

No. 2022-7497

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

Date: 09/14/2022

Subject Considered:

Leonard Paul Lowe
[REDACTED]
Mansfield, Texas 76063-4027

Default Order
SOAH Docket No. 454-22-2675
TDI Enforcement File No. 26980

General remarks and official action taken:

The subject of this default order is whether a general lines agent license should be issued to Leonard Paul Lowe (Respondent). Respondent did not appear at the hearing on the merits. This order denies Respondent's license application.

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

Findings of Fact

Failure to Appear at Hearing on the Merits

1. On May 13, 2022, the Texas Department of Insurance 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. The department sent the Notice of Hearing and Original Petition to Respondent's last known address provided in writing to the department, [REDACTED].

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Commissioner's Order

Leonard Paul Lowe

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Mansfield, Texas 76063-4027. The Notice of Hearing and Original Petition were also sent by eFile.

4. After receiving proper notice of the date, time, and location of the hearing on the merits, Respondent failed to appear for the hearing on August 9, 2022, as shown in the record in SOAH Docket No. 454-22-2675.

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, 4005.105, and 4051.051; TEX. OCC. CODE §§ 53.021-53.023; 28 TEX. ADMIN. CODE § 1.502; and TEX. GOV'T CODE §§ 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, 1.88, and 1.89.
3. The department provided proper notice of the hearing under 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 appear in person or by legal representative at the hearing, the department is entitled to disposition by default under 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 under 28 TEX. ADMIN. CODE § 1.89.

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Commissioner's Order

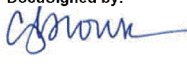
Leonard Paul Lowe

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Order

It is ordered that Leonard Paul Lowe'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.

DocuSigned by:

FC5D7EDDFFBB4F8...

Cassie Brown
Commissioner of Insurance

Prepared and reviewed by:



Cassie Tighe, 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 Leonard Paul Lowe. I have confirmed that:

- a. The last mailing address provided to the department in writing by Leonard Paul Lowe is [REDACTED], Mansfield, Texas 76063-4027.
- b. The file maintained by Enforcement contains a Notice of Hearing and Original Petition dated May 13, 2022, which were filed with the State Office of Administrative Hearings.
- c. On May 13, 2022, the Notice of Hearing and Original Petition addressed to Leonard Paul Lowe were mailed certified, return receipt requested, to his last known address and via eFile.

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

DocuSigned by:

 20B6543E6B37439...

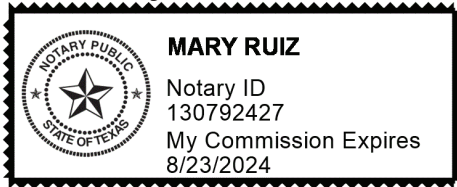
Affiant

2022-7497


Commissioner's Order
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SWORN TO AND SUBSCRIBED before me by means of an interactive two-way audio and video communication on 8/18/2022. This notarial act was an online notarization.

Notary Seal



Digital Certificate

DocuSigned by:

795DC4D59167489...

Notary Public State of Texas

2022-7497

FILED
454-22-2675
5/13/2022 10:51 AM
STATE OFFICE OF
ADMINISTRATIVE HEARINGS
Jessie Harbin, CLERK

ACCEPTED
454-22-2675
5/13/2022 11:40 AM
STATE OFFICE OF
ADMINISTRATIVE HEARINGS
Jessie Harbin, CLERK

**SOAH DOCKET NO. 454-22-2675
TDI ENFORCEMENT FILE NO. 26980**

TEXAS DEPARTMENT OF INSURANCE,

Petitioner

v.

LEONARD PAUL LOWE,

Respondent

BEFORE THE STATE OFFICE

OF

ADMINISTRATIVE HEARINGS

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, August 9, 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, 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.

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Notice of Hearing

Leonard Paul Lowe

SOAH Docket No. 454-22-2675

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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
- (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; and
- (3) *(by mail, fax, or email)*
Cassie Tigue, Staff Attorney
Texas Department of Insurance
Enforcement, MC ENF

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Notice of Hearing

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P.O. Box 12030
Austin, Texas 78711-2030
(512) 490-1020 (Fax)
Cassie.Tigue@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.

