

No. 2023-7951

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

Date: 05/10/2023

Subject Considered:

Sharquela Nicole Davis
[REDACTED]
The Colony, TX 75056

Default Order
SOAH Docket No. 454-23-14784.C
TDI Enforcement File No. 31248

General remarks and official action taken:

This is a default order taken against Sharquela Nicole Davis (Respondent) for submitting fictitious information on a personal insurance claim. Respondent did not respond to a Notice of Hearing filed by the Texas Department of Insurance. 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 March 27, 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.
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], The

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Commissioner's Order

Sharquela Nicole Davis

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Colony, TX 75056. The Notice of Hearing and Original Petition were also sent by electronic mail and to an additional address associated with the Respondent: [REDACTED]
[REDACTED] The Colony, TX 75056.

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 under Texas law, including TEX. INS. CODE §§ 82.051-82.055, 4001.002, 4001.102, 4001.105, 4005.101-4005.105, and 4101.051, 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.

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Order

It is ordered that any licenses held by Sharquela Nicole Davis 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.

DocuSigned by:

FC5D7EDDFB4F8... _____
Cassie Brown
Commissioner of Insurance

Prepared and reviewed by:



Nancy Williams, Staff Attorney
Enforcement

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Commissioner's Order
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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 Sharquela Nicole Davis. I have confirmed that:

- a. The last mailing address provided to the department in writing by Sharquela Nicole Davis is [REDACTED], The Colony, TX 75056.
- b. The file maintained by Enforcement contains a Notice of Hearing dated March 27, 2023 and Original Petition dated March 20, 2023, which were filed with the State Office of Administrative Hearings.
- c. On March 27, 2023, the Notice of Hearing and Original Petition addressed to Sharquela Nicole Davis were mailed first-class and certified, return receipt requested, to her last known address and one additional address: [REDACTED], The Colony, TX 75056.

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

DocuSigned by:

David Moreno

57F308DBE8384C5...

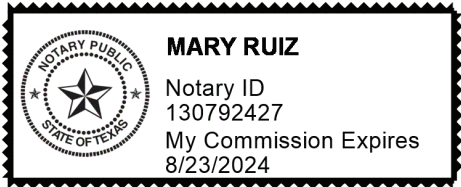
Affiant

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SWORN TO AND SUBSCRIBED before me by means of an interactive two-way audio and video communication on 4/27/2023. This notarial act was an online notarization.

Notary Seal



Digital Certificate

DocuSigned by:
Mary Ruiz
795DC4D59167489...

Notary Public State of Texas

FILED **2023-7951**
454-23-14784
3/27/2023 10:44 AM
STATE OFFICE OF
ADMINISTRATIVE HEARINGS
Crystal Rosas, CLERK

ACCEPTED
454-23-14784
3/27/2023 10:46:01 am
STATE OFFICE OF
ADMINISTRATIVE HEARINGS
Crystal Rosas, CLERK

SOAH DOCKET NO. 454-23-14784.C
TDI ENFORCEMENT FILE NO. 31248

TEXAS DEPARTMENT OF INSURANCE,

BEFORE THE STATE OFFICE

Petitioner

v.

OF

SHARQUELA NICOLE DAVIS,

ADMINISTRATIVE HEARINGS

Respondent

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 **June 20, 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.

EXHIBIT
A

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Notice of Hearing

Sharquela Nicole Davis

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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, 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
- (3) *(by mail, fax, or email)*
Nancy Williams, Staff Attorney

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Notice of Hearing

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Texas Department of Insurance
Enforcement, MC ENF
P.O. Box 12030
Austin, Texas 78711-2030
(512) 490-1020 (Fax)
nancy.williams@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.

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Notice of Hearing
Sharquela Nicole Davis
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If you have any questions, please contact me at the address or telephone number shown below.

