

No. **2021-7003**

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

Date: 09/30/2021

Subjects Considered:

Donna Davidson
Davidson D Enterprises Inc
[REDACTED]
Plano, Texas 75023-1437

Consent Order
TDI Enforcement File Nos. 25545 and 27877

General remarks and official action taken:

This is a consent order with Donna Davidson (Davidson) and Davidson D Enterprises Inc (Davidson D Enterprises). Davidson's ex-husband's license has been revoked by the Texas Department of Insurance (the department). As an employee, Davidson's ex-husband used her credentials to submit multiple annuity applications to an insurer. This order permanently bars Davidson and Davidson D Enterprises from employing or otherwise contracting with Davidson's ex-husband in her insurance business and imposes a one-year probated suspension against Davidson and Davidson D Enterprises, subject to the terms detailed in this order.

Waiver

Davidson and Davidson D Enterprises acknowledge that the Texas Insurance Code and other applicable law provide certain rights. Davidson and Davidson D Enterprises waive all of these rights, and any other applicable procedural rights, in consideration of the entry of this consent order.

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Findings of Fact

License Information and Background

1. Davidson, individual identification number 338944, holds a general lines agent license with a life, accident, health, and HMO qualification issued by the department on September 24, 1999, with the commissioner granting Davidson a waiver and consent to engage in the business of insurance under 18 U.S.C. § 1033.
2. Under firm identification number 14522, Davidson D Enterprises, holds a general lines agency license with a life, accident, health, and HMO qualification issued by the department on July 10, 2001. Davidson is the sole owner, officer, and shareholder of the agency.
3. Davidson's ex-husband, Mark Alan Brown (Brown), individual identification number 446155, previously held a Group 1, Life, Health, Accident Insurance and HMO agent's license issued by the department. On February 24, 1999, Brown's insurance license was revoked in Official Order No. 99-0314, after a hearing on the merits at the State Office of Administrative Hearings.
4. Brown's revocation was based on his failure to disclose his criminal history in his 1995 license application and his 1997 conviction of the felony offense of theft by check.
5. Brown was employed as Davidson's office manager at Davidson D Enterprises Inc.

Allianz Annuity Applications

6. In April of 2020, Brown used Davidson's credentials with Allianz Life Insurance Company of North America (Allianz) to submit 13 Allianz annuity applications, listing Davidson as the writing agent.
7. Both Allianz's and the department's investigations found that Davidson did not have knowledge of Brown's submissions, and Davidson did not intentionally permit or authorize Brown to use her credentials and submit the applications.

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Mitigating Circumstances

8. Brown admitted to the department that he did not have Davidson's permission to use her credentials and submit the annuity applications.
9. There were no premiums received for the applications. Davidson later properly re-submitted two of the applications.
10. According to the department's investigation, this is the only occurrence of the conduct.
11. Davidson and Davidson D Enterprises agree to terminate Brown's employment as of October 1, 2021, and agree that Brown will no longer work for them.

Conclusions of Law

1. The commissioner has jurisdiction over this matter under TEX. INS. CODE §§ 82.051 – 82.055, 4001.002, 4001.101, 4005.102, and 4054.051, and TEX. GOV'T CODE §§ 2001.051-2001.178.
2. The commissioner has the authority to informally dispose of this matter as set forth in TEX. GOV'T CODE § 2001.056; TEX. INS. CODE §§ 36.104 and 82.055; and 28 TEX. ADMIN. CODE § 1.47.
3. Davidson and Davidson D Enterprises have knowingly and voluntarily waived all procedural rights to which they may have been entitled regarding the entry of this order, including, but not limited to, issuance and service of notice of intention to institute disciplinary action, notice of hearing, a public hearing, a proposal for decision, rehearing by the commissioner, and judicial review.
4. Davidson and Davidson D Enterprises violated TEX. INS. CODE § 4001.101 by directly or indirectly assisting an unlicensed person in engaging in the business of insurance without authorization.

