

No. **2022-7288**

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

**Date: 04/07/2022**

**Subject Considered:**

Denise Jacqueline OBrien  
[REDACTED]  
Tomball, Texas 77375-2048

Consent Order  
TDI Enforcement File No. 25014

**General remarks and official action taken:**

This is a consent order with Denise Jacqueline OBrien (OBrien). TDI alleges that OBrien engaged in dishonest conduct and practices as related to policyholder documents, signatures, and policy information. This order suspends OBrien's licenses and assesses a \$500 penalty. The suspension is probated for one year.

**Waiver**

OBrien acknowledges that the Texas Insurance Code and other applicable law provide certain rights. OBrien waives all of these rights, and any other applicable procedural rights, in consideration of the entry of this consent order.

**Findings of Fact**

1. OBrien, individual identification number 1504691, holds a general lines license with a property and casualty qualification issued by the department on October 6, 2015, and a life, accident, health, and HMO qualification issued by the department on June 1, 2016.

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2. OBrien was an employee of Benjamin Paul Thibodeaux (Thibodeaux) at his State Farm agency from 2017 until 2020.
3. Thibodeaux's license was revoked on February 4, 2022, under Commissioner's Order No. 2022-7209.
4. At the direction of Thibodeaux, OBrien forged customers' and service providers' signatures on evidence of insurance, used templates on the agency server to create evidence of prior insurance, and manipulated information using Xactware to lower the cost of the customer's premium.
5. OBrien was fully cooperative with State Farm and the Department during the investigation of Thibodeaux, his employees, and his agency.

### **Conclusions of Law**

1. The commissioner has jurisdiction over this matter under TEX. INS. CODE §§ 82.051–82.055, 84.021–84.044, 4001.002, 4005.101, 4005.102, 4051.051, 4054.051 and 4101.051, 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. OBrien has knowingly and voluntarily waived all procedural rights to which she 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. OBrien has engaged in fraudulent or dishonest acts or practices, as contemplated by TEX. INS. CODE § 4005.101(b)(5).

### **Order**

It is ordered that Denise Jacqueline OBrien pay an administrative penalty of \$500 within 60 days from the date of this order. The administrative penalty must be paid as instructed in the invoice, which the department will send after entry of this order.

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It is further ordered that Denise Jacqueline OBrien's general lines property and casualty and life, accident, and health licenses are suspended for one year. The suspension is probated pursuant to the terms and conditions stated in this order.

If, during the probation period imposed by this order, the department issues any additional licenses or authorizations to OBrien, 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, OBrien must file a written report, on or before the 15th day of each month on a quarterly basis for the months of March, June, September, and December with the Texas Department of Insurance by emailing it to [EnforcementReports@tdi.texas.gov](mailto:EnforcementReports@tdi.texas.gov). The reports must include the following information:

- a. OBrien's current mailing address and telephone number;
- b. the name, mailing address, and telephone number of OBrien's employer, and if OBrien is self-employed, a statement that she is self-employed and the name, mailing address, and telephone number of her business;
  - i. If OBrien is self-employed, a list of the name, mailing address, and telephone number of every employee working for her or her business;
- c. the name and address of any insurer which has appointed OBrien as an agent;
- d. the name and address of any insurer which has canceled OBrien's appointment as an agent; and
- e. a copy of any and all contracts OBrien has entered into with an insurer, broker, managing general agent, managing general agency, or any person or entity in the business of insurance.

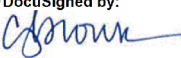
OBrien must notify the department immediately of the following by emailing [EnforcementReports@tdi.texas.gov](mailto:EnforcementReports@tdi.texas.gov):

- a. any charges or indictments filed against her 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 her including formal and informal actions;
- c. any change in her employment or her residence; and

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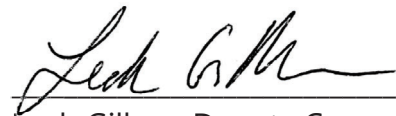
- d. any complaint made against OBrien concerning her performance as an agent, as well as a written explanation detailing the steps taken to resolve it.

DocuSigned by:  
  
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Cassie Brown  
Commissioner of Insurance

Recommended and reviewed by:



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Leah Gillum, Deputy Commissioner  
Enforcement Division



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Sydney Moore, Staff Attorney  
Enforcement Division

