

No. 2017- 5315

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

**Date:** DEC 1 4 2017

**Subject Considered:**

**HEATHER M. POLLEY**  
1411 Chaparral Rd.  
Burkburnett, Texas 76354-2809

**DEFAULT ORDER**  
SOAH DOCKET NO. 454-18-0289.C  
TDI ENFORCEMENT FILE NO. 12563

**General remarks and official action taken:**

The commissioner of insurance considers whether disciplinary action should be taken against Heather M. Polley.

**FINDINGS OF FACT**

1. Heather M. Polley, individual identification no. 913631, holds a general lines agent license with a property and casualty qualification and a life, accident, and health qualification, originally issued by TDI on November 30, 2010.
2. On September 28, 2017, the department sent a second amended notice of hearing to Polley's last known address provided in writing to the department, 1411 Chaparral Road, Burkburnett, Texas 76354-2809, and one additional address: 8216 Painted Tree Trail, Fort Worth, Texas 76131-4561.
3. Polley failed to file a written response to the second amended notice of hearing within 20 days of the date the notice of hearing was mailed.
4. Polley was appointed by Combined Insurance Company of America from October 2015, through July 2016.
5. According to Combined records, Polley submitted at least 14 fraudulent applications for insurance policies, resulting in her receiving approximately \$1,926.00 in unearned commissions. Combined applied her bond which covered the amount owed to the company.
6. Combined cancelled Polley's appointment on July 13, 2016.
7. Polley failed to complete 18 hours of continuing education required for the 2014 to 2017 reporting period.

**CONCLUSIONS OF LAW**

1. The commissioner has jurisdiction over this matter pursuant to TEX. INS. CODE §§ 82.051-82.055, 4001.002, 4005.101, 4005.102, 4051.051, and 4054.051, and TEX. GOV'T CODE §§ 2001.051-2001.178.
2. TEX. GOV'T CODE § 2001.056; TEX. INS. CODE § 82.055; and 28 TEX. ADMIN. CODE §§ 1.47, 1.88, and 1.89 give the commissioner authority to dispose of this case informally.
3. Based on 28 TEX. ADMIN. CODE § 19.906, Polley's last known address is presumed to be 1411 Chaparral Road, Burkburnett, Texas 76354-2809.
4. The department sent a second amended notice of hearing to Polley's last known address, as required by 28 TEX. ADMIN. CODE §§ 1.28(c) and 1.88(c), 1 TEX. ADMIN. CODE § 155.401, and TEX. GOV'T CODE Ch. 2001. The department also sent a second amended notice of hearing to one additional address: 8216 Painted Tree Trail, Fort Worth, Texas 76131-4561.
5. The department's allegations in the second amended notice of hearing, set out herein as findings of fact nos. 1 and 4-7, are deemed admitted as true pursuant to 28 TEX. ADMIN. CODE § 1.89.
6. Polley has committed acts for which a license holder may be disciplined under TEX. INS. CODE § 4005.101, as contemplated by TEX. INS. CODE § 4005.102.
7. Polley has willfully violated an insurance law of this state, pursuant to TEX. INS. CODE § 4005.101(b)(1).
8. Polley misappropriated, converted to her own use, or illegally withheld money belonging to an insured, insurer, or beneficiary, in violation of TEX. INS. CODE § 4005.101(b)(4).
9. Polley has engaged in fraudulent or dishonest acts or practices, in violation of TEX. INS. CODE § 4005.101(b)(5).
10. Polley violated TEX. INS. CODE §§ 4004.051 (West 2005) and 4004.053 (West 2009), because she did not complete the required number of continuing education hours during one reporting period.

The commissioner of insurance orders that Heather M. Polley's general lines agent license with a property and casualty qualification, and a life, accident, and health qualification is revoked.



Kent C. Sullivan  
Commissioner of Insurance

Affidavit

STATE OF TEXAS

§

COUNTY OF TRAVIS

§

§

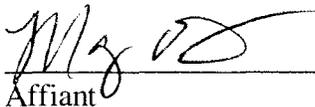
Before me, the undersigned authority, personally appeared the affiant, who, being by me duly sworn, deposed as follows:

“My name is Mary Ruiz and I am employed by the Texas Department of Insurance. I am of sound mind, capable of making this affidavit, and have personal knowledge of these facts which are true and correct.

