

No. 4488

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

Date: JUN 02 2016

Subject Considered:

Texas Department of Insurance
v.
Harry Erwin Wilbanks

SOAH Docket No. 454-15-4127.C

NUNC PRO TUNC ORDER

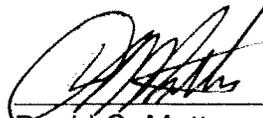
General remarks and official action taken:

The commissioner of insurance considers whether Official Order No. 4456 should be revised to correct a clerical error.

The commissioner of insurance has plenary power to correct an order which contains a clerical error due to inadvertence or mistake at any time by the entry of a nunc pro tunc order. *Railroad Comm'n v. McClain*, 356 S.W.2d 330, 334 (Tex. Civ. App.-Austin 1962, *no writ*). Correction of a clerical error is not a substantive change in the order. *In re Ward*, 137 S.W.3rd 910, 913 (Tex.App.-Texarkana 2004, *no pet.*).

Official Order No. 4456, entered May 9, 2016, orders Harry Erwin Wilbanks to make restitution to KNJ Enterprises, Inc.; Lodhi Group of Investments, Inc.; and Dawani Investments, Inc. in the amount of \$500.00 to Dawani Investments, Inc.; \$8,444.00 to KNJ Enterprises, Inc.; and \$7,361.00 to Lodhi Group of Investments, Inc. However, the order does not specify the period in which restitution should be made. To correct this error, the commissioner of insurance orders that Harry Erwin Wilbanks must make the restitution within 30 days of the date the order becomes final.

Entry of this order does not nullify or supersede in any way the findings of fact, conclusions of law, or sanctions imposed in Official Order No. 4456.



David C. Mattax
Commissioner of Insurance