

No. 2023-8184

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

Date: 9/5/2023

Subject Considered:

Kamika S. Hayes Graham
[REDACTED]
Forney, Texas 75126-0056

Default Order
SOAH Docket No. 454-23-24177
TDI Enforcement File No. 30823

General remarks and official action taken:

This is a default order taken against Kamika S. Hayes Graham (Respondent) because she engaged in fraudulent and dishonest acts. 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 July 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.

2023-8184

Commissioner's Order

Kamika S. Hayes Graham

SOAH Docket No. 454-23-24177

Page 2 of 5

3. The department sent the Notice of Hearing and Original Petition to Respondent's last known address provided in writing to the department, [REDACTED] Forney, Texas 75126-0056.
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, 84.021-84.044, 4001.002, 4005.101, 4005.102, 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.

2023-8184

Commissioner's Order
Kamika S. Hayes Graham
SOAH Docket No. 454-23-24177
Page 3 of 5

Order

It is ordered that any licenses held by Kamika S. Hayes Graham are revoked. A copy of this order will be provided to law enforcement and other appropriate administrative agencies for further investigation as may be warranted.

DocuSigned by:

FC5D7EDDFFBB4F8...

Cassie Brown
Commissioner of Insurance

Prepared and reviewed by:



Stephanie Daniels, Staff Attorney
Enforcement

2023-8184

Commissioner's Order
Kamika S. Hayes Graham
SOAH Docket No. 454-23-24177
Page 4 of 5

Affidavit

STATE OF TEXAS §

§

COUNTY OF TRAVIS §

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

"My name is Roxanne Rodriguez 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 Kamika S. Hayes Graham. I have confirmed that:

- a. The last mailing address provided to the department in writing by Kamika S. Hayes Graham is [REDACTED], Forney, Texas 75126-0056.
- b. The file maintained by Enforcement contains a Notice of Hearing and Original Petition dated July 27, 2023, which were filed with the State Office of Administrative Hearings.
- c. On July 27, 2023, the Notice of Hearing and Original Petition addressed to Kamika S. Hayes Graham were mailed certified, return receipt requested, to her last known address.

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

DocuSigned by:

Roxanne Rodriguez

47F380AAB473479...

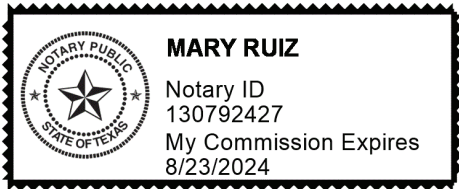
Affiant

2023-8184

Commissioner's Order
Kamika S. Hayes Graham
SOAH Docket No. 454-23-24177
Page 5 of 5

SWORN TO AND SUBSCRIBED before me by means of an interactive two-way audio and video communication on 8/15/2023. This notarial act was an online notarization.

Notary Seal



Digital Certificate

DocuSigned by:
Mary Ruiz
795DC4D59167489...

Notary Public State of Texas

FILED **2023-8184**
 454-23-24177
 7/27/2023 1:32 PM
 STATE OFFICE OF
 ADMINISTRATIVE HEARINGS
 Crystal Rosas, CLERK

EXHIBIT

ACCEPTED
 454-23-24177
 7/27/2023 1:34:23 pm
 STATE OFFICE OF
 ADMINISTRATIVE HEARINGS
 Crystal Rosas, CLERK

A

SOAH DOCKET NO. 454-23-24177
TDI ENFORCEMENT FILE NO. 30823

TEXAS DEPARTMENT OF INSURANCE,

Petitioner

v.

KAMIKA S. HAYES GRAHAM,

Respondent

BEFORE THE STATE OFFICE

OF

ADMINISTRATIVE HEARINGS

NOTICE OF HEARING

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

A public hearing will be held before an Administrative Law Judge on **Monday, November 13, 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.

2023-8184

Notice of Hearing

Kamika S. Hayes Graham

SOAH Docket No. 454-23-24177

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
- (3) *(by mail, fax, or email)*
Cassie Tigue, Staff Attorney

2023-8184

Notice of Hearing

Kamika S. Hayes Graham

SOAH Docket No. 454-23-24177

Page 3 of 5

Texas Department of Insurance
Enforcement, MC ENF
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 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.

