 12-282869, in the County Court at Law No. 4 of Montgomery County, Texas. Segall pled guilty on December 10, 2012, and received deferred adjudication, with one year of community supervision.
2. In case number 12-282869, a condition of Segall's community supervision stipulated that she commit no offense against the laws of Texas, or any other state, or of the United States. Segall was also required to pay \$15 to Crime Stoppers of Montgomery County within 45 days of the order.

**Exhibit
B**

2020-6558

Original Petition
Candace Marie Segall
Page 2 of 5

3. In case number 12-282869, a Motion to Adjudicate was filed on April 29, 2013. The Motion alleged that Segall committed Burglary of a Habitation on December 19, 2012, failed to pay the required installments set forth in the collection agreement, and failed to pay the Crime Stoppers Fee in the amount of \$15 to the Montgomery County Department of Community Supervision. Segall entered a plea of true.
4. On April 3, 2014, an order adjudicating Segall's guilt was entered in case number 12-282869. As a result, Segall was found guilty of Theft of Property, a Class B misdemeanor, and sentenced to 30 days in the Montgomery County Jail and received a fine of \$700.
5. On September 5, 2013, Segall was indicted by a grand jury for intentionally or knowingly entering a habitation, without the effective consent of the resident, with the intent to commit theft and attempted to commit or committed theft, a second degree felony, in case number 13-04-03848-CR, in the 410th District Court of Montgomery County, Texas.
6. Segall pled guilty to the second degree felony of Burglary of a Habitation in case number 13-04-03848-CR. On February 28, 2014, Segall received deferred adjudication with seven years of community supervision.

Suspended License Due to Criminal History

7. Segall disclosed her prior offenses to the department when she applied for licensure with the department in November 2015.
8. On March 18, 2016, Segall was granted a general lines agent license with a property and casualty qualification by the department under individual identification number 1465095. Because of Segall's criminal history, the department chose to issue that license subject to an immediate probated suspension for a period of two years.
9. Segall agreed to this probated suspension and its terms and conditions, which included providing immediate notification to the department of any information, indictment, or other instrument issued against Segall for any misdemeanor or felony offense, excluding traffic offenses and Class C misdemeanors, during the period of the probated license.

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Original Petition
Candace Marie Segall
Page 3 of 5

10. Segall acknowledged that if she was charged, convicted, or placed on probation for any additional criminal offenses, the license issued to her may be revoked after a public hearing.
11. On November 29, 2016, Segall was released from community supervision in case number 13-04-03848-CR, and her deferred adjudication was terminated.
12. The term of Segall's probated license suspension expired on March 18, 2018.
13. On April 12, 2018, the department approved Segall's application for issuance of a life, accident, health, and HMO qualification to be added to her general lines license.

New Criminal Offense is Dishonest Activity

14. Only one year after the probated suspension expired, Segall was indicted on April 8, 2019, for Theft of Property with a value of \$100 or more, but less than \$750, a misdemeanor, in case number 19-340263, in the County Court at Law No. 5, Montgomery County, Texas.
15. Due to Segall's prior misdemeanor conviction for theft in case number 12-282869, the misdemeanor in case number 19-340263 was enhanced to a Class A misdemeanor. Segall pled guilty to the Class A misdemeanor of Theft of Property and received deferred adjudication on July 30, 2019, with nine months of community supervision and a \$600 fine.
16. On May 6, 2020, Segall completed her period of community supervision in case number 19-340263 and was discharged.

Legal Allegations

1. Because Segall already held a license at the time of her new offense, the department cannot consider her newest offense to be a conviction under TEX. OCC. CODE § 53.021(d)(1)(B)(i).
2. However, Segall has engaged in fraudulent or dishonest acts or practices, in violation of TEX. INS. CODE § 4005.101(b)(5).

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Original Petition
Candace Marie Segall
Page 4 of 5

3. Segall engaged in dishonest activity that directly relates to the duties and responsibilities of the licensed occupation, in violation of 28 TEX. ADMIN. CODE § 1.502(d) and (g).
4. Segall engaged in dishonest activity that the department considers to be of such a serious nature that it is of prime importance in determining fitness for licensure, as contemplated by 28 TEX ADMIN. CODE § 1.502(e)(1) and (e)(4)(F).
5. Department guidelines, 28 TEX ADMIN. CODE § 1.502(c)-(e), emphasize that the department:
 - a. considers it very important that license holders be honest, trustworthy, and reliable;
 - b. may revoke or suspend a license if the department determines that the holder has engaged in fraudulent or dishonest activity that directly relates to the duties and responsibilities of the licensed occupation; and
 - c. considers the offense of Theft of Property to be of such a serious nature that it is of prime importance when determining fitness for licensure. 28 TEX ADMIN. CODE § 1.502(e)(1) and (e)(4)(F).

Relief Sought

If one or more of the above allegations is found to be true, the department asks the Administrative Law Judge to enter a Proposal for Decision recommending that the Commissioner of Insurance issue an order:

1. revoking Candace Marie Segall's license;
2. alternatively, suspending Candace Marie Segall's license without probation; and
3. imposing any other just and appropriate relief to which the department may be entitled to by law, including any combination of the above actions.

2020-6558

Original Petition
Candace Marie Segall
Page 5 of 5

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "A Kalapach", with a long horizontal flourish extending to the right.

Anna Kalapach
State Bar No. 24083290
Texas Department of Insurance
Enforcement Division, MC110-1A
P.O. Box 149104
Austin, Texas 78714-9104
(512) 676-6326 (Direct)
(512) 490-1020 (Fax)
anna.kalapach@tdi.texas.gov
ATTORNEY FOR THE PETITIONER
TEXAS DEPARTMENT OF INSURANCE



Firm Mailing Book For Accountable Mail

Name and Address of Sender MC 110-1A D Moreno Texas Department of Insurance 333 Guadalupe St Austin TX 78701		Check type of mail or service <input type="checkbox"/> Adult Signature Required <input type="checkbox"/> Priority Mail Express <input type="checkbox"/> Adult Signature Restricted Delivery <input type="checkbox"/> Registered Mail <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Certified Mail Restricted Delivery <input type="checkbox"/> Signature Confirmation <input type="checkbox"/> Collect on Delivery (COD) <input type="checkbox"/> Signature Confirmation Restricted Delivery <input type="checkbox"/> Insured Mail <input type="checkbox"/> Priority Mail		Affix Stamp Here (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 8322 9261 34	CANDACE MARIE SEGALL [REDACTED] PORTER, TX 77365	1.40	3.55								1.70				
2. 9214 8901 9403 8322 9262 19	CANDACE MARIE SEGALL [REDACTED] KINGWOOD, TX 77339	1.40	3.55								1.70				
kalapach/19505															
				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	Total Number of Pieces Received at Post Office	Postmaster, Per (Name of receiving employee)													
2	2														

Complete In Ink

Privacy Notice: For more information on USPS privacy policies, visit usps.com/privacypolic



Exhibit C



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: 10/14/2020
Shipped From:
Name: MC 110-1A D MORENO
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 0024 6966 53



kalapach/19505