

No. 2021-7124

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

**Date:** 12/09/2021

**Subject Considered:**

Detrice Winfrey

[REDACTED]  
Killeen, Texas 76542-6139

Default Order  
SOAH Docket No. 454-22-0652  
TDI Enforcement File No. 19481

**General remarks and official action taken:**

The subject of this default order is whether an adjuster all lines license should be issued to Detrice Winfrey (Respondent). Respondent did not respond to a Notice of Hearing filed 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 Hearing

1. On November 3, 2021, 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.
3. On November 3, 2021, the department sent the Notice of Hearing and Original Petition to Respondent's last known address provided in writing to the department,

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Commissioner's Order

Detrice Winfrey

SOAH Docket No. 454-22-0652

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██████████ Killeen, Texas 76542-6139. The Notice of Hearing and Original Petition were also sent by electronic mail.

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, and 4101.051, and TEX. GOV'T CODE §§ 2001.051-2001.178, TEX. ADMIN. CODE § 1.502, and TEX. OCC. CODE §§ 53.021-53.023.<sup>1</sup>
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.

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<sup>1</sup> All citation to the Texas Occupations Code in this Order refers to the law in effect prior to H.B. 1342 (86<sup>th</sup> R.S.), effective September 1, 2019. Section 14 of H.B. 1342 states: "The changes in law made by this Act apply only to an application for a license submitted on or after the effective date of this Act. An application for a license submitted before the effective date of this Act is governed by the law in effect on the date the application was submitted, and the former law is continued in effect for that purpose."

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Commissioner's Order


Detrice Winfrey

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## Order

It is ordered that Detrice Winfrey's application for an all lines adjuster license 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.

DocuSigned by:  
  
FC5D7EDDFB4F8...  
Cassie Brown  
Commissioner of Insurance

Prepared and reviewed by:



Anna Kalapach, Staff Attorney  
Enforcement Division

# 2021-7124

Commissioner's Order  
Detrice Winfrey  
SOAH Docket No. 454-22-0652  
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## 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 Detrice Winfrey. I have confirmed that:

- a. The last mailing address provided to the department in writing by Detrice Winfrey is [REDACTED] Killeen, Texas 76542-6139.
- b. The file maintained by the Enforcement Division contains a Notice of Hearing dated November 3, 2021, and an Original Petition dated November 2, 2021, which were filed with the State Office of Administrative Hearings.
- c. On November 3, 2021, the Notice of Hearing and Original Petition addressed to Detrice Winfrey were mailed certified, return receipt requested, to his last known address.

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

DocuSigned by:  
  
D54416E117824E6... \_\_\_\_\_

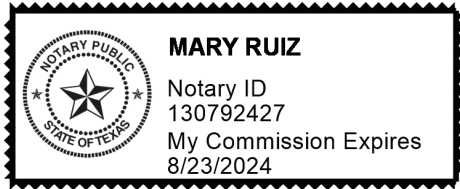
Affiant

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SWORN TO AND SUBSCRIBED before me by means of an interactive two-way audio and video communication on 11/30/2021. This notarial act was an online notarization.

## Notary Seal



## Digital Certificate

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

**2021-7124**

FILED  
454-22-0652  
11/3/2021 8:29 AM  
STATE OFFICE OF  
ADMINISTRATIVE HEARINGS  
Carol Hale, CLERK

**SOAH DOCKET NO. 454-22-0652  
TDI ENFORCEMENT FILE NO. 19481**

ACCEPTED  
454-22-0652  
11/3/2021 8:31:06 am  
STATE OFFICE OF  
ADMINISTRATIVE HEARINGS  
Carol Hale, CLERK

**TEXAS DEPARTMENT OF INSURANCE,**

**BEFORE THE STATE OFFICE**

**Petitioner**

**v.**

**OF**

**DETRICE WINFREY,**

**ADMINISTRATIVE HEARINGS**

**Respondent**

**NOTICE OF HEARING**

The Texas Department of Insurance seeks to deny your license application. 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 **Tuesday, March 8, 2022, 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 under 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](http://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 UNDER 1 TEX. ADMIN. CODE § 155.501 AND 28 TEX. ADMIN. CODE §§ 1.88 AND 1.89.**

