

No. 2020-6599

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

**Date:** 12/10/2020

**Subject Considered:**

Valerie Elaine Pennywell  
[REDACTED]  
Snellville, Georgia 30039-8657

Default Order  
SOAH Docket No. 454-21-0495  
TDI Enforcement File No. 25338

**General remarks and official action taken:**

This is a default order taken against Valerie Elaine Pennywell (Respondent) because she intentionally made a material misstatement in her license application, obtained a license by fraud or misrepresentation, engaged in fraudulent or dishonest acts or practices, willfully violated an insurance law of this state, failed to notify the Texas Department of Insurance (the department) of administrative actions taken against her by insurance regulators of other states, and is not actively engaged in soliciting or writing insurance for the public. Respondent did not respond to a Notice of Hearing filed by the department. 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 28, 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.

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Commissioner's Order

Valerie Elaine Pennywell

SOAH Docket No. 454-21-0495

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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. The department sent the Notice of Hearing and Original Petition to Respondent's last known address provided in writing to the department, [REDACTED], [REDACTED], Georgia 30039-8657. 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, 4051.401, and 4056.052, and TEX. GOV'T CODE §§ 2001.051-2001.178.
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.

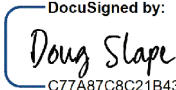
# 2020-6599

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Valerie Elaine Pennywell  
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## Order

It is ordered that any licenses held by Valerie Elaine Pennywell 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:



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Amanda Atkinson Cagle, Staff Attorney  
Enforcement Division

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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 Valerie Elaine Pennywell. I have confirmed that:

- a. The last mailing address provided to the department in writing by Valerie Elaine Pennywell is [REDACTED], Snellville, Georgia 30039-8657.
- b. The file maintained by the Enforcement Division contains a Notice of Hearing and Original Petition dated October 28, 2020, which were filed with the State Office of Administrative Hearings.
- c. On October 28, 2020, the Notice of Hearing and Original Petition addressed to Valerie Elaine Pennywell was mailed certified, return receipt requested, to her last known address.

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

DocuSigned by:

*David Moreno*

37BF9D901B4A4A1...

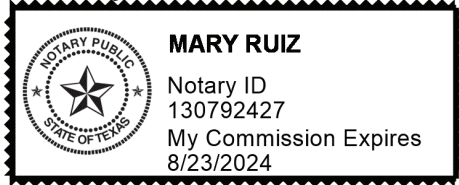
\_\_\_\_\_  
Affiant

# 2020-6599

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SWORN TO AND SUBSCRIBED before me by means of an interactive two-way audio and video communication on 12/1/2020. This notarial act was an online notarization.

## Notary Seal



## Digital Certificate

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

**2020-6599**

ACCEPTED  
454-21-0495  
10/28/2020 9:28 AM  
STATE OFFICE OF  
ADMINISTRATIVE HEARINGS  
Donnie Roland, CLERK

FILED  
454-21-0495  
10/28/2020 8:38 AM  
STATE OFFICE OF  
ADMINISTRATIVE HEARINGS  
Donnie Roland, CLERK

**SOAH DOCKET NO. 454-21-0495  
TDI ENFORCEMENT FILE NO. 25338**

**TEXAS DEPARTMENT OF INSURANCE,**

**Petitioner**

**v.**

**VALERIE ELAINE PENNYWELL,**

**Respondent**

**BEFORE THE STATE OFFICE**

**OF**

**ADMINISTRATIVE HEARINGS**

**NOTICE OF HEARING**

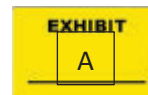
The Texas Department of Insurance seeks to take disciplinary action against you. This Notice of Hearing and the Original Petition, which is attached and incorporated for all purposes, states the allegations against you and the relief sought by the Department.