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Order

Donna Davidson and Davidson D Enterprises Inc are ordered to cease and desist from employing Mark Alan Brown or otherwise allowing or authorizing Mark Alan Brown to do any kind of work or services for them in the business of insurance.

It is ordered that all licenses held by Donna Davidson and by Davidson D Enterprises Inc are suspended for one year, probated.

If, during the probation period imposed by this order, the department issues any additional licenses or authorizations to Davidson or Davidson D Enterprises, including any agency license issued to a new entity owned or controlled in whole or in part by Davidson, those additional licenses or authorizations will be suspended until the probation period imposed by this order has ended. The suspension shall be probated, and the same terms and conditions stated in this order will apply.

Beginning from the date of this order and continuing through the probation period, Davidson and Davidson D Enterprises must file a written report, on or before the 15th day of the month on a quarterly basis for the months of October, January, April, and July, with the Texas Department of Insurance by emailing it to EnforcementReports@tdi.texas.gov. The reports must include the following information:

- a. Davidson's and Davidson D Enterprises current mailing address and telephone number(s);
- b. the name, mailing address, and telephone number of Davidson's employer, and if Davidson is self-employed, a statement that she is self-employed and the name, mailing address, and telephone number(s) of her business(es);
- c. the name and address of any insurer or entity which has appointed Davidson and/or Davidson D Enterprises as a general lines agent or agency;
- d. the name and address of any insurer or entity which has terminated Davidson's or Davidson D Enterprises's appointment as a general lines agent or agency;
- e. a copy of any and all contracts Davidson and/or Davidson D Enterprises have entered into with an insurer, broker, managing general agent, managing general agency, or any person or entity in the business of insurance; and
- f. a complete list of all employees and independent contractors in Davidson's insurance business. The list must include Texas license numbers for any

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employee or contractor holding a license, and for unlicensed staff a brief description of that individual's duties.

Davidson and Davidson D Enterprises must notify the department immediately of the following by emailing EnforcementReports@tdi.texas.gov:

- a. any charges or indictments filed against Davidson for a misdemeanor or felony during the period she is required to file reports, excluding traffic offenses and class C misdemeanors;
- b. any state or regulatory actions taken against Davidson or Davidson D Enterprises including formal and informal actions;
- c. any change in Davidson's employment or residence; and
- d. any complaint made against Davidson or Davidson D Enterprises concerning their performance as a general lines agent or agency, as well as a written explanation detailing the steps taken to resolve it.

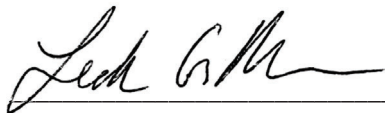
Commissioner of Insurance

DocuSigned by:

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Cassie Brown
Commissioner of Insurance

Recommended and reviewed by:



Leah Gillum, Deputy Commissioner
Enforcement Division



Sarah White, Staff Attorney
Enforcement Division

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Affidavit

STATE OF TEXAS §

§
COUNTY OF COLLIN §

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

"My name is Donna Davidson. I am of sound mind, capable of making
this statement, and have personal knowledge of these facts which are true and correct.

I hold the office of President and am the authorized representative of
Davidson D Enterprises Inc. I am duly authorized by said organization to execute this
statement.

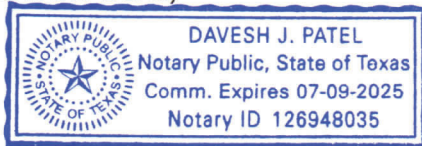
Davidson D Enterprises Inc has knowingly and voluntarily entered into the foregoing
consent order and agrees with and consents to the issuance and service of the same by
the commissioner of insurance of the state of Texas."



Affiant

SWORN TO AND SUBSCRIBED before me on SEPTEMBER 20, 2021.

(NOTARY SEAL)





Signature of Notary Public

DAVESH PATEL

Printed Name of Notary Public

