

No. 2020-6466

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

Date: 09/16/2020

Subject Considered:

Lindsay Sarah Walpole
[REDACTED]
Houston, TX 77003-1617

Default Order
SOAH Docket No. 454-20-4510
TDI Enforcement File No. 16134

General remarks and official action taken:

The subject of this default order is whether a general lines property and casualty license should be issued to Lindsay Sarah Walpole (Respondent) and whether a cease and desist order should be issued. Respondent did not respond to a Notice of Hearing filed by the Texas Department of Insurance. This order denies Respondents' license application and orders Respondent to cease and desist engaging in unauthorized insurance.

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

Findings of Fact

Failure to Respond to Notice of Hearing

1. On August 14, 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.
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.

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3. The department sent the Notice of Hearing and Original Petition to Respondent's last known address provided in writing to the department, [REDACTED], Houston, TX 77003-1617.
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 pursuant to Texas law, including TEX. INS. CODE §§ 82.051-82.055, 101.153, 4001.002, 4001.102, 4001.105, 4005.101-4005.105, and 4051.051; TEX. OCC. CODE §§ 53.021-53.023; 28 TEX. ADMIN. CODE § 1.502; and TEX. GOV'T CODE §§ 2001.051-2001.178.
2. The commissioner has authority to dispose of this case informally 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 Respondent's failure to file a written response to the Notice of Hearing, the department is entitled to disposition by default pursuant to 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 pursuant to 28 TEX. ADMIN. CODE § 1.89.

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Order

It is ordered that Lindsay Sarah Walpole's application for a general lines property and casualty license is denied. It is further ordered that Lindsay Sarah Walpole shall cease and desist from engaging in unauthorized insurance. 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:  DocuSigned by:
Doug Slape
C77A87C8C21B435...

Doug Slape
Chief Deputy Commissioner
Commissioner's Order No. 2018-5528

Prepared and reviewed by:



Nancy Williams, 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 Lindsay Sarah Walpole. I have confirmed that:

- a. The last mailing address provided to the department in writing by Lindsay Sarah Walpole is [REDACTED], Houston, TX 77003-1617.
- b. The file maintained by the Enforcement Division contains a Notice of Hearing and Original Petition dated August 14, 2020, which were filed with the State Office of Administrative Hearings.
- c. On August 14, 2020, the Notice of Hearing and Original Petition addressed to Lindsay Sarah Walpole were mailed certified, return receipt requested, to her last known address: [REDACTED], Houston, TX 77003-1617.

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

DocuSigned by:
Mary Ruiz
035AAB2BE7A24EC...
Affiant

SWORN TO AND SUBSCRIBED before me by means of an interactive two-way audio and video communication on August 21, 2020. This notarial act was an online notarization.

Notary Seal



Digital Certificate

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

2020-6466

ACCEPTED
454-20-4510
8/14/2020 11:39 AM
STATE OFFICE OF
ADMINISTRATIVE HEARINGS
Jodi Brown, CLERK

FILED
454-20-4510
8/14/2020 9:34 AM
STATE OFFICE OF
ADMINISTRATIVE HEARINGS
Jodi Brown, CLERK

**SOAH DOCKET NO. 454-20-4510
TDI ENFORCEMENT FILE NO. 16134**

TEXAS DEPARTMENT OF INSURANCE,

BEFORE THE STATE OFFICE

Petitioner

v.

OF

LINDSAY SARAH WALPOLE,

ADMINISTRATIVE HEARINGS

Respondent

NOTICE OF HEARING

The Texas Department of Insurance seeks to deny your license application. This Notice of Hearing and the Original Petition, which is attached and incorporated for all purposes, states the allegations against you and the relief sought by the Department.

A public hearing will be held before an Administrative Law Judge on **Monday, September 21, 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, 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 PURSUANT TO 1 TEX. ADMIN. CODE § 155.501 AND 28 TEX. ADMIN. CODE §§ 1.88 AND 1.89.



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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 IMPOSITION OF A CEASE AND DESIST ORDER AND DENIAL OF YOUR LICENSE APPLICATION, IS GRANTED BY DEFAULT.

IF YOU FILE A WRITTEN RESPONSE BUT THEN FAIL TO APPEAR ON THE DAY AND TIME SET FOR HEARING, WITHOUT FURTHER NOTICE TO YOU, THE COMMISSIONER OF INSURANCE CAN ISSUE AN ORDER IN WHICH THE ALLEGATIONS IN THE NOTICE OF HEARING ARE DEEMED ADMITTED AS TRUE AND THE RELIEF SOUGHT IN THE NOTICE OF HEARING, INCLUDING ISSUANCE OF A CEASE AND DESIST ORDER AND DENIAL OF YOUR LICENSE APPLICATION, IS GRANTED BY DEFAULT.

