

No. 2020-6470

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

**Date:** 09/16/2020

**Subjects Considered:**

James Bart McKoin  
[REDACTED]  
Pflugerville, Texas 78660-8848

B & D Insurance Services, Inc.  
[REDACTED]  
Austin, Texas 78714-1243

Default Order  
SOAH Docket No. 454-20-2528.C  
TDI Enforcement File Nos. 12565 and 22678

**General remarks and official action taken:**

This is a default order taken against James Bart McKoin (McKoin) and B & D Insurance Services, Inc. (B & D), collectively Respondents, because they misappropriated insurance premiums, engaged in fraudulent or dishonest acts or practices, and engaged in unauthorized insurance. Respondents did not respond to a Notice of Hearing filed by the Texas Department of Insurance or appear at the hearing on the merits. 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 February 7, and February 10, 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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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 McKoin's last known address provided in writing to the department, [REDACTED], Pflugerville, Texas 78660-8848. The department sent the Notice of Hearing and Original Petition to B & D's last known address provided in writing to the department, [REDACTED], Austin, Texas 78714-1243.
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.

### Failure to Appear at Hearing on the Merits

5. After receiving proper notice of the date, time, and location of the hearing on the merits, Respondents failed to appear for the hearing on July 20, 2020, as shown in the record in SOAH Docket No. 454-20-2528.C.

### **Conclusions of Law**

1. The commissioner has jurisdiction pursuant to Texas law, including TEX. INS. CODE §§ 82.051-82.055, 84.021-82.044, 4001.002, 4005.101, 4005.102, and 4051.051, 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 Respondents' failure to file a written response to the Notice of Hearing and failure to appear in person or by legal representative at the hearing, the department is entitled to disposition by default pursuant to 28 TEX. ADMIN. CODE §§ 1.88 and 1.89.

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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.

## Order

It is ordered that any licenses held by James Bart McKoin and any licenses held by B & D Insurance Services, Inc. are revoked.

It is further ordered that within 30 days from the date of this order, James Bart McKoin and B & D Insurance Services, Inc. must pay restitution, jointly and severally, in the amounts identified to the following victims whose full names are contained in TDI Enforcement File Nos. 12565 and 22678: \$5,432.89 to J. G.; \$1,381.69 to J.S.; \$1,400 to T.C.; and \$4,950 to M.K.

A copy of this order will be provided to law enforcement and/or other appropriate administrative agencies for further investigation as may be warranted.

Kent C. Sullivan  
Commissioner of Insurance

By:  \_\_\_\_\_  
Doug Slape  
Chief Deputy Commissioner  
Commissioner's Order No. 2018-5528

Prepared and reviewed by:

/s/ Patrick Quigley  
Patrick Quigley, Staff Attorney  
Enforcement Division

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## Affidavit

**STATE OF TEXAS** §

§

**COUNTY OF TRAVIS** §

Before me, the undersigned authority, personally appeared Mary Ruiz, who, being by me duly sworn, deposed as follows:

"My name is Mary Ruiz 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 James Bart McKoin and B & D Insurance Services, Inc. I have confirmed that:

- a. The last mailing address provided to the department in writing by James Bart McKoin is [REDACTED], Pflugerville, Texas 78660-8848. The last mailing address provided to the department in writing by B & D Insurance Services, Inc, is [REDACTED], Austin, Texas 78714-1243.
- b. The file maintained by the Enforcement Division contains a Notice of Hearing dated February 10, 2020, and Original Petition dated February 7, 2020, which were filed with the State Office of Administrative Hearings.
- c. On February 10, 2020, the Notice of Hearing and Original Petition addressed to James Bart McKoin and B & D Insurance Services, Inc. were mailed first-class and certified, return receipt requested, to each one's last known address.

Copies of the first-class mail log and certified mail log maintained by the Enforcement Division are attached as Exhibit C and Exhibit D, respectively."

DocuSigned by:

Mary Ruiz

A77124E18E1D460...

Affiant

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SWORN TO AND SUBSCRIBED before me by means of an interactive two-way audio and video communication on 7/31/2020, 2020. This notarial act was an online notarization.

