

No. 2021-6683

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

Date: 02/22/2021

Subject Considered:

Lacey Dawn Whatley
PO Box 412
Bowie, Texas 76230

Consent Order
TDI Enforcement File No. 25051

General remarks and official action taken:

The subject of this consent order is whether a general lines agent license with a property and casualty qualification should be issued to Lacey Dawn Whatley (Whatley). This order grants Whatley a general lines agent license with a property and casualty qualification subject to the terms of the two-year probated suspension detailed in this order.

Waiver

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

Findings of Fact

License Application

1. On January 28, 2020, Whatley applied for a general lines agent license with a property and casualty qualification to be issued by the Texas Department of Insurance.

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2. In her application, Whatley answered "Yes" to the following question:
 - a. Have you ever been named or involved as a party in an administrative proceeding, including FINRA sanction or arbitration proceeding regarding any professional or occupational license or registration?

Professional Licenses

3. Whatley held a Permanent Vocational Nurse License, number 232403, issued by the Texas Board of Nursing and revoked on May 8, 2018, for violations of the Nursing Practice Act, Chapter 301 of the Texas Occupations Code.
4. In June of 2017 Whatley was employed as a nurse in a long-term care facility. One of her patients was admitted to the hospital early in the month and when he came back to the facility his medication orders had changed, but Whatley continued to administer his medication as previously ordered. She also failed to properly document wastage of the unused portions of his medication.

Evidence of Ability and Capacity for Licensure

5. Whatley cooperated with the department in its investigation of the revocation of her nursing license.
6. Whatley provided evidence of her ability and capacity for licensure including a letter of recommendation from her current employer and a statement detailing the events leading to the revocation of her nursing license.
7. Whatley took responsibility and expressed remorse for her actions.
8. Whatley has maintained steady employment and provides for her two children. She has no criminal record and has otherwise demonstrated a record of good behavior.
9. Due to the nature of Whatley's nursing license revocation, the department needs the opportunity to monitor her insurance activities to ensure she demonstrates the ability, capacity, and fitness required to perform and discharge the responsibilities of a general lines agent.

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Conclusions of Law

1. The commissioner has jurisdiction over this matter pursuant to TEX. INS. CODE §§ 82.051-82.055, 84.021-84.044, 4005.101, 4005.102, and 4051.051.
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. Whatley 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. Whatley committed acts for which the department may deny a license under TEX. INS. CODE § 4005.101(b)(5).

Order

It is ordered that a general lines agent license with a property and casualty qualification is granted to Lacey Dawn Whatley. It is further ordered the general lines agent license with a property and casualty qualification is suspended for two years. The suspension will be probated, subject to the terms of this order below.

If, during the probation period imposed by this order, the department issues any additional licenses or authorizations to Whatley, 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, Whatley must provide written notice of this order to any employer, company, or other entity on behalf of which she performs the acts of a general lines agent. Whatley must provide the department with a copy of the notification within 30 days of the appointment, employment, or sponsorship by emailing it to the Texas Department of Insurance at EnforcementReports@tdi.texas.gov.

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Beginning from the date of this order and continuing through the probation period, Whatley 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. Whatley's current mailing address and telephone number;
- b. The name, mailing address, and telephone number of Whatley's employer, if Whatley is self-employed, then 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 Whatley as a general lines agent;
- d. The name and address of any insurer or entity which has terminated Whatley's appointment as a general lines agent; and
- e. A copy of any and all contracts Whatley has entered into with an insurer, broker, managing general agent, managing general agency, or any person or entity in the business of insurance.

Whatley 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 both formal and informal actions;
- c. Any change in her employment or residence; and
- d. Any complaint made against Whatley concerning her performance as a general lines agent, as well as a written explanation detailing the steps taken to resolve it.

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Commissioner of Insurance

DocuSigned by:

By: C77A87C8C21B435.....
Doug Slape
Chief Deputy Commissioner
TEX. GOV'T CODE § 601.002
Commissioner's Order No. 2018-5528

Recommended and reviewed by:



Leah Gillum, Deputy Commissioner
Enforcement Division



Stephanie Daniels, Staff Attorney
Enforcement Division

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Affidavit

STATE OF Texas §
§
COUNTY OF Montague §

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

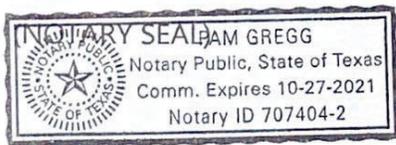
"My name is Lacey Whatley. I am of sound mind, capable of making this statement, and have personal knowledge of these facts which are true and correct.

I waive the 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."

Lacey Whatley
Affiant

SWORN TO AND SUBSCRIBED before me on February 12, 2021.



Pam Gregg
Signature of Notary Public

Pam Gregg
Printed Name of Notary Public