In accord with 28 TEX. ADMIN. CODE § 1.90(e) and 1 TEX. ADMIN. CODE §§ 155.101 and 155.103, you should send copies of your written response to:

- (1) 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) Nancy Williams, Staff Attorney
Texas Department of Insurance
Enforcement Division, MC110-1A
P.O. Box 149104
Austin, Texas 78714-9104
(512) 490-1020 (Fax)
Nancy.Williams@tdi.texas.gov

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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, click on the "E-Services" tab, then click the "eFiling" 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,



Nancy Williams

State Bar No. 24058175

Texas Department of Insurance

Enforcement Division, MC110-1A

P.O. Box 149104

Austin, Texas 78714-9104

(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, Enforcement Division, MC-110-1A
Whitney Fraser, Litigation Director, Enforcement Division, MC-110-1A
Administrative Review, MC107-1A

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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 certified mail, return receipt requested, on this 14th day of August 2020 to:

Lindsay Sarah Walpole

[REDACTED]

Houston, Texas 77003-1617

Respondent Pro Se

Via CM/RRR No.: 9214 8901 9403 8318 6442 88

Via Email: [REDACTED]



Nancy Williams

454-20-4510

SOAH DOCKET NO. 454-_____
TDI ENFORCEMENT FILE NO. 16134

TEXAS DEPARTMENT OF INSURANCE,

Petitioner

v.

LINDSAY SARAH WALPOLE,

Respondent

BEFORE THE STATE OFFICE

OF

ADMINISTRATIVE HEARINGS

ORIGINAL PETITION

The Texas Department of Insurance seeks to deny Respondent's license application. In support of this petition, the department makes the following allegations upon information and belief:

Jurisdiction

The Commissioner of Insurance has jurisdiction over this matter pursuant to TEX. INS. CODE §§ 82.051-82.055, 4001.002, 4005.101, 4005.102, and 4051.051; 28 TEX. ADMIN. CODE § 1.502; TEX. OCC. CODE §§ 53.021 – 53.023, and TEX. GOV'T CODE §§ 2001.051-2001.178.

Factual Allegations

1. The department issued Walpole a probationary license with a property and casualty qualification on November 12, 2012.
2. The issuance of Walpole's probationary license was conditioned upon specific requirements indicated in the department's "Probated License Term Sheet," signed by Walpole on October 24, 2012.
3. Walpole failed to renew her probationary license causing it to expire on November 11, 2014.
4. Walpole submitted a new application for a general lines property and casualty license to the department on June 30, 2017.



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5. The department proposed to deny Walpole's application on April 10, 2018, based on her criminal history. The department received Walpole's request for a hearing on April 23, 2018.
6. The department's investigation revealed, that on July 18, 2018, Walpole's LinkedIn account stated:
 - "a seasoned Commercial Lines Insurance Account Manager;"
 - "Experience: Commercial Team Member, Aegis Insurance & Financial Services, February 2018 – Present; Commercial Insurance Account Manager, J. Archer Insurance Group/Archer Commercial Insurance, June 2016 – February 2018;" and
 - "Certifications: General Lines Property and Casualty Insurance License, Texas Department of Insurance"

Criminal History – 17th Judicial District Circuit Court, Broward County, Florida.

7. On March 15, 2002, Walpole was convicted of Grand Theft, a third-degree felony offense in Cause No. 01-21135, and was sentenced to 5 years probation. On September 26, 2003, Walpole's probation was revoked, following new criminal charges, and she was sentenced to 14 months confinement.
8. On October 31, 2002, Walpole was convicted of Fraudulent ID Card in Cause No. 02-19455 and was sentenced to 2 days confinement.
9. On September 26, 2003, Walpole was convicted of Felony Possession of Marijuana and Fraudulent Identification, a felony, in Cause No. 03-3227 and was sentenced to 82 days confinement.
10. On September 26, 2003, Walpole was convicted of Criminal Use of Personal Identifying Information and Credit Card Fraud, both felony offenses, in Cause No. 03-5884 and was sentenced to 14 months confinement.
11. On December 18, 2006, Walpole was convicted of Grand Theft and Uttering a Forged Instrument, both felony offenses, and was sentenced to 3 years probation. On February 21, 2007, Walpole's probation was revoked, following new criminal charges, and she was sentenced to 364 days confinement.

