

No. **4607**

**OFFICIAL ORDER
of the
TEXAS COMMISSIONER OF INSURANCE**

Date: JUL 28 2016

Subject Considered:

JEREMY BLAINE KERSEY
1608 Diana Drive
Round Rock, Texas 78664

CONSENT ORDER
TDI ENFORCEMENT FILE NO. 10375

General remarks and official action taken:

The commissioner of insurance considers whether a general lines agent license with a property and casualty qualification should be issued to Jeremy Blaine Kersey.

WAIVER

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

FINDINGS OF FACT

The commissioner makes the following findings of fact:

1. On July 28, 2015, Kersey applied for a general lines agent license with a property and casualty qualification to be issued by the Texas Department of Insurance. The department proposed to deny Kersey's license application based on his criminal history, and he made a written request for a hearing.
2. On November 29, 2007, under cause no. 20060D03034, the 171st District Court of El Paso County, Texas placed Kersey on deferred adjudication for the offenses of theft of property \$20,000 or more, but less than \$100,000, and misapplication of fiduciary or financial property \$20,000 or more, but less than \$100,000, both third-degree felonies. The court ordered Kersey to serve 10 years of community supervision and pay a \$1,000 fine for each offense, to run concurrently.

3. On August 12, 2010, the 171st District Court dismissed the proceedings against Kersey and granted early discharge from community supervision following deferred adjudication.
4. Kersey has cooperated with TDI in its investigation of his criminal background. Kersey provided mitigating evidence to support his fitness for licensure as follows:
 - a. he was released early from community supervision due to his compliance with all conditions of community supervision;
 - b. he has paid back all fees, fines, and court costs related to the offense;
 - c. he has been employed since May of 2013 as a Senior Service Advocate for Farmers Insurance; and
 - d. his letters of recommendation, including letters from his church pastor and a current co-worker at Farmers Insurance, consistently refer to him as a honest, hardworking man with a strong work ethic and integrity.
5. Due to Kersey's criminal background, the department needs an opportunity to monitor his insurance activities to ensure he demonstrates the ability, capability, and fitness required to perform and discharge the responsibilities of a licensed general lines property and casualty agent.

CONCLUSIONS OF LAW

The commissioner makes the following conclusions of law:

1. The commissioner has jurisdiction over this matter pursuant to TEX. INS. CODE §§ 82.051-82.055, 4001.002, 4001.102, 4001.105, 4005.101, and 4051.051; TEX. GOV'T CODE §§ 2001.051-2001.178; 28 TEX. ADMIN. CODE § 1.502; and TEX. OCC. CODE §§ 53.021-53.023.
2. The commissioner has the authority to dispose of this case informally pursuant to the provisions of TEX. GOV'T CODE § 2001.056, 28 TEX. ADMIN. CODE § 1.47, and TEX. INS. CODE § 82.055.
3. Pursuant to TEX. OCC. CODE § 53.021(c)-(d), the commissioner may consider Kersey to have been convicted of the offenses of theft of property \$20,000 or more, but less than \$100,000, and misapplication of fiduciary or financial property \$20,000 or more, but less than \$100,000 because:

- a. Kersey completed the period of supervision less than five years before the date he applied for the license; and
 - b. after consideration of the factors in TEX. OCC. CODE §§ 53.022 and 53.023(a), the commissioner determines that:
 - i. Kersey may pose a continued threat to public safety; or
 - ii. employment of Kersey in the licensed occupation would give him the opportunity to repeat the prohibited conduct.
4. Kersey committed an act for which a license may be denied, as contemplated by TEX. INS. CODE §§ 4001.105 and 4005.101.
 5. Pursuant to 28 TEX. ADMIN. CODE § 1.502(f), the commissioner has determined that the factors in TEX. OCC. CODE §§ 53.022-53.023 outweigh the serious nature of Kersey's criminal offense.

The commissioner of insurance orders that a general lines agent license with a property and casualty qualification is granted to Jeremy Blaine Kersey. The commissioner further orders that the license is suspended for two years, probated.

Kersey must provide written notice of his criminal record to any appointing company, agency, or sponsor. Kersey must provide the department with a copy of the notification within 30 days of the appointment or sponsorship to the Texas Department of Insurance, Attn: Catherine Bell or her successor, Enforcement Section, Mail Code 110-1A, P.O. Box 149104, Austin, Texas 78714-9104.

Beginning from the date of this order and continuing through the probation period, Kersey must file a written report, on or before the 15th day of each month, with the Texas Department of Insurance, Attn: Catherine Bell or her successor, Enforcement Section, Mail Code 110-1A, P.O. Box 149104, Austin, Texas 78714-9104. The reports must include the following information:

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

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COMMISSIONER'S ORDER

Jeremy Blaine Kersey

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Kersey must notify the department immediately of the following:

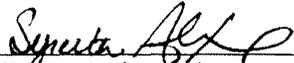
- a. any charges or indictments filed against him for a misdemeanor or felony during the period he is required to file reports, excluding traffic offenses and Class C misdemeanors;
- b. any state or regulatory actions taken against him, including formal and informal actions;
- c. any change in his employment or his residence; and
- d. any complaint made against Kersey concerning his performance as an insurance agent, as well as a written explanation detailing the steps taken to resolve it.



David C. Mattax

Commissioner of Insurance

APPROVED AS TO FORM AND CONTENT:



Syreeta Alexander

Staff Attorney

Compliance Division, Enforcement Section

Texas Department of Insurance

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Affidavit

STATE OF TEXAS

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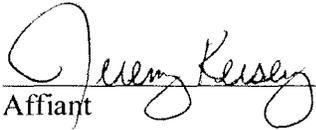
COUNTY OF Travis

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

“My name is Jeremy Blaine Kersey. 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.”



Affiant

SWORN TO AND SUBSCRIBED before me on this 12th day of July 2016
2016.

(NOTARY STAMP)





Signature of Notary Public