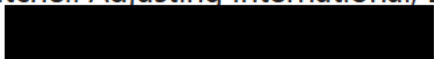


No. 2023-8005

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

Date: 06/05/2023

Subject Considered:

Kade Austen Mitchell &
Mitchell Adjusting International, LLC

Clear Lake Shores, Texas 77565

Default Order
SOAH Docket No. 454-23-16386
TDI Enforcement File Nos. 29857 & 29858

General remarks and official action taken:

This is a default order taken against Kade Austen Mitchell and Mitchell Adjusting International, LLC (Respondents) because Respondents misappropriated funds, received excessive commissions, forged the signatures of numerous clients on settlement checks, violated the code of ethics for public insurance adjusters, and failed to notify the department of other states' administrative actions. Respondents did not respond to a Notice of Hearing filed by the Texas Department of Insurance. This order revokes Respondents' licenses.

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

Findings of Fact

Failure to Respond to Notice of Hearing

1. On April 24, 2023, 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.

2023-8005

Commissioner's Order
Kade Austen Mitchell &
Mitchell Adjusting International, LLC
SOAH Docket No. 454-23-16386
Page 2 of 5

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 Respondents' last known addresses provided in writing to the department, [REDACTED], [REDACTED], Clear Lake Shores, Texas 77565 and [REDACTED], Kemah, Texas 77565. The Notice of Hearing and Original Petition were also sent by electronic mail and to an additional address associated with Respondents: [REDACTED] [REDACTED] Seabrook, Texas 77586-1636.
4. Respondents 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 under Texas law, including TEX. INS. CODE §§ 82.051-82.055, 84.021-84.044, 4001.002, 4001.252, 4005.101, 4005.102, 4005.107, 4102.051, and 4102.104; 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 file a written response to the Notice of 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.

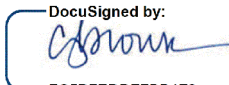
2023-8005

Commissioner's Order
Kade Austen Mitchell &
Mitchell Adjusting International, LLC
SOAH Docket No. 454-23-16386
Page 3 of 5


Order

It is ordered that any licenses held by Kade Austen Mitchell and Mitchell Adjusting International, LLC are revoked. It is further ordered that Kade Austen Mitchell and Mitchell Adjusting International, LLC must pay, jointly and severally, restitution to P.T., as laid out in the petition, in the amount of \$28,928.24; to V.S., as laid out in the petition, in the amount of \$39,613.18; to New Hope Baptist Church, as laid out in the petition, in the amount of \$150,000; and to Mae-Cliff, LLC, as laid out in the petition, in the amount of \$113,170.56.

It is ordered that Kade Austen Mitchell and Mitchell Adjusting International, LLC pay the above restitution by cashier's check or money order within 60 days of the date of this order. Written confirmation of payment must be provided to the department within 60 days of the date of this order by emailing it to EnforcementReports@tdi.texas.gov. 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:



Stephanie Daniels, Staff Attorney
Enforcement

2023-8005

Commissioner's Order
Kade Austen Mitchell &
Mitchell Adjusting International, LLC
SOAH Docket No. 454-23-16386
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 Kade Austen Mitchell and Mitchell Adjusting International, LLC. I have confirmed that:

- a. The last mailing address provided to the department in writing by Kade Austen Mitchell i [REDACTED], Clear Lake Shores, Texas 77565. The last mailing address provided to the department in writing by Mitchell Adjusting International, LLC i [REDACTED], Kemah, Texas 77565.
- b. The file maintained by Enforcement contains a Notice of Hearing and Original Petition dated April 24, 2023, which were filed with the State Office of Administrative Hearings.
- c. On April 24, 2023, the Notice of Hearing and Original Petition addressed to Kade Austen Mitchell and Mitchell Adjusting International, LLC were mailed certified, return receipt requested, to the last known addresses and one additional address: [REDACTED] Seabrook, Texas 77586-1636.

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

DocuSigned by:
David Moreno
015AF949731C43E...

Affiant

2023-8005

Commissioner's Order
Kade Austen Mitchell &
Mitchell Adjusting International, LLC
SOAH Docket No. 454-23-16386
Page 5 of 5

SWORN TO AND SUBSCRIBED before me by means of an interactive two-way audio and video communication on 5/18/2023. This notarial act was an online notarization.

Notary Seal



Digital Certificate

DocuSigned by:
Mary Ruiz
795DC4D59167489...