A public hearing will be held before an Administrative Law Judge on **Thursday, January 14, 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](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 PURSUANT TO 1 TEX. ADMIN. CODE § 155.501 AND 28 TEX. ADMIN. CODE §§ 1.88 AND 1.89.**



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Notice of Hearing

Valerie Elaine Pennywell

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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 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 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
- (3) Amanda Atkinson Cagle, Staff Attorney  
Texas Department of Insurance  
Enforcement Division, MC110-1A  
P.O. Box 149104  
Austin, Texas 78714-9104  
(512) 490-1020 (Fax)  
amanda.cagle@tdi.texas.gov

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Notice of Hearing

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### **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](http://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.**

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



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Notice of Hearing

Valerie Elaine Pennywell

SOAH Docket No. 454-21-0495

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Respectfully Submitted,



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Amanda Atkinson Cagle

State Bar No. 00783569

Texas Department of Insurance

Enforcement Division, MC110-1A

P.O. Box 149104

Austin, Texas 78714-9104

(512) 676-6342 (Direct)

(512) 490-1020 (Fax)

amanda.cagle@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

**2020-6599**

Notice of Hearing  
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**CERTIFICATE OF SERVICE**

I, Amanda Atkinson Cagle, certify that a true and correct copy of the *Notice of Hearing and the Original Petition* were sent by certified mail, return receipt requested, and by email on this 28th day of October, 2020 to:

Valerie Elaine Pennywell  
[REDACTED]  
Snellville, Georgia 30039-8657  
*Respondent Pro Se*

Via CMRRR No.: 9214 8901 9403 8323 8266 31  
& Via Email: [REDACTED]



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Amanda Atkinson Cagle

**SOAH DOCKET NO. 454-\_\_\_\_\_**  
**TDI ENFORCEMENT FILE NO. 25338**

**TEXAS DEPARTMENT OF INSURANCE,**

**Petitioner**

**v.**

**VALERIE ELAINE PENNYWELL,**

**Respondent**

**BEFORE THE STATE OFFICE**

**OF**

**ADMINISTRATIVE HEARINGS**

**ORIGINAL PETITION**

The Texas Department of Insurance seeks to take disciplinary action against Valerie Elaine Pennywell. 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, 4051.401 and 4056.052, and TEX. GOV'T CODE §§ 2001.051-2001.178.

**Factual Allegations**

Licensure

1. Under individual identification number 2066537, Valerie Elaine Pennywell (Pennywell) holds a non-resident personal lines property and casualty agent license, originally issued by the department on May 21, 2019.

Undisclosed Criminal History

2. On December 18, 1986, Pennywell pled nolo contendere to the charge of Grand Theft, a third-degree felony, in Case Number 85-2627, before the Circuit Court in and for Leon County, Florida. Adjudication of guilt was withheld and she was sentenced to eighteen months probation, and ordered to pay court costs and fines. On June 19, 1988, Pennywell completed her sentence.



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Original Petition

Valerie Elaine Pennywell

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3. In Pennywell's Texas insurance license application, filed on May 21, 2019, she answered "No" to the following question: "Have you ever been convicted of a felony, had a judgment withheld or deferred, or are you currently charged with committing a felony?"

### Unreported Administrative Actions by Other Insurance Regulators

4. On August 27, 2019, Pennywell was the subject of an administrative action taken by the Licensing Bureau of the Florida Department of Financial Services (Florida). In this action, Florida issued a Notice of Denial of Pennywell's license application.
5. The Florida denial was based upon Pennywell's 1986 criminal offense and disposition, and her May 21, 2019, submission of a license application to Florida in which she answered "No" to the question: "Have you ever been convicted of a felony, had a judgment withheld or deferred, or are you currently charged with committing a felony?"
5. Pennywell did not notify the department of the Florida license denial.
6. On April 23, 2020, the Louisiana Commissioner of Insurance (Louisiana), issued a Notice of Revocation Order against Pennywell. The Louisiana Order revoked Pennywell's Louisiana license, after finding that:
  - a. Florida denied Pennywell's license application on August 27, 2019, due to her criminal history and a false response on her license application;
  - b. Pennywell failed to disclose this action to Louisiana within thirty days; and
  - c. Pennywell failed to respond to Louisiana's inquiries.
7. Pennywell did not notify the department of the Louisiana revocation.