Respectfully Submitted,



Nancy Williams
State Bar No. 24058175
Texas Department of Insurance
Enforcement, MC ENF
P.O. Box 12030
Austin, Texas 78711-2030
(512) 676-6338 (Direct)
(512) 490-1020 (Fax)
nancy.williams@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
Whitney Fraser, Litigation Director, Enforcement, MC ENF
Administrative Review, MC CO-AAL

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Notice of Hearing
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CERTIFICATE OF SERVICE

I, Nancy Williams, 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 this 27th day of March, 2023 to:

Sharquela Nicole Davis
[REDACTED]
The Colony, TX 75056

Via CM/RRR No.: 9214 8901 9403 8308 7218 83
Via Email: [REDACTED]

[REDACTED]
The Colony, TX 75056

Via CM/RRR No.: 9214 8901 9403 8308 7219 75

Self-Represented



Nancy Williams

2023-7951

SOAH DOCKET No. 454-23-14784

FILED
454-23-14784
3/20/2023 2:01 PM
STATE OFFICE OF
ADMINISTRATIVE HEARINGS
Carol Hale, CLERK

**SOAH DOCKET NO. 454-23- _____
TDI ENFORCEMENT FILE NO. 31248**

TEXAS DEPARTMENT OF INSURANCE,

Petitioner

v.

SHARQUELA NICOLE DAVIS,

Respondent

BEFORE THE STATE OFFICE

OF

ADMINISTRATIVE HEARINGS

ACCEPTED
454-23-14784
3/20/2023 3:09:38 pm
STATE OFFICE OF
ADMINISTRATIVE HEARINGS
Carol Hale, CLERK

ORIGINAL PETITION

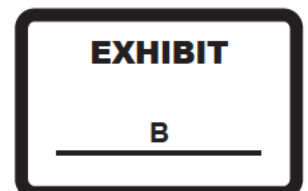
The Texas Department of Insurance seeks to take disciplinary action against Sharquela Nicole Davis. In support of this petition, the department makes the following allegations upon information and belief:

Jurisdiction

The Commissioner of Insurance has jurisdiction over this matter under TEX. INS. CODE §§ 82.051-82.055, 4001.002, 4005.101, 4005.102, 4101.051, and TEX. GOV'T CODE §§ 2001.051-2001.178.

Factual Allegations

1. Sharquela Nicole Davis (Davis), individual identification number 2499682, holds an adjuster all lines license issued by the department on February 8, 2022.
2. On November 6, 2022, Davis filed a claim with Allstate Insurance Company (Allstate), alleging that on November 4, 2022, a pipe burst under the foundation of the rental home she occupied, causing damage to three items of personal property valued at \$14,624.92 and resulting in additional living expenses while repairs were made to the home.
3. Davis submitted photographs, receipts, and other documents in relation to the claim.



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Sharquela Nicole Davis
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4. On November 22, 2022, Allstate conducted an interview with Davis which revealed the following information:
 - a. Davis has never been employed as an adjuster.
 - b. Davis purchased the rental policy on August 11, 2022, and did not have prior rental insurance.
 - c. Davis claims the loss was discovered about 11:30 a.m. on a Friday, that she called her landlord who arrived 1 to 1 ½ hours later, and that she left the house around 2:00 p.m. to go to a hotel where she stayed until Sunday.
 - d. Davis claims the water was about a foot high and that it covered her feet when the landlord arrived.
 - e. Davis claims that the landlord told her that a pipe had burst and that the plumber had made repairs and cleaned up all the water.
 - f. When asked about a photograph Davis submitted of an alleged damaged item that showed sheetrock cut out of a wall in the background, Davis indicated that the sheetrock must have been cut out by the plumber.
 - g. When asked about a picture Davis submitted of a piece of dark wood furniture with part of the stain rubbed off, Davis stated, "I took that picture" and indicated that it was a picture of her bar, but she was unable to explain how the stain got rubbed off. She stated that she took the picture at her last rental house, not at the place where the loss allegedly occurred.
5. On December 24, 2022, Davis submitted a sworn statement to Allstate attesting to the alleged loss on November 4, 2022.
6. Allstate was unable to confirm any damage with the owner of the home where the loss allegedly occurred, and the owner had no knowledge of any repairs made to a burst pipe in the home.
7. Allstate conducted a forensics investigation of the information Davis submitted in connection with the claim.
8. Allstate's investigation determined that photographs Davis submitted as her personal items were sourced from the internet, including the picture of the furniture with the stain rubbed off which was found on an internet site advertising furniture repair.

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9. Allstate's investigation also determined that the receipt submitted was fictitious, and that cell phone and bank records had been altered prior to submission.
10. Allstate denied the claim based on material misrepresentations.