## Notary Seal



## Digital Certificate

DocuSigned by:  
*Franchetta Alexander*  
ED54610E15BF40C...  
Notary Public State of Texas

**SOAH DOCKET NO. 454-20-2528.C  
TDI ENFORCEMENT FILE NOS. 12565 and 22678**

**TEXAS DEPARTMENT OF INSURANCE,**

**Petitioner**

**v.**

**JAMES BART MCKOIN and B & D  
INSURANCE SERVICES, INC.,**

**Respondents**

**BEFORE THE STATE OFFICE**

**OF**

**ADMINISTRATIVE HEARINGS**

**NOTICE OF HEARING**

The Texas Department of Insurance seeks to take disciplinary action against James Bart McKoin (McKoin) and B & D Insurance Services, Inc. (B & D), collectively Respondents. 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, May 19, 2020, at 9:00 a.m.** The hearing will take place at the State Office of Administrative Hearings, located in the William P. Clements Building, 300 W. 15th Street, 4th Floor, Austin, Texas, 78701.

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**

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Notice of Hearing

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**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.**

**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) 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) Patrick Quigley, Staff Attorney  
Texas Department of Insurance

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Enforcement Division, MC110-1A

P.O. Box 149104

Austin, Texas 78714-9104

(512) 490-1020 (Fax)

Patrick.quigley@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](http://www.soah.texas.gov), click on the "E-Services" tab, then click the "Email Service" hyperlink, 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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Respectfully Submitted,

/s/ Patrick Quigley

Patrick Quigley

State Bar No. 16430320

Texas Department of Insurance

Enforcement Division, MC110-1A

P.O. Box 149104

Austin, Texas 78714-9104

(512) 676-6335 (Direct)

(512) 490-1020 (Fax)

Patrick.quigley@tdi.texas.gov

ATTORNEY FOR THE PETITIONER

TEXAS DEPARTMENT OF INSURANCE

Enclosure: Original Petition

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

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### CERTIFICATE OF SERVICE

I, Patrick Quigley, certify that a true and correct copy of the *Notice of Hearing and the Original Petition* were sent by regular, first-class mail and by certified mail, return receipt requested, on February 10, 2020 to:

James Bart McKoin

[REDACTED]

PFLUGERVILLE, TX 78660-8848

*Via CM/RRR No.:*

9214 8901 9403 8306 0122 59

B & D Insurance Services, Inc.

[REDACTED]

AUSTIN, TX 78714-1243

*Via CM/RRR No.:*

9214 8901 9403 8306 0131 02

/s/ Patrick Quigley

Patrick Quigley

**SOAH DOCKET NO. 454-20-2528.C  
TDI ENFORCEMENT FILE NOS. 12565 and 22678**

**TEXAS DEPARTMENT OF INSURANCE,**

**Petitioner**

**v.**

**JAMES BART MCKOIN and B & D  
INSURANCE SERVICES, INC.,**

**Respondents**

**BEFORE THE STATE OFFICE**

**OF**

**ADMINISTRATIVE HEARINGS**

**ORIGINAL PETITION**

The Texas Department of Insurance seeks to take disciplinary action against James Bart McKoin (McKoin) and B & D Insurance Services, Inc. (B & D), collectively Respondents. 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, 84.021-82.044, 4001.002, 4005.101, 4005.102, and 4051.051, and TEX. GOV'T CODE §§ 2001.051-2001.178.

**Factual Allegations**

Licensure and Background

1. McKoin, individual identification number 776469, holds a general lines agent license with a property and casualty qualification originally issued by the Texas Department of Insurance on May 21, 2008.
2. On February 1, 2012, McKoin formed B & D, a Texas corporation. On February 21, 2012, B & D was issued agency license number 1736186 with a property and casualty qualification.

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Original Petition  
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3. Shawn Canales (Canales), individual identification number 484807, is an employee of B&D who previously held a LICENSE TYPE issued by the department from October 2, 2002 to February 6, 2012.
4. On February 6, 2012, Canales' insurance license was revoked for misappropriation of premiums and other fraudulent conduct dealing with premium finance agreements by commissioner's order 12-0101.

### Agent Misconduct

5. Multiple insureds filed complaints with the department alleging that McKoin and Canales misappropriated premiums, failed to remit premiums, and fraudulently inflated the amounts premium financed.