### Not Actively Engaged in the Business of Insurance

8. On October 8, 2019, a group of four affiliated insurers cancelled Pennywell's appointments with them.
9. Pennywell has held no other appointments with any insurer in Texas, and presently has no active appointments in Texas.

**Legal Allegations**

1. Pennywell has committed an act for which a license holder may be disciplined under TEX. INS. CODE §§ 4005.101 and 4005.102 because she:
  - a. willfully violated an insurance law of this state, in violation of TEX. INS. CODE § 4005.101(b)(1);
  - b. intentionally made a material misstatement in the license application, in violation of TEX. INS. CODE § 4005.101(b)(2);
  - c. obtained a license by fraud or misrepresentation, in violation of TEX. INS. CODE § 4005.101(b)(3);
  - d. engaged in fraudulent or dishonest acts or practices, in violation of TEX. INS. CODE § 4005.101(b)(5);
  - e. is not actively engaged in soliciting or writing insurance for the public generally as required by TEX. INS. CODE § 4001.104(a), in violation of TEX. INS. CODE § 4005.101(b)(10); and
  - f. did not notify the department of the administrative actions taken against her by insurance regulators of other states, in violation of TEX. INS. CODE § 4001.252(a)(3).
2. Pennywell committed an offense and 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).
3. Pennywell committed an offense the department considers to be of such serious nature that it is of prime importance in determining fitness for licensure or authorization, as contemplated by 28 TEX. ADMIN. CODE § 1.502(e).
4. 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 revoke a license if the department determines that the licensee has committed an offense that directly relates to the duties and responsibilities of the licensed occupation; and
- c. considers any offense for which fraud, dishonesty, or deceit is an essential element to be of prime importance.

**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 Pennywell's license, and
- 2. imposing any other just and appropriate relief to which the department may be entitled to by law, including any combination of the above actions.

Respectfully Submitted,



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Amanda Atkinson Cagle  
State Bar No. 00783569  
Texas Department of Insurance  
Enforcement Division, MC110-1A  
P.O. Box 149104  
Austin, Texas 78714-9104  
(512) 676-6342 (Direct)  
(512) 490-1020 (Fax)  
amanda.cagle@tdi.texas.gov

ATTORNEY FOR THE PETITIONER  
TEXAS DEPARTMENT OF INSURANCE



**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: 10/28/2020  
 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	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**

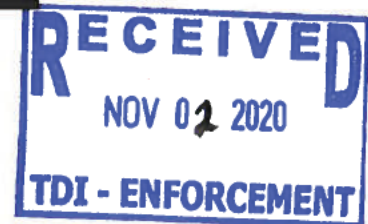
- Note to RSS Clerk:**
1. Home screen > Mailing/Shipping > More
  2. Select Shipment Confirm
  3. Scan or enter the barcode/label number from PS Form 5630
  4. Confirm the volume count message by selecting Yes or No
  5. Select Pay and End Visit to complete transaction

**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 0024 9768 47



cagle/25338





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

- 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

USPS Tracking/Article Number

1. 9214 8901 9403 8323 8266 31

cagle/25338

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

VALERIE ELAINE PENNYWEL  
[REDACTED]  
SNELLVILLE, GEORGIA  
30039-8657

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

Postage	(Extra Service) Fee	Handling Charge - if Registered and over \$50,000 in value	Actual Value if Registered	Insured Value	Due Sender if COD	ASR Fee	ASRD Fee	RD Fee	RR Fee	SC Fee	SCRD Fee	SH Fee
1.20	3.55	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: 1

Total Number of Pieces Received at Post Office: 1

Postmaster, Per (Name of receiving employee): [Signature]