Notary Public State of Texas

ACCEPTED **2023-8005**
 454-23-16386
 4/24/2023 12:21:10 pm
 STATE OFFICE OF
 ADMINISTRATIVE HEARINGS
 Kevin Garza, CLERK

EXHIBIT

A

FILED
 454-23-16386
 4/24/2023 11:41 AM
 STATE OFFICE OF
 ADMINISTRATIVE HEARINGS
 Kevin Garza, CLERK

**SOAH DOCKET NO. 454-23-16386
 TDI ENFORCEMENT FILE NOS. 29857 & 29858**

TEXAS DEPARTMENT OF INSURANCE,

Petitioner

v.

**KADE AUSTEN MITCHELL & MITCHELL
 ADJUSTING INTERNATIONAL, LLC,**

Respondents

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, August 24, 2023, 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.

2023-8005

Notice of Hearing

Kade Austen Mitchell &

Mitchell Adjusting International, LLC

SOAH Docket No. 454-23-16386

Page 2 of 5

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, ISSUANCE OF A CEASE AND DESIST ORDER, IMPOSITION OF ADMINISTRATIVE PENALTIES, AND/OR PAYMENT OF RESTITUTION, 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, ISSUANCE OF A CEASE AND DESIST ORDER, IMPOSITION OF ADMINISTRATIVE PENALTIES, AND/OR PAYMENT OF RESTITUTION, 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

- (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

2023-8005

Notice of Hearing
Kade Austen Mitchell &
Mitchell Adjusting International, LLC
SOAH Docket No. 454-23-16386
Page 3 of 5

- (3) *(by mail, fax, or email)*
Stephanie Daniels, Staff Attorney
Texas Department of Insurance
Enforcement, MC ENF
P.O. Box 12030
Austin, Texas 78711-2030
(512) 490-1020 (Fax)
Stephanie.Daniels@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 or exhibits with SOAH. Instructions on how to file documents and exhibits 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.

2023-8005

Notice of Hearing
Kade Austen Mitchell &
Mitchell Adjusting International, LLC
SOAH Docket No. 454-23-16386
Page 4 of 5

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

Respectfully Submitted,



Stephanie Daniels
State Bar No. 24107343
Texas Department of Insurance
Enforcement, MC ENF
P.O. Box 12030
Austin, Texas 78711-2030
(512) 676-6334 (Direct)
(512) 490-1020 (Fax)
Stephanie.Daniels@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

2023-8005

Notice of Hearing
Kade Austen Mitchell &
Mitchell Adjusting International, LLC
SOAH Docket No. 454-23-16386
Page 5 of 5

CERTIFICATE OF SERVICE

I, Stephanie Daniels, 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 to an electronic mail address on this 24th day of April, 2023 to:

Kade Austen Mitchell

[REDACTED]

Clear Lake Shores, TX 77565

Via CM/RRR No.: 9214 8901 9403 8312 0775 25

Via Email: [REDACTED]

[REDACTED]

Seabrook, TX 77586-1636

Via CM/RRR No.: 9214 8901 9403 8312 0777 61

Mitchell Adjusting International, LLC

[REDACTED]

Kemah, TX 77565

Respondent Pro Se

Via CM/RRR No.: 9214 8901 9403 8312 0778 08



Stephanie Daniels

2023-8005

SOAH Docket No. 454-23-16386

FILED
454-23-16386
4/6/2023 10:07 AM
STATE OFFICE OF
ADMINISTRATIVE HEARINGS
April Bermea , CLERK

SOAH DOCKET NO. 454-_____
TDI ENFORCEMENT FILE NOS. 29857 & 29858

ACCEPTED
454-23-16386
4/6/2023 11:44:39 am
STATE OFFICE OF
ADMINISTRATIVE HEARINGS
April Bermea , CLERK

TEXAS DEPARTMENT OF INSURANCE,

Petitioner

v.

**KADE AUSTEN MITCHELL & MITCHELL
ADJUSTING INTERNATIONAL, LLC,**

Respondents

BEFORE THE STATE OFFICE

OF



ADMINISTRATIVE HEARINGS

ORIGINAL PETITION

The Texas Department of Insurance seeks to take disciplinary action against Kade Austen Mitchell and Mitchell Adjusting International, LLC. 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, 84.021–84.044, 4001.002, 4001.252, 4005.101, 4005.102, 4005.107, 4102.051, and 4102.104, and TEX. GOV'T CODE §§ 2001.051–2001.178.

Factual Allegations

Licensure

1. Kade Austen Mitchell (Mitchell), individual identification number 2128559, holds a public insurance adjuster license originally issued by the Texas Department of Insurance on February 20, 2020. The license was originally issued to Mitchell under his former name, Kade Austen Aga.
2. On December 5, 2019, Mitchell legally changed his name to Kade Austen Mitchell. Mitchell notified the department of his name change on March 4, 2020.
3. Mitchell Adjusting International, LLC (Mitchell Adjusting), firm identification number 169490, held a public insurance adjuster firm license originally issued by

2023-8005

Original Petition

Kade Austen Mitchell and

Mitchell Adjusting International, LLC

Page 2 of 7

the department on May 22, 2020. Mitchell Adjusting's firm license expired on May 22, 2022, due to its failure to renew.