### J.G.

6. Consumer J.G. filed a complaint alleging that he paid the down payment for commercial auto policy no. A42508XXX to McKoin. McKoin failed to remit the payment to Hallmark Insurance Company (Hallmark Insurance), and J.G.'s policy cancelled on July 15, 2016. McKoin requested additional money from J.G. to reinstate the policy.
7. McKoin emailed an application for a new commercial auto policy to J.G. Upon completion, J.G. was instructed to pay the first and last months' premium amount in advance. On March 28, 2016, J.G. paid the down payment of \$3,621.51 using his Master Card. McKoin provided proof of coverage to J.G. for policy no. A42508XXX with an effective date of 03/30/2016, and an expiration date of 03/30/2017.
8. In early April, J.G. learned from Hallmark Insurance that his policy was going to cancel due to lack of down payment. J.G. contacted McKoin about the discrepancy. McKoin explained there was a calculating error and J.G. needed to pay an additional \$1,369.42. J.G. completed this transaction using his Visa card.
9. J.G. subsequently received another notice of cancellation. He continued to seek answers from McKoin. McKoin again requested additional money from J.G., and on May 26, 2016, J.G. paid \$441.96 to B & D.
10. J.G. contacted Hallmark and determined McKoin was not remitting the premium funds. He contacted McKoin and confronted him about the stolen money. McKoin

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admitted using the money for his own expenses. He instructed J.G. to pay an additional \$14,000 to keep his policy, and assured J.G. that he would pay him back. J.G. did not pay additional money; rather, he found a new agent to assist him with his policy.

11. Hallmark Specialty Underwriters, Inc. (Hallmark Specialty), provides that the commercial auto policy no. A42508XXX for J.G.'s company was written through general agent CRC Insurance Services dba Southern Cross Underwriters, Inc., with agent B & D. The policy coverage was for the period of March 30, 2016, through March 16, 2017, but cancelled on July 15, 2016, for non-payment.

### J.S.

12. On October 30, 2016, J.S. paid \$2,427.89 in premium to B & D for a commercial auto policy for his trucking company with Hallmark, but never received his policy.
13. Hallmark called J.S. on January 24, 2017, advising that his policy would cancel on January 28, 2017, due to an unpaid balance of \$577.10. J.S. contacted US Premium Finance and requested a copy of his finance agreement. Per the agreement, J.S.'s premium amount financed was \$1,523.30; not, \$2,427.89, as indicated by McKoin. J.S. learned a refund of \$904.59 had been sent to McKoin on behalf of J.S..
14. McKoin told J.S. he was unable to pay the rest of J.S.'s down payment to Hallmark. McKoin promised a refund to J.S., but never made the refund.
15. According to Hallmark's audit of records, Hallmark determined the insured failed to pay the required down payment; therefore, the policy cancelled.

### T.C.

16. On January 26, 2016, complainant T.C. stated Canales, with B & D, misappropriated \$1,400 in premium payment funds.

### M.K.

17. On August 5, 2019, M.K. complained she paid Canales of B & D \$4,950 and began paying \$2,115.67 to IPFS Corporation for a commercial insurance policy. M.K.

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received notice in July of 2019, that the policy was canceling on August 16, 2019. Canales continued to claim it was an accounting error and he would correct it.

### Unauthorized Insurance

18. McKoin, B & D, and Canales are engaging in unauthorized insurance because Canales does not have an insurance license.
19. McKoin knew or should have known that Canales did not have a license to engage in the business of insurance.
20. McKoin intentionally, knowingly, or recklessly violated TEX. INS. CODE § 101.102 by hiring or employing Canales.

### Failure to Respond

21. On April 5, 2018, TDI sent an official inquiry for information via USPS First Class Mail to B & D Insurance Services, Inc., Attn: James McKoin.
22. On April 24, 2018, TDI received a letter from McKoin, dated April 19, 2018. McKoin requested an extension to respond to the allegations but failed to do so.

### **Legal Allegations**

1. McKoin and B & D committed acts for which a license holder may be disciplined under TEX. INS. CODE § 4005.101, as contemplated by TEX. INS. CODE § 4005.102.
2. McKoin and B & D misappropriated, converted to his own use or illegally withheld money belonging to an insurer, HMO, insured, enrollee or beneficiary, as contemplated by TEX. INS. CODE § 4005.101(b)(4).
3. McKoin and B & D engaged in fraudulent or dishonest acts or practices, TEX. INS. CODE § 4005.101(b)(5).
4. McKoin and B & D willfully violated an insurance law of this state, as contemplated by TEX. INS. CODE § 4005.101(b)(1).
5. McKoin and B & D violated TEX. INS. CODE § 101.106.