2023-8184

Notice of Hearing
Kamika S. Hayes Graham
SOAH Docket No. 454-23-24177
Page 4 of 5

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) 676-6327 (Direct)
(512) 490-1020 (Fax)
Cassie.Tigue@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

2023-8184

Notice of Hearing

Kamika S. Hayes Graham

SOAH Docket No. 454-23-24177

Page 5 of 5

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 regular, first-class mail and by certified mail, return receipt requested, on this 27th day of July, 2023 to:

Kamika S. Hayes Graham

[REDACTED]

Forney, Texas 75126-0056

Respondent Pro Se

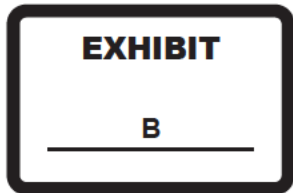
Via CM/RRR No.:

9214 8901 9403 8324 0412 00



Cassie Tigue

2023-8184



SOAH DOCKET No. 454-23-24177

SOAH DOCKET NO. 454-_____
TDI ENFORCEMENT FILE NO. 30823

FILED
454-23-24177
7/25/2023 8:40 AM
STATE OFFICE OF
ADMINISTRATIVE HEARINGS
Carol Hale, CLERK

TEXAS DEPARTMENT OF INSURANCE,

Petitioner

v.

KAMIKA S. HAYES GRAHAM,

Respondent

BEFORE THE STATE OFFICE

ACCEPTED
454-23-24177
7/25/2023 1:27:51 pm
STATE OFFICE OF
ADMINISTRATIVE HEARINGS
Carol Hale, CLERK

OF

ADMINISTRATIVE HEARINGS

ORIGINAL PETITION

The Texas Department of Insurance seeks to take disciplinary action against Kamika S. Hayes Graham. 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, 4005.101, 4005.102, and 4101.051; and TEX. GOV'T CODE §§ 2001.051-2001.178.

Factual Allegations

Licensure

1. Kamika S. Hayes Graham (Hayes Graham), individual identification number 1664428, holds an adjuster all lines license originally issued by the Texas Department of Insurance on October 18, 2016.

Misconduct

2. On or around August 23, 2022, Hayes Graham and her spouse, Tamaro Graham, were allegedly involved in a rear end accident with a Ford F-250 pickup truck. According to Hayes Graham, the other vehicle involved left the scene. After the incident, Hayes Graham and her husband went home and filed a claim with their insurance carrier, Mercury County Mutual Insurance Company (Mercury).

2023-8184

Original Petition

Kamika S. Hayes Graham

Page 2 of 3

3. On or around August 24, 2022, the Mercury representative handling the claim requested a police report from Hayes Graham. Hayes Graham subsequently filed a report with the Forney Police Department and submitted it to Mercury. The police report lists the incident as a minor crash.
4. On or around August 26, 2022, Tamaro Graham applied for personal injury protection benefits and received the following payments from Mercury:
 - a. On September 2, 2022, Mercury issued a check payment for \$5,000.00.
 - b. On September 7, 2022, Mercury issued a check payment for \$3,273.91.
 - c. On September 9, 2022, Mercury issued a check payment for \$1,363.62.
5. On or around September 13, 2022, Mercury issued a check payment for \$250 for the uninsured/underinsured motorist property damage deductible.
6. Tamaro Graham claimed he injured his right hand, back, and neck as a result of the incident. Hayes Graham claimed she sustained a head injury.
7. On or around October 11, 2022, Mercury was scheduled to take both Tamaro Graham and Hayes Graham's depositions, but both failed to appear or cooperate with Mercury's investigation.
8. On or around October 20, 2022, the department received information regarding Hayes Graham's alleged misconduct, including the allegation that the claim submitted by Hayes Graham was fraudulent.
9. On or around April 6, 2023, the department sent a request for information to Hayes Graham. Hayes Graham requested an extension, and her request was granted. However, Hayes Graham failed to respond fully to the request.
10. On or around May 10, 2023, the department sent a second request for information to Hayes Graham. Hayes Graham failed to respond to the department's second request for information.

