

No. 2022-7209

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

Date: 02/04/2022

Subject Considered:

Benjamin Paul Thibodeaux
[REDACTED]
Tomball, Texas 77375

Consent Order
SOAH Docket No. 454-21-2879.C
TDI Enforcement File No. 25009

General remarks and official action taken:

This is a consent order with Benjamin Paul Thibodeaux (Thibodeaux). TDI alleges that Thibodeaux directed agency employees to create fictitious documents, pose as insureds on loan consent phone interviews and life insurance phone interviews, forge insured's signatures on various documents, and enter false information on policy applications. This order revokes Thibodeaux's license.

Waiver

Thibodeaux acknowledges that the Texas Insurance Code and other applicable law provide certain rights. Thibodeaux waives all of these rights, and any other applicable procedural rights, in consideration of the entry of this consent order. Under TEX. INS. CODE § 82.055(b), Thibodeaux agrees to this consent order with the express reservation that he does not admit to a violation of the Texas Insurance Code or of a rule and that the existence of a violation is in dispute.

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Findings of Fact

1. Thibodeaux, individual identification number 1254399, holds a general lines license with property and casualty qualification and life, accident, health and HMO qualification issued by the department on September 13, 2013. Thibodeaux also holds an adjuster license issued by the department on July 18, 2014.
2. Thibodeaux was the owner of a State Farm Insurance agency that employed other licensed producers.
3. Thibodeaux failed to manage and oversee his agency employees who forged customers' and service providers' signatures on evidence of insurance, defensive driving, homeowners alarm, State Farm Payment Plan, and life insurance documents.
4. Thibodeaux failed to manage and oversee his agency employees who used templates on the agency server to create fictitious defensive driving certificates, home alarm certificates, and evidence of prior insurance that were used to apply unearned discounts to customers' policies.
5. Thibodeaux failed to manage and oversee his agency employees who pretended to be life insurance customers on required customer phone interviews.
6. Thibodeaux failed to recognize forgeries on documents that were forged by agency employees.
7. Thibodeaux failed to manage and oversee his agency employees who called the State Farm loan consent line and answered questions as if they were the customer.
8. Thibodeaux failed to manage and oversee his agency employees who added non-existent features on vehicles used as collateral for loans to increase the likelihood the loans would be approved.
9. Thibodeaux failed to manage and oversee his agency employees who took steps to hide unapproved dealer relationships the agency had by avoiding the use of fax and company email.

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10. Thibodeaux failed to manage and oversee his agency employees who manipulated information about subject residences for homeowner's insurance applications using Xactware to lower the cost of the customer's premium.
11. Thibodeaux represents that he had no knowledge of his agency employees' actions detailed in findings of fact 3-10.

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. Thibodeaux has knowingly and voluntarily waived all procedural rights to which he 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. Thibodeaux has engaged in fraudulent or dishonest acts or practices, as contemplated by TEX. INS. CODE § 4005.101(b)(5).

Order

It is ordered that any licenses held by Benjamin Paul Thibodeaux are revoked. A copy of this order will be provided to appropriate administrative agencies for further investigation as may be warranted.

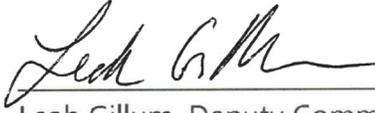
DocuSigned by:

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Cassie Brown
Commissioner of Insurance

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Recommended and reviewed by:

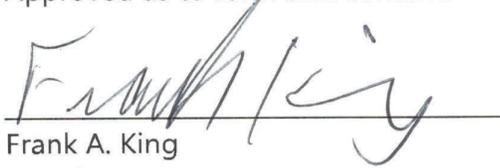


Leah Gillum, Deputy Commissioner
Enforcement Division



Sydney Moore, Staff Attorney
Enforcement Division

Approved as to form and content:



Frank A. King
Bertolino LLP

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Affidavit

STATE OF TEXAS §
§
COUNTY OF HARRIS §

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

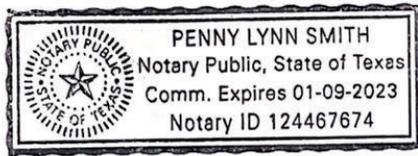
"My name is Benjamin Paul Thibodeaux. I am of sound mind, capable of making this statement, and have personal knowledge of these facts which are true and correct.

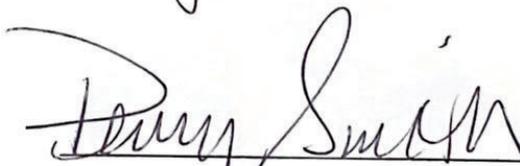
I have knowingly and voluntarily entered into the foregoing consent order and agree with and consent to the issuance and service of the same by the commissioner of insurance of the state of Texas."


Affiant

SWORN TO AND SUBSCRIBED before me on January 28, 2022.

(NOTARY SEAL)




Signature of Notary Public
Penny Smith
Printed Name of Notary Public