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

Leonard Paul Lowe

SOAH Docket No. 454-22-2675

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

Respectfully Submitted,



Cassie Tighe

State Bar No. 24099994

Texas Department of Insurance

Enforcement, MC ENF

P.O. Box 12030

Austin, Texas 78711-2030

(512) 676-6356 (Direct)

(512) 490-1020 (Fax)

Cassie.Tighe@tdi.texas.gov

ATTORNEY FOR THE PETITIONER

TEXAS DEPARTMENT OF INSURANCE

Enclosure: Original Petition

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

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CERTIFICATE OF SERVICE

I, Cassie Tigue, 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 via eFile, on this 13th day of May, 2022 to:

Leonard Paul Lowe

Via CM/RRR No.: 9214 8901 9403 8376 4236 27

[REDACTED]

Mansfield, Texas 76063-4027

Email: [REDACTED]

Respondent Pro Se



Cassie Tigue

2022-7497

FILED
454-22-2675
5/12/2022 10:52 AM
STATE OFFICE OF
ADMINISTRATIVE HEARINGS
Carol Hale, CLERK

SOAH DOCKET NO. 454-²²⁻²⁶⁷⁵
TDI ENFORCEMENT FILE NO. 26980

TEXAS DEPARTMENT OF INSURANCE,

Petitioner

v.

LEONARD PAUL LOWE,

Respondent

BEFORE THE STATE OFFICE

ACCEPTED
454-22-2675
5/12/2022 3:27:29 pm
STATE OFFICE OF
ADMINISTRATIVE HEARINGS
OF Carol Hale, CLERK

ADMINISTRATIVE HEARINGS

ORIGINAL PETITION

The Texas Department of Insurance seeks to deny Leonard Paul Lowe’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 pursuant to TEX. INS. CODE §§ 82.051-82.055, 4001.002, 4005.101, 4005.102, 4005.105, and 4051.051; TEX. GOV’T CODE §§ 2001.051-2001.178; 28 TEX. ADMIN. CODE § 1.502; and TEX. OCC. CODE § 53.021-53.023.

Factual Allegations

Licensure and Previous Disciplinary History

1. Leonard Paul Lowe (Lowe), individual identification number 277430, previously held a general lines agent license with a property and casualty qualification and a life, accident, and health qualification, originally issued by the department on June 12, 1997.
2. Paul Lowe Insurance Agency of Texas, Inc. (Lowe Insurance Agency), firm identification number 22283, previously held a general lines agency license with a property and casualty qualification and a life, accident, and health qualification, originally issued by the department on December 10, 2004.
3. Lowe conducted his insurance business through Lowe Insurance Agency.

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4. On December 5, 2012, the commissioner of insurance entered Official Order No. 2090 which revoked Lowe's general lines agent license, his agency license, and ordered Lowe to pay an administrative penalty of \$10,000.

License Application

5. On January 31, 2021, Lowe submitted an application for a general lines agent license with a property and casualty qualification.
6. On February 23, 2021, the department proposed to deny Lowe's application based on Lowe's prior disciplinary history and his criminal history. Lowe appealed that decision and made a written request for a hearing.

Licensee Misconduct

7. Official Order No. 2090 adopted the administrative law judge's (ALJ) Proposal for Decision (PFD), and included the following findings of fact and conclusions of law:
 - a. Lowe received premium payments from W.O.E. Construction, also known as Washed Out Enterprises, Inc. (Washed Out), in an amount of \$18,555.43 for an endorsement which increased the exposure to its commercial general liability policy. Lowe failed to remit any of the payments made by Washed Out to the insurer. The insurer honored the policy but never received money for the additional exposure. Lowe owes the insurer at least \$5,500 in unearned premiums and commissions.
 - b. Lowe received a premium payment for Phillips Management Company in the amount of \$6,076.72 for insurance coverage. Lowe failed to remit the premium payment made by Phillips Management Company to the insurer. The insurer honored the policy even though the insurer never received the premium payment from Lowe. Lowe owes the insurer for the premiums withheld on the policy.
 - c. Lowe received a premium payment for Action Transmission in the amount of \$3,399.39 for insurance coverage. Lowe cashed the check but Action Transmission was unable to obtain proof of insurance or any type of coverage from Lowe. Lowe failed to reimburse Action Transmission the premium payment paid.