Legal Allegations

1. Hayes Graham 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. Hayes Graham willfully violated an insurance law of this state, as contemplated by TEX. INS. CODE § 4005.101(b)(1).
3. Hayes Graham engaged in fraudulent or dishonest acts or practices, in violation of TEX. INS. CODE § 4005.101(b)(5).

Hayes Graham failed to respond to a written inquiry from the department, in violation of TEX. INS. CODE § 38.001.

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 Kamika S. Hayes Graham’s adjuster all lines license;
2. directing Kamika S. Hayes Graham to pay an administrative penalty under TEX. INS. CODE §§ 84.021 – 84.022;
3. directing Kamika S. Hayes Graham to make restitution to Mercury County Mutual Insurance Company under TEX. INS. CODE § 82.053; and
4. 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,



Cassie Tigue
State Bar No. 24099994
Texas Department of Insurance
Enforcement, MC ENF
P.O. Box 12030
Austin, Texas 78711-2030
(512) 676-6327 (Direct)
(512) 490-1020 (Fax)
Cassie.Tigue@tdi.texas.gov

ATTORNEY FOR THE PETITIONER
TEXAS DEPARTMENT OF INSURANCE

2023-8184

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 Cassie Tigue
Bar No. 24099994
Enforcementgeneral@tdi.texas.gov
Envelope ID: 77842306
Filing Code Description: Request to Docket
Filing Description: Hayes Graham Request to Docket
Status as of 7/25/2023 1:29 PM CST

Associated Case Party: Chief Clerk

Name	BarNumber	Email	TimestampSubmitted	Status
Chief Clerk		ChiefClerk@tdi.texas.gov	7/25/2023 9:15:18 AM	SENT

Associated Case Party: TDI

Name	BarNumber	Email	TimestampSubmitted	Status
Cassie Tigue		cassie.tigue@tdi.texas.gov	7/25/2023 9:15:18 AM	SENT
Texas Department of Insurance		Enforcementgeneral@tdi.texas.gov	7/25/2023 9:15:18 AM	SENT
Ginger Loeffler		Ginger.Loeffler@tdi.texas.gov	7/25/2023 9:15:18 AM	SENT

Associated Case Party: KAMIKAS HAYES GRAHAM

Name	BarNumber	Email	TimestampSubmitted	Status
KAMIKA HAYES GRAHAM		[REDACTED]	7/25/2023 9:15:18 AM	ERROR

2023-8184

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 Cassie Tigue
Bar No. 24099994
Enforcementgeneral@tdi.texas.gov
Envelope ID: 77948255
Filing Code Description: Notice of Hearing
Filing Description: Notice of Hearing and Original Petition
Status as of 7/27/2023 1:34 PM CST

Associated Case Party: TDI

Name	BarNumber	Email	TimestampSubmitted	Status
Ginger Loeffler		Ginger.Loeffler@tdi.texas.gov	7/27/2023 1:32:46 PM	SENT
Cassie Tigue		cassie.tigue@tdi.texas.gov	7/27/2023 1:32:46 PM	SENT
Texas Department of Insurance		Enforcementgeneral@tdi.texas.gov	7/27/2023 1:32:46 PM	SENT
Jodie Delgado		jodie.delgado@tdi.texas.gov	7/27/2023 1:32:46 PM	SENT
Leah Gillum		Leah.Gillum@tdi.texas.gov	7/27/2023 1:32:46 PM	SENT

Associated Case Party: Chief Clerk

Name	BarNumber	Email	TimestampSubmitted	Status
Chief Clerk		ChiefClerk@tdi.texas.gov	7/27/2023 1:32:46 PM	SENT

2023-8184



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: 07/27/2023

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	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 0046 0311 59

TIGUE/30823



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

USPS Tracking/Article Number

1. 9214 8901 9403 8324 0412 00

TIGUE/30823

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

KAMIKA S. HAYES GRAHAM
FORNEY, TEXAS 75126-0056

Affix Stamp Here

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

2023-8184

Table with columns: 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 values like 0.87, 4.35, 2.20, and various fee types.

Total Number of Pieces Listed by Sender: 1

Total Number of Pieces Received at Post Office: 1

Postmaster, Per (Name of receiving employee)