4. On March 20, 2020, Mitchell filed with the Texas Secretary of State as the registered agent and managing member of Mitchell Adjusting. Mitchell subsequently filed for licensure for Mitchell Adjusting and is listed as the designated responsible licensed person for the firm.

Related Enforcement Action

5. On October 12, 2022, a hearing on the merits in the matter of Texas Department of Insurance v. Andrew Joseph Mitchell¹ was held. Andrew Mitchell is Mitchell's father and was also a designated responsible licensed person for Mitchell Adjusting. The department alleged that Andrew Mitchell willfully violated insurance laws of this state; misappropriated, converted to his own use, or illegally withheld money belonging to an insured, insurer, or beneficiary; engaged in fraudulent or dishonest acts; conducted the business of insurance without a license; failed to conduct business fairly; received commissions exceeding 10% of the amount of the insurance settlement on multiple claims; and failed to notify the department of administrative actions taken against him. The allegations in the Andrew Mitchell matter are not repeated here.
6. The presiding ALJ issued a proposal for decision on December 20, 2022, recommending Andrew Mitchell's license be revoked, ordering him to pay restitution to the victims, ordering him to pay an administrative penalty, and recommending the commissioner issue a cease and desist order.
7. Andrew Mitchell's licenses are revoked in Washington, Louisiana, and Colorado. He is currently incarcerated in Louisiana and indicted in Kimble County, Texas, on charges related to theft of proceeds issued to insureds for the settlement of their claims.

¹ SOAH Docket Number 454-22-02837.C

2023-8005

Original Petition
Kade Austen Mitchell and
Mitchell Adjusting International, LLC
Page 3 of 7

Fraudulent and Dishonest Conduct

G.M.

8. On February 14, 2021, G.M.'s home sustained damage due to Winter Storm Uri. G.M. filed a claim with her insurer, Allstate, on February 16, 2021.
9. On May 18, 2021, G.M. retained the services of Mitchell Adjusting to assist with her claim. Mitchell Adjusting sent an engagement letter to Allstate dated May 21, 2021.
10. On February 16, 2022, Allstate issued a check payable to "[Mitchell Adjusting] and [G.M.] and TIAA FSB ISAOA ATIMA c/o Loan Care LLC" in the amount of \$35,995.36. Upon receipt of the check, and without the knowledge or consent of the insured, Mitchell forged the insured's signature and deposited the funds into Mitchell Adjusting's bank account.
11. The insured initially received \$5,000 of the \$35,995.36 from Mitchell, and did not receive the remainder of the funds owed until July 2022—five months after the funds were issued.
12. Mitchell misappropriated the funds issued in payment for G.M.'s claim by failing to timely remit the funds to G.M., a violation of the Insurance Code.

P.T.

13. On February 16, 2021, P.T.'s home sustained damage due to Winter Storm Uri. P.T. filed a claim with her insurer, Allstate Insurance Company (Allstate), on February 18, 2021.
14. On March 14, 2021, Allstate issued a payment to P.T. in the amount of \$19,658.45. P.T. received these funds without issue.
15. On April 27, 2021, P.T. retained the services of Mitchell Adjusting to assist with her claim.

2023-8005

Original Petition

Kade Austen Mitchell and

Mitchell Adjusting International, LLC

Page 4 of 7

16. On July 7, 2022, Allstate issued a check payable to “[Mitchell Adjusting] and [P.T.]” in the amount of \$28,928.24. Upon receipt of the check, and without the knowledge or consent of P.T., Mitchell forged the insured’s signature and deposited the funds into Mitchell Adjusting’s bank account.
17. Mitchell retained the entirety of the proceeds issued on July 7, 2022, resulting in a commission in excess of 10%, a violation of the Insurance Code.

V.S.

18. On February 19, 2021, V.S.’s home sustained damage due to Winter Storm Uri. V.S. filed a claim with her insurer, UPC Insurance (UPC), on February 20, 2021.
19. On May 12, 2021, V.S. retained the services of Mitchell Adjusting to assist with her claim. Mitchell Adjusting sent an engagement letter to UPC dated May 17, 2021.
20. On March 11, 2022, UPC issued a check payable to “[V.S.] and CrossCountry Mortgage LLC ISAOA/ATIMA and [Mitchell Adjusting]” in the amount of \$39,613.18. Upon receipt of the check, and without the knowledge or consent of the insured, Mitchell forged the insured’s signature and deposited the funds into Mitchell Adjusting’s bank account.
21. Mitchell retained the entirety of the proceeds issued on March 11, 2022, resulting in a commission in excess of 10%, a violation of the Insurance Code.

