

No. 2020-6451

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

Date: 08/27/2020

Subject Considered:

Tami Machelie Senchal
[REDACTED]
New Waverly, Texas 77358-4039

Consent Order
TDI Enforcement File No. 14995

General remarks and official action taken:

The subject of this order is whether disciplinary action should be taken against Tami Machelie Senchal (Senchal). The department alleges that Senchal collected payment from an insured for coverage but did not forward the payment to the insurer. This order requires Senchal to pay an administrative penalty and suspends her license on a probated status subject to the terms detailed in this order.

Waiver

Senchal acknowledges that the Texas Insurance Code and other applicable laws provide certain rights. Senchal waives all of these rights in consideration of the entry of this consent order.

Findings of Fact

Licensure

1. Senchal, individual identification number 293833, holds a general lines agent license with a property and casualty qualification issued by the Texas Department of Insurance on March 6, 2002.

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Previous Disciplinary Action

2. On February 5, 2015, TDI issued a warning letter to Senchal following a complaint that alleged Senchal misappropriated an insured's premium payment. Prior to issuance of the warning letter, Senchal refunded the premium amount to the insured.

Premium Misappropriation

3. The department subsequently received a complaint from another consumer alleging Senchal collected a down payment for coverage in the amount of \$3,458.01 but failed to forward that payment to the insurer, resulting in cancellation of the policy.
4. Senchal provided evidence that the companies she works with "sweep," or automatically withdraw, premiums from her business account at the time policies are bound or renewed. She maintains that her mishandling of the insured's payment was an error on her part caused by her inadvertent failure to mail the payment directly to the company when it was not set up on automatic withdrawal.
5. Senchal refunded the premium amount to the insured. There were no losses caused by Senchal's actions.
6. Senchal has been cooperative with the department and agrees to comply with all licensing laws moving forward. Senchal has implemented procedures and practices to ensure that premiums are promptly paid, including:
 - a. Senchal does not write business for companies that do not utilize some form of automatic withdrawal of premium payments; and
 - b. A bookkeeper employed by the agency Senchal works for verifies premium payments on all policies.

Conclusions of Law

1. The commissioner has jurisdiction over this matter pursuant to TEX. INS. CODE §§ 82.001-82.056, 84.021-84.022, 4005.101, 4005.102, and 4051.051, and TEX. GOV'T CODE §§ 2001.051-2001.178.

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2. The commissioner has the authority to dispose of this case informally pursuant to the provisions of TEX. GOV'T CODE § 2001.056, TEX. INS. CODE §§ 36.104 and 82.055, and 28 TEX. ADMIN. CODE § 1.47.
3. Senchal 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. Senchal misappropriated, converted to her own use or illegally withheld money belonging to an insurer, insured, or beneficiary in violation by TEX. INS. CODE § 4005.101(b)(4).

Order

It is ordered that Tami Machelie Senchal must pay a \$1,000 administrative penalty within 180 days from the date of this Order. The penalty must be paid by cashier's check or money order made payable to the "State of Texas" and sent to the Texas Department of Insurance, Attn: Enforcement Section, Division 60851, MC 9999, P.O. Box 149104, Austin, Texas 78714-9104.

It is also ordered that Tami Machelie Senchal's general lines agent license with a property and casualty qualification is suspended for one year, probated.

If, during the probation period imposed by this order, the department issues any additional licenses or authorizations to Senchal, including any agency license, 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, Senchal must file a written report, on or before the 15th day of the 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. The reports must include the following information:

- a. Senchal's current mailing address and telephone number;

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

Senchal must notify the department immediately of the following by emailing 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
- d. any complaint made against Senchal concerning her performance as a general lines agent, as well as a written explanation detailing the steps taken to resolve it.

Kent C. Sullivan
Commissioner of Insurance

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

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Recommended and reviewed by:



Leah Gillum, Deputy Commissioner
Enforcement Division



Cassie Tighe, Staff Attorney
Enforcement Division

Affidavit

STATE OF TEXAS §

COUNTY OF Walker §

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

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

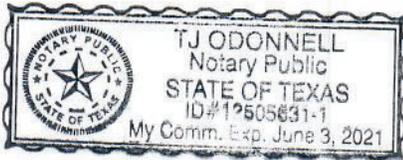
I waive rights provided by the Texas Insurance Code and other applicable law and acknowledge the jurisdiction of the commissioner.

I have knowingly and voluntarily entered into this consent order and agree with and consent to the issuance and service of the same by the commissioner of insurance of the State of Texas."

Tami Machelie Senchal
Affiant

SWORN TO AND SUBSCRIBED before me on this 26th day of JUNE 2020.

(NOTARY STAMP)



T.J. O'Donnell
Signature of Notary Public