**EXHIBIT**

**A**

## 2021-7124

Notice of Hearing

Detrice Winfrey

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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 DENIAL OF YOUR LICENSE APPLICATION, 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 DENIAL OF YOUR LICENSE APPLICATION, 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) *(by mail, fax, or electronically)*  
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);  
[www.soah.texas.gov/e-filing-soah](http://www.soah.texas.gov/e-filing-soah)
- (2) *(by mail, fax, or email)*  
Chief Clerk  
Texas Department of Insurance  
P.O. Box 12030, MC GC-CCO  
Austin, Texas 78711-2030  
(512) 490-1064 (Fax)  
[chiefclerk@tdi.texas.gov](mailto:chiefclerk@tdi.texas.gov); and
- (3) *(by mail, fax, or email)*  
Anna Kalapach, Staff Attorney  
Texas Department of Insurance  
Enforcement Division, MC ENF

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Notice of Hearing

Detrice Winfrey

SOAH Docket No. 454-22-0652

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P.O. Box 12030  
Austin, Texas 78711-2030  
(512) 490-1020 (Fax)  
anna.kalapach@tdi.texas.gov

## **Receiving Documents Electronically and Filing Documents with SOAH**

The State Office of Administrative Hearings (SOAH) offers you the ability to electronically receive orders and other documents issued by SOAH by email instead of by mail. If you want to receive SOAH-issued documents by email, follow the instructions on SOAH's website: [www.soah.texas.gov](http://www.soah.texas.gov).

A request to receive SOAH-issued documents by email does not change the procedures you must follow to file documents with SOAH. You may file documents with SOAH by mail, fax, or electronically. To file electronically, you must use eFileTexas. Instructions on using eFileTexas are on SOAH's website. SOAH's website also includes guidance for representing yourself.

### **Important Security Notice** (for In-Person Hearings ONLY)

**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.**



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Notice of Hearing  
Detrice Winfrey  
SOAH Docket No. 454-22-0652  
Page 4 of 5

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

Respectfully Submitted,



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Anna Kalapach  
State Bar No. 24083290  
Texas Department of Insurance  
Enforcement Division, MC ENF  
P.O. Box 12030  
Austin, Texas 78711-2030  
(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 ENF  
Rachel Cloyd, Litigation Director, Enforcement Division, MC ENF  
Administrative Review, MC CO-AAL

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Notice of Hearing

Detrice Winfrey

SOAH Docket No. 454-22-0652

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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 3rd day of November, 2021 to:

Detrice Winfrey

[REDACTED]

Killeen, TX 76542-6139

*Respondent Pro Se*

CM/RRR: 9214 8901 9403 8358 1645 48

Via Email to: [REDACTED]



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Anna Kalapach

**2021-7124**

FILED  
454-22-0652  
11/2/2021 12:27 PM  
STATE OFFICE OF  
ADMINISTRATIVE HEARINGS  
Carol Hale, CLERK

**SOAH DOCKET NO. 454-22-0652**  
**TDI ENFORCEMENT FILE NO. 19481**

**TEXAS DEPARTMENT OF INSURANCE,**

**Petitioner**

**v.**

**DETRICE WINFREY,**

**Respondent**

**BEFORE THE STATE OFFICE**

ACCEPTED  
454-22-0652  
11/02/2021 1:07 PM  
STATE OFFICE OF  
ADMINISTRATIVE HEARINGS  
Carol Hale, CLERK

**OF**

**ADMINISTRATIVE HEARINGS**

**ORIGINAL PETITION**

The Texas Department of Insurance seeks to deny Detrice Winfrey’s license application. In support of this petition, the department makes the following allegations upon information and belief:

**Jurisdiction**

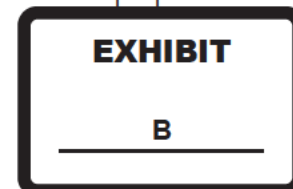
The Commissioner of Insurance has jurisdiction over this matter under TEX. INS. CODE §§ 82.051-82.055, 4001.002, 4005.101, 4005.102, and 4101.051, and TEX. GOV’T CODE §§ 2001.051-2001.178, TEX. ADMIN. CODE § 1.502, and TEX. OCC. CODE §§ 53.021-53.023.<sup>1</sup>

**Factual Allegations**

1. On November 9, 2018, Detrice Winfrey (Winfrey) submitted an application to the department for an adjuster all lines license.
2. The department proposed to deny Winfrey’s application on February 19, 2019, based on his criminal history. Winfrey appealed that decision and made a written request for a hearing.