New Hope Baptist Church

22. On August 29, 2021, the New Hope Baptist Church (New Hope) complex sustained damage from Hurricane Ida. New Hope filed a claim with its insurer, Nationwide Mutual Insurance Company (Nationwide), on September 16, 2021.
23. On December 15, 2021, New Hope, through its representative E.B., retained the services of Mitchell Adjusting to assist in the claims process.
24. Nationwide issued two \$75,000 checks for this claim on March 16, 2022, totaling \$150,000. These checks were made payable to “[New Hope] and Fidelity Bank ISAPA/ATIM and [Mitchell Adjusting].” Upon receipt of the checks, and without

2023-8005

Original Petition

Kade Austen Mitchell and

Mitchell Adjusting International, LLC

Page 5 of 7

the knowledge or consent of the insured, Mitchell forged the signatures of both New Hope and Fidelity Bank and deposited the funds into Mitchell Adjusting's bank account.

25. Mitchell retained the entirety of the proceeds issued on March 16, 2022, resulting in a commission in excess of 10%, a violation of the Insurance Code.
26. On or about May 10, 2022, E.B. contacted Nationwide to inquire about the status of New Hope's claim. E.B. stated Mitchell and Mitchell Adjusting were no longer responding to inquiries from New Hope. While discussing the claim with Nationwide, E.B. was informed of the two checks sent in March.
27. E.B. maintains the checks were not signed by a representative of New Hope.

Mae-Cliff, LLC

28. On August 29, 2021, property owned by Mae-Cliff, LLC (Mae-Cliff) sustained damage due to Hurricane Ida. Mae-Cliff filed a claim with its insurer, Nationwide, on September 2, 2021.
29. On March 24, 2022, Mae-Cliff retained the services of Mitchell Adjusting to assist in the claims process.
30. On June 22, 2022, Nationwide issued a check payable to "Kade Mitchell and Mae-Cliff c/o [J.D.]" in the amount of \$113,170.56. Upon receipt of the check, and without the knowledge or consent of the insured, Mitchell forged the insured's signature and deposited the funds into Mitchell Adjusting's bank account.
31. Mitchell retained the entirety of the proceeds issued on June 22, 2022, resulting in a commission in excess of 10%, a violation of the Insurance Code.

Other State Administrative Actions

32. On September 14, 2021, the Colorado Department of Insurance suspended Mitchell's license. Mitchell did not notify the department of the suspension.

2023-8005

Original Petition

Kade Austen Mitchell and

Mitchell Adjusting International, LLC

Page 6 of 7

33. On November 30, 2021, the Louisiana Department of Insurance ordered Mitchell to pay a monetary penalty due to his failure to report other state action(s). Mitchell did not notify the department of the administrative action.

Legal Allegations

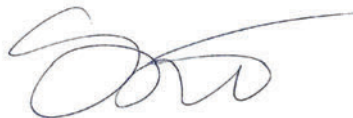
1. Mitchell willfully violated an insurance law of this state as contemplated in TEX. INS. CODE § 4005.101(b)(1).
2. Mitchell misappropriated, converted to his own use, or illegally withheld money belonging to an insured, insurer, or beneficiary, in violation of TEX. INS. CODE § 4005.101(b)(4).
3. Mitchell engaged in fraudulent or dishonest acts or practices in violation of TEX. INS. CODE § 4005.101(b)(5).
4. The commissioner has adopted a code of ethics for public insurance adjusters under 28 TEX. ADMIN. CODE § 19.713, pursuant to TEX. INS. CODE § 4102.005. Mitchell failed to comply with this code of ethics because he failed to conduct business fairly with his clients, insurance companies, and the public, in violation of 28 TEX. ADMIN. CODE § 19.713(b)(1).
5. Mitchell received commissions for services exceeding 10 percent of the amount of the insurance settlement on the claim, in violation of TEX. INS. CODE § 4102.104 and 28 TEX. ADMIN. CODE § 19.713(b)(4).
6. Mitchell did not notify the department of the administrative actions taken against him, in violation of TEX. INS. CODE § 4001.252.