Legal Allegation

1. Davis engaged in fraudulent or dishonest acts or practices, as contemplated by TEX. INS. CODE § 4005.101(b)(5).
2. Davis's acts are grounds for disciplinary action, including revocation of Davis's license, as contemplated by TEX. INS. CODE §§ 4101.201 and 4005.102((2)(A).

Relief Sought

If one or more of the above allegations is found to be true, the department asks the Administrative Law Judge to enter a Proposal for Decision recommending that the Commissioner of Insurance issue an order:

1. revoking Sharquela Nicole Davis'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,



Nancy Williams
State Bar No. 24058175
Texas Department of Insurance
Enforcement, MC ENF
P.O. Box 12030
Austin, Texas 78711-2030
(512) 676-6338 (Direct)
(512) 490-1020 (Fax)
nancy.williams@tdi.texas.gov

ATTORNEY FOR THE PETITIONER

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Original Petition
Sharquela Nicole Davis
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TEXAS DEPARTMENT OF INSURANCE

2023-7951

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 Nancy Williams
Bar No. 24058175
Enforcementgeneral@tdi.texas.gov
Envelope ID: 73817174
Filing Code Description: Request to Docket
Filing Description: Davis RTD
Status as of 3/20/2023 3:12 PM CST

Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
Texas Department of Insurance		Enforcementgeneral@tdi.texas.gov	3/20/2023 2:01:49 PM	SENT
Nancy Williams		Nancy.Williams@tdi.texas.gov	3/20/2023 2:01:49 PM	SENT
Whitney Fraser		Whitney.Fraser@tdi.texas.gov	3/20/2023 2:01:49 PM	SENT
Chief Clerk		ChiefClerk@tdi.texas.gov	3/20/2023 2:01:49 PM	SENT
Sharquela NicoleDavis		[REDACTED]	3/20/2023 2:01:49 PM	SENT

2023-7951

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 Nancy Williams
Bar No. 24058175
Enforcementgeneral@tdi.texas.gov
Envelope ID: 74030266
Filing Code Description: Notice of Hearing
Filing Description: Notice of Hearing and Original Petition
Status as of 3/27/2023 10:47 AM CST

Associated Case Party: chief clerk

Name	BarNumber	Email	TimestampSubmitted	Status
Chief Clerk		ChiefClerk@tdi.texas.gov	3/27/2023 10:44:11 AM	SENT

Associated Case Party: TEXAS DEPARTMENT OF INSURANCE

Name	BarNumber	Email	TimestampSubmitted	Status
Nancy Williams		Nancy.Williams@tdi.texas.gov	3/27/2023 10:44:11 AM	SENT
Whitney Fraser		Whitney.Fraser@tdi.texas.gov	3/27/2023 10:44:11 AM	SENT
Texas Department of Insurance		Enforcementgeneral@tdi.texas.gov	3/27/2023 10:44:11 AM	SENT
Leah Gillum		Leah.Gillum@tdi.texas.gov	3/27/2023 10:44:11 AM	SENT
Catarina Tapia		Catarina.Tapia@tdi.texas.gov	3/27/2023 10:44:11 AM	SENT

Associated Case Party: SharquelaNicoleDavis

Name	BarNumber	Email	TimestampSubmitted	Status
Sharquela NicoleDavis		[REDACTED]	3/27/2023 10:44:11 AM	SENT

Firm Mailing Book For Accountable Mail

2023-7951

Name and Address of Sender
 Texas Dept of Insurance
 Mail Code ENF
 1601 Congress Avenue, Suite 6.900
 Austin TX 78711
 Mary Ruiz
 March 27, 2023

- 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	Address (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	Signature Confirmation	Signature Confirmation Restricted Delivery	Special Handling
WILLIAMS/31248	SHARQUELA NICOLE DAVIS [Redacted] THE COLONY, TX 75056			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		
	SHARQUELA NICOLE DAVIS [Redacted] THE COLONY, TX 75056															

EXHIBIT

 C

Privacy Note: For more information on USPS privacy policies, visit usps.com/privacy policy.

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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: 03/27/2023

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	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 0043 3070 28

WILLIAMS/31248

EXHIBIT

D



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.

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Table with columns: USPS Tracking/Article Number, Name and Address of Addressee, 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, SPS Fee. Includes entries for WILLIAMS/31248 and SHARQUELA NICOLE DAVIS.