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<sup>1</sup> All citation to the Texas Occupations Code in this Original Petition refers to the law in effect prior to H.B. 1342 (86<sup>th</sup> R.S.), effective September 1, 2019. Section 14 of H.B. 1342 states: “The changes in law made by this Act apply only to an application for a license submitted on or after the effective date of this Act. An application for a license submitted before the effective date of this Act is governed by the law in effect on the date the application was submitted, and the former law is continued in effect for that purpose.”



Criminal History

3. On July 24, 1990, Winfrey was indicted for Murder in the First Degree in case number CR-90-35 in the Circuit Court of Little River County, Arkansas, Ninth West District.
4. On May 23, 1991, a jury found Winfrey guilty of Murder, a second degree felony, in case number CR-90-35. He was sentenced to 20 years in the Arkansas Department of Corrections and fined \$15,000.
5. On January 27, 1999, Winfrey was paroled. He was released from parole on July 13, 2001.

**Legal Allegations**

1. Winfrey has been convicted of a felony, as contemplated by TEX. INS. CODE § 4005.101(b)(8) and TEX. OCC. CODE § 53.021(a)(1).
2. Winfrey has committed a felony offense that directly relates to the duties and responsibilities of the licensed occupation, as contemplated in 28 TEX. ADMIN. CODE § 1.502(d) and (f).
3. Winfrey committed an offense 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).
4. Winfrey committed a felony involving moral turpitude as contemplated by 28 TEX. ADMIN. CODE § 1.502(e)(3).
5. Winfrey committed an offense with the essential elements of a criminal homicide offense under Texas Penal Code, Chapter 19, as contemplated by 28 TEX ADMIN. CODE § 1.502(e)(4)(A).
6. Department guidelines, 28 TEX ADMIN. CODE § 1.502(c)-(e), emphasize that the department:
  - 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 a felony or misdemeanor that directly relates to the duties and responsibilities of the licensed occupation; and
- c. considers the felony of Murder 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)(3) and (e)(4)(A).

**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. denying Detrice Winfrey's license application; and
- 2. imposing any other just and appropriate relief to which the department may be entitled to by law.

Respectfully Submitted,



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Anna Kalapach  
State Bar No. 24083290  
Texas Department of Insurance  
Enforcement Division, MC ENF  
P.O. Box 12030  
Austin, Texas 78711-2030  
(512) 676-6326 (Direct)  
(512) 490-1020 (Fax)  
anna.kalapach@tdi.texas.gov  
ATTORNEY FOR THE PETITIONER  
TEXAS DEPARTMENT OF INSURANCE



2021-7124



# 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: 11/03/2021

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	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 0032 7856 46



kalapach/19481

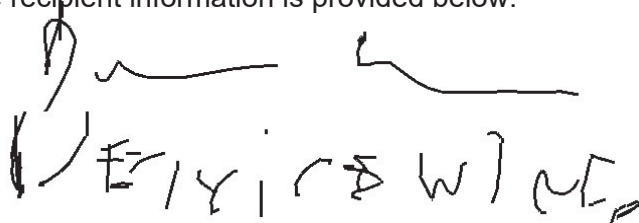


Date Produced: 11/08/2021

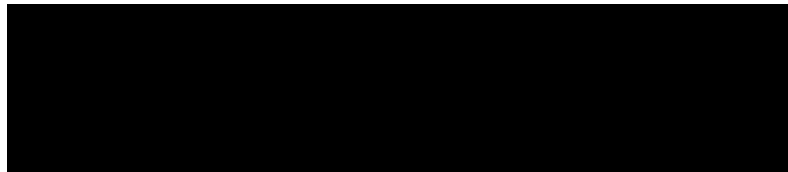
ConnectSuite Inc.:

The following is the delivery information for Certified Mail™/RRE item number 9214 8901 9403 8358 1645 48. Our records indicate that this item was delivered on 11/05/2021 at 12:42 p.m. in KILLEEN, TX 76542. The scanned image of the recipient information is provided below.

Signature of Recipient :



Address of Recipient :



Thank you for selecting the Postal Service for your mailing needs. If you require additional assistance, please contact your local post office or Postal Service representative.

Sincerely,  
United States Postal Service

The customer reference number shown below is not validated or endorsed by the United States Postal Service. It is solely for customer use.

This USPS proof of delivery is linked to the customers mail piece information on file as shown below:

  
KILLEEN, TX 76542-6139

Customer Reference Number: C3037191.17650941  
Return Reference Number kalapach/19481