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12. On December 18, 2006, Walpole was convicted of Dealing in Stolen Property and False Verification of Ownership, both felony offenses, and was sentenced to 3 years probation. On February 21, 2017, Walpole's probation was revoked, following new criminal charges, and she was sentenced to 364 days confinement.
13. On December 18, 2006 Walpole was convicted of Uttering a Forged Instrument and Fraudulent Deposit, both felony offenses, and was sentenced to 364 days confinement with an accompanying civil order for restitution.

Criminal History – 351st District Court, Harris County, Texas

14. On January 18, 2012, Walpole was convicted of Credit Card Abuse, a felony offense, in Cause Nos. 1327461 and 1327462. Cause No. 1327462 was dismissed due to the conviction in Cause No. 1327461 in which Walpole was sentenced to 4 years probation. On January 6, 2016, Walpole's probation was revoked, following new criminal charges, and she was sentenced to 14 months confinement.
15. On January 6, 2016, Walpole was convicted of Forgery of a Commercial Instrument, a felony offense, in Cause No. 1488998 and was sentenced to 14 months confinement. The financial instrument, indicated in the Indictment, was an insurance company check.

Legal Allegations

16. Walpole has willfully violated an insurance law of this state, as contemplated by TEX. INS. CODE § 4005.101(b)(1) by engaging in unauthorized insurance under TEX. INS. CODE § 101.001(b)&(c).
17. Walpole has engaged in fraudulent or dishonest acts or practices, as contemplated by TEX. INS. CODE § 4005.101(b)(5).
18. Walpole has been convicted of a felony as contemplated by TEX. INS. CODE § 4005.101(b)(8).

Relief Sought

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

1. denying Walpole's license application;
2. ordering Walpole to cease and desist from conducting the business of insurance;
and
3. 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 Division, MC110-1A
P.O. Box 149104
Austin, Texas 78714-9104
(512) 676-6338 (Direct)
(512) 490-1020 (Fax)
Nancy Williams@tdi.texas.gov

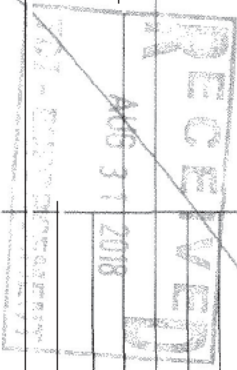
ATTORNEY FOR THE PETITIONER
TEXAS DEPARTMENT OF INSURANCE

Name and Address of Sender
 Texas Dept of Insurance
 Mail Code 110-1A
 333 Guadalupe St
 Austin TX 78701
 Mary Ruiz
 August 29, 2018

Check type of mail or service
 Adult Signature Required
 Adult Signature Restricted Delivery
 Certified Mail
 Certified Mail Restricted
 Collect on Delivery (COD)
 Insured Mail
 Priority Mail
 Priority Mail Express
 Registered Mail
 Return Receipt for Merchandise
 Signature Confirmation
 Signature Confirmation Restricted Delivery
 Signature Restricted Delivery

USPS Tracking/Article Number	Address (Name, Street, City, State, & Zip Code)	Postage
willis/16134	LINDSAY SARAH WALPOLE HOUSTON, TEXAS 77003-1617	7/16
	LINDSAY SARAH WALPOLE HOUSTON, TX 77036	7/4

2020-6466



Total Number of Pieces Listed by Sender: [Handwritten: R]
 Total Number of Pieces Received at Post Office: [Handwritten: R]
 Postmaster: Per (Name of receiving employee)
 Completed in Ink

Postage	Service Fee	Handling Charge	Actual Value if Registered	Insured Value	Sender ID COD	ASR Fee	ASRD Fee	RD Fee	RR Fee	F Fee
7/16										
7/4										



over \$50,000 in value

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 STATE OF TEXAS
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- Adult Signature Required
- Adult Signature Restricted Delivery
- Restricted Delivery
- Return Receipt
- Signature Confirmation
- Signature Confirmation Restricted Delivery
- Special Handling





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

USPS Tracking/Article Number

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

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

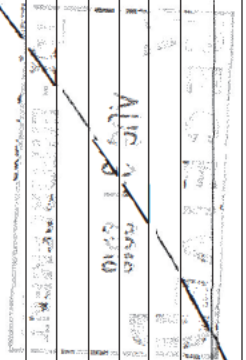
2020-6466

- 9214 8901 9403 8372 2304 58
- 9214 8901 9403 8372 2304 96

WILLS/16134

LINDSAY SARAH WALPOLE
 77003.1617
 HOUSTON TX

LINDSAY SARAH WALPOLE
 HOUSTON TX 77008



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

Total Number of Pieces Listed by Sender

Total Number of Pieces Received at Post Office

2

Postmaster, Per (Name of receiving employee)

2020-6466



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: 08/29/2018

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



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