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 Kade Austen Mitchell's license;
2. revoking Mitchell Adjusting International, LLC's license;
3. directing Kade Austen Mitchell to pay an administrative penalty under TEX. INS. CODE §§ 84.021–84.022;
4. directing Kade Austen Mitchell to make restitution to victims under TEX. INS. CODE § 82.053; and
5. 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,



Stephanie Daniels
State Bar No. 24107343
Texas Department of Insurance
Enforcement, MC ENF
P.O. Box 12030
Austin, Texas 78711-2030
(512) 676-6334 (Direct)
(512) 490-1020 (Fax)
Stephanie.Daniels@tdi.texas.gov

ATTORNEY FOR THE PETITIONER
TEXAS DEPARTMENT OF INSURANCE

2023-8005

Automated Certificate of eService

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Mary Ruiz on behalf of Stephanie Daniels
Bar No. 24107343
Enforcementgeneral@tdi.texas.gov
Envelope ID: 74397039
Filing Code Description: Request to Docket
Filing Description: Request to Docket
Status as of 4/6/2023 11:47 AM CST

Associated Case Party: Chief Clerk

Name	BarNumber	Email	TimestampSubmitted	Status
Chief Clerk		ChiefClerk@tdi.texas.gov	4/6/2023 10:07:26 AM	SENT

Associated Case Party: Texas Department of Insurance

Name	BarNumber	Email	TimestampSubmitted	Status
Stephanie Daniels		Stephanie.Daniels@tdi.texas.gov	4/6/2023 10:07:26 AM	SENT
Ginger Loeffler		Ginger.Loeffler@tdi.texas.gov	4/6/2023 10:07:26 AM	SENT
Texas Department of Insurance		Enforcementgeneral@tdi.texas.gov	4/6/2023 10:07:26 AM	SENT

Associated Case Party: Kade Austen Mitchell

Name	BarNumber	Email	TimestampSubmitted	Status
Kade Austen Mitchell		[REDACTED]	4/6/2023 10:07:26 AM	SENT

Associated Case Party: Mitchell Adjusting International, LLC

Name	BarNumber	Email	TimestampSubmitted	Status
Mitchell Adjusting International, LLC		[REDACTED]	4/6/2023 10:07:26 AM	SENT

2023-8005

Automated Certificate of eService

This automated certificate of service was created by the e filing system. The filer served this document via email generated by the e filing system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Mary Ruiz on behalf of Stephanie Daniels
Bar No. 24107343
Enforcementgeneral@tdi.texas.gov
Envelope ID: 74942111
Filing Code Description: Notice of Hearing
Filing Description: Notice of Hearing and Original Petition
Status as of 4/24/2023 12:21 PM CST

Associated Case Party: Texas Department of Insurance

Name	BarNumber	Email	TimestampSubmitted	Status
Ginger Loeffler		Ginger.Loeffler@tdi.texas.gov	4/24/2023 11:41:25 AM	SENT
Texas Department of Insurance		Enforcementgeneral@tdi.texas.gov	4/24/2023 11:41:25 AM	SENT
Stephanie Daniels		Stephanie.Daniels@tdi.texas.gov	4/24/2023 11:41:25 AM	SENT
Leah Gillum		Leah.Gillum@tdi.texas.gov	4/24/2023 11:41:25 AM	SENT
Catarina Tapia		Catarina.Tapia@tdi.texas.gov	4/24/2023 11:41:25 AM	SENT

Associated Case Party: Chief Clerk

Name	BarNumber	Email	TimestampSubmitted	Status
Chief Clerk		ChiefClerk@tdi.texas.gov	4/24/2023 11:41:25 AM	SENT

Associated Case Party: Mitchell Adjusting International, LLC

Name	BarNumber	Email	TimestampSubmitted	Status
Mitchell Adjusting International, LLC		[REDACTED]	4/24/2023 11:41:25 AM	SENT

2023-8005

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: 04/24/2023

Shipped From:

Name: MC ENF M RUIZ

Address: 1601 CONGRESS AVENUE SUITE 6 900

City: AUSTIN

State: TX ZIP+4® 78711

Type of Mail	Volume
Priority Mail Express®	
Priority Mail®	0
First-Class Package Service®	
Returns	
International*	
Other	3
Total	3

*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 0043 9646 96

DANIELS/29857/29858



Firm Mailing Book For Accountable Mail

Name and Address of Sender

MC ENF M RUIZ
TEXAS DEPARTMENT OF INSURANCE
1601 CONGRESS AVENUE, SUITE 6.900
AUSTIN TX 78711

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.

2023-8005

Table with columns: 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, S Fee. Includes entries for KADE AUSTEN MITCHELL and MITCHELL ADJUSTING INTERNATIONAL, LLC.

Total Number of Pieces Listed by Sender: 3

Postmaster, Per (Name of receiving employee)