**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 respondents' licenses;
2. directing respondents to pay an administrative penalty under TEX. INS. CODE §§ 84.021 – 84.022;
3. directing respondents to make restitution to victims under TEX. INS. CODE § 82.053; and
4. 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,

/s/ Patrick Quigley

Patrick Quigley  
State Bar No. 16430320  
Texas Department of Insurance  
Enforcement Division, MC110-1A  
P.O. Box 149104  
Austin, Texas 78714-9104  
(512) 676-6335 (Direct)  
(512) 490-1020 (Fax)  
Patrick.quigley@tdi.texas.gov

ATTORNEY FOR THE PETITIONER  
TEXAS DEPARTMENT OF INSURANCE

**Name and Address of Sender**  
 Texas Dept of Insurance  
 Mail Code 110-1A  
 333 Guadalupe St  
 Austin TX 78701  
**Mary Ruiz**  
 February 10, 2020

**Check type of mail or service**

- Adult Signature Required
- Priority Mail Express
- Certified Mail
- Registered Mail
- Certified Mail Restricted
- Return Receipt for Merchandise
- Insured Mail
- Collect on Delivery (COD)
- Signature Confirmation Restricted Delivery
- Priority Mail

**USPS Tracking/Article Number**  
 QUIGLEY/12565  
 AND 22678

**Address (Name, Street, City, State, & Zip Code)**  
 JAMES BART MCKOIN  
 ██████████  
 PFLUGERVILLE, TX 78660-8848  
 B & D INSURANCE SERVICES, INC.  
 ██████████  
 AUSTIN, TX 78714-1243

**Postage**  
 1.40  
 1.40

Actual Value If Registered	Insured Value	Tus Shaker if COD	ASR Fee	ASRD Fee	RR Fee	SC Fee	SCRD Fee

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 (if issued as an international certificate of mailing or for additional copies of this receipt). Postmark with Date of Receipt

Handling Charge: \$0.00 in value and over \$50,000 in value

US POSTAGE \$001.50  
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 ZIP 78701

OFFICIAL BUSINESS  
 STATE OF TEXAS  
 PENALTY FOR PRIVATE USE

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 FEB 11 2020  
 TDI - ENFORCEMENT

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 G.M.F. WINDOW  
 AUSTIN, TX 78701

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 AUSTIN, TX 78701

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 G.M.F. WINDOW  
 AUSTIN, TX 78701

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Firm Mailing Book For Accountable Mail

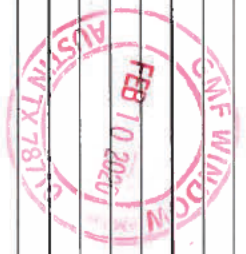
2020-6470

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  
(if issued as an international certificate of mailing or 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 8306 0122 59 <b>QUIGLEY12565, 22678</b>	JAMES BART MCKOIN 78660-8848 PFLUGERVILLE TX	1.60	3.55								1.70			
2. 9214 8901 9403 8306 0131 02	B & D INSURANCE SERVICES INC AUSTIN TX 78714-1243	1.60	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



Postmaster, Per (Name of receiving employee)

Total Number of Pieces Listed by Sender: 2

Total Number of Pieces Received at Post Office: 2

EXHIBIT D

2020-6470



# 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: 02/10/2020

Shipped From:

Name: MC 110-1A M RUIZ

Address: 333 GUADALIPE 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:

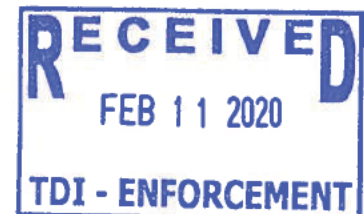
1. Home screen > Mailing/Shipping > More
2. Select Shipment Confirm
3. Scan or enter the barcode/label number from PS Form 5630
4. Confirm the volume count message by selecting Yes or No
5. Select Pay and End Visit to complete transaction

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 0020 1773 92



QUIGLEY/12565, 22678