I have reviewed TDI's records concerning Heather M. Polley. I have confirmed that:

- a. The last mailing address provided to the department by Heather M. Polley in writing is 1411 Chaparral Road, Burkburnett, Texas 76354-2809.
- b. The file maintained by the Enforcement Section contains a second amended notice of hearing dated September 28, 2017, filed with the State Office of Administrative Hearings.
- c. Certified letters, return receipts requested, and first class mailings, each containing a second amended notice of hearing, were sent to Polley's last known address, and one additional address: 8216 Painted Tree Trail, Fort Worth, Texas 76131-4561.

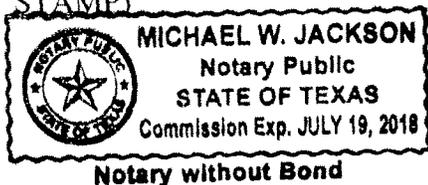
A copy of the first class and certified mail logs maintained by the Enforcement Section are attached as Exhibit A and Exhibit B.”

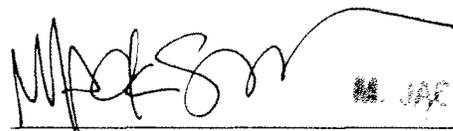


Affiant

SWORN TO AND SUBSCRIBED before me on 31 October 2017

(NOTARY STAMP)



  
M. JACKSON  
Signature of Notary Public



Name and Address of Sender  
Texas Dept of Insurance  
Mail Code 110-1A  
333 Guadalupe St  
Austin TX 78701  
September 28, 2017  
Judy Lopez

110-1A

Check type of mail or service

<input type="checkbox"/> Adult Signature Required	<input type="checkbox"/> Priority Mail Express
<input type="checkbox"/> Adult Signature Restricted Delivery	<input type="checkbox"/> Registered Mail
<input checked="" type="checkbox"/> Certified Mail	<input type="checkbox"/> Return Receipt for Merchandise
<input type="checkbox"/> Certified Mail Restricted Delivery	<input type="checkbox"/> Signature Confirmation
<input type="checkbox"/> Collect on Delivery (COD)	<input type="checkbox"/> Signature Confirmation Restricted Delivery
<input type="checkbox"/> Insured Mail	
<input type="checkbox"/> Priority Mail	

Affix Stamp Here  
(If issued as an international certificate of mailing or for additional copies of this receipt). Postmark with Date of Receipt

Tigue

USPS Tracking/Article Number	Address (Name, Street, City, State, & Zip Code)	Postage	(Extra Service) Fee	Handling Charge	Actual Value if Registered	Insured Value	Due Sender if COD	ASR Fee	ASRD Fee	RD Fee	RR Fee	SC Fee	SCRD Fee	SH Fee
------------------------------	---	---------	---------------------	-----------------	----------------------------	---------------	-------------------	---------	----------	--------	--------	--------	----------	--------

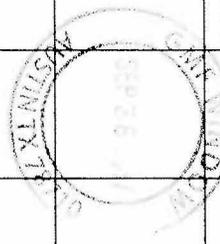
7013 3020 0000 9492 7762	Heather M. Polley 8216 Painted Tree Trl. Fort Worth, Texas 76131-4561	.67	3.35								2.75			
--------------------------	---	-----	------	--	--	--	--	--	--	--	------	--	--	--

Ecase #12563 - Second Amended NOH

Tigue

7013 3020 0000 9492 7755	Heather M. Polley 1411 Chaparral Rd. Burkburnett, Texas 76354-2809	.67	3.35								2.75			
--------------------------	--	-----	------	--	--	--	--	--	--	--	------	--	--	--

Ecase #12563 - Second Amended NOH



Handling Charge if Registered and over \$50,000 in value

Adult Signature Required

Adult Signature Restricted Delivery

Restricted Delivery

Return Receipt

Signature Confirmation

Signature Confirmation Restricted Delivery

Special Handling

2017 - 5315

RECEIVED  
SEP 29 2017  
TDI - ENFORCEMENT