- d. Lowe misappropriated, converted to his own use, and illegally withheld money belonging to an insurer and an insured.
- e. Lowe engaged in fraudulent or dishonest acts or practices.

Criminal History

- 8. On May 11, 2016, Lowe pled guilty to the offense of misapplication of fiduciary property in the amount of \$20,000 to \$100,000, a third degree felony, in case no. 1423189D, in the 396th District Court of Tarrant County, Texas. Lowe was placed on deferred adjudication for five years and was ordered to pay \$23,218.63 in restitution. On December 28, 2018, Lowe was discharged from deferred adjudication.

Legal Allegations

- 1. Lowe committed acts for which a license may be denied pursuant to TEX. INS. CODE § 4005.101, as contemplated in TEX. INS. CODE § 4005.102.
- 2. Lowe willfully violated an insurance law of this state, as contemplated by TEX. INS. CODE § 4005.101(b)(1).
- 3. Lowe misappropriated, converted to his own use, or illegally withheld money belonging to an insured, insurer, or beneficiary, in violation of TEX. INS. CODE § 4005.101(b)(4).
- 4. Lowe engaged in fraudulent or dishonest acts or practices in violation of TEX. INS. CODE § 4005.101(b)(5).
- 5. Pursuant to TEX. OCC. CODE §§ 53.021(c)-(d), the commissioner may deny Lowe's application and consider him to have been convicted of an offense for which he received deferred adjudication, if after consideration of the factors in TEX. OCC. CODE §§ 53.022 and 53.023(a), the commissioner determines that:
 - a. Lowe has not completed his period of supervision; or

- b. Lowe completed his period of supervision less than five years before the date he applied for the license; and
 - c. Employment of Lowe in the licensed occupation would create a situation in which Lowe has an opportunity to repeat the prohibited conduct.
6. Department guidelines, 28 TEX. ADMIN. CODE § 1.502(c) and (d), emphasize the department:
- i. considers it very important that applicants be honest, trustworthy, and reliable;
 - ii. may refuse to issue a license if the department determines the applicant has engaged in fraudulent or dishonest activity that directly relates to the duties and responsibilities of the licensed occupation; and
 - iii. considers any offense for which fraud, dishonesty, deceit, or theft is an essential element to be of prime importance when determining fitness for licensure.
7. Lowe had his individual agent license and his agency licensed revoked and has failed to show good cause why the 2012 license revocations should not be deemed as a bar to issuance of a new license as required by TEX. INS. CODE § 4005.105(c).

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 Leonard Paul Lowe's license application; 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.

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Respectfully Submitted,



Cassie Tigue
State Bar No. 24099994
Texas Department of Insurance
Enforcement, MC ENF
P.O. Box 12030
Austin, Texas 78711-2030
(512) 676-6356 (Direct)
(512) 490-1020 (Fax)
Cassie.Tigue@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: 05/13/2022
 Shipped From:
 Name: MC 110-1A M RUIZ
 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 0036 7360 40

TIGUE/26980



Firm Mailing Book For Accountable Mail

2022-7497

Name and Address of Sender

MC 110-1A M RUIZ
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

Affix Stamp Here

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

Table with columns: USPS Tracking/Article Number, Postage, (Extra Service) Fee, Handling Charge, Actual Value, Insured Value, Due Sender if COD, ASR Fee, ASRD Fee, RD Fee, RR Fee, SC Fee, SCRD Fee, SIF Fee. Includes recipient name LEONARD PAUL LOWE and address MANSFIELD, TEXAS 76063-4027.

Total Number of Pieces Listed by Sender: 1

Total Number of Pieces Received at Post Office: 1

Postmaster, Per (Name of receiving employee)