

No. 2018-5513

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

Date: MAY 23 2018

Subject Considered:

JACOB WAYNE DUKE
331 CR 4123
Timpson, Texas 75975

DEFAULT ORDER
SOAH DOCKET NO. 454-18-2167.C
TDI ENFORCEMENT FILE NO. 14217

General remarks and official action taken:

The subject of this order is whether disciplinary action should be taken against Jacob Wayne Duke (Duke). A copy of this order will be provided to law enforcement and/or other appropriate administrative agencies for further investigation as may be warranted.

FINDINGS OF FACT

Licensure

1. Duke, individual identification no. 1544198, holds a county mutual agent license originally issued by the Texas Department of Insurance on February 4, 2016.
2. Duke also holds a general lines agent license with a life, accident, and health qualification, originally issued by the department on March 10, 2016.

Premium Conversion

3. Duke was appointed as an agent by Reliable Life Insurance Company (Reliable) from January 2016, through April 2017.
4. According to Reliable, Duke collected approximately \$3,157.34 in premium payments from policyholders and failed to remit those payments to Reliable. Reliable applied Duke's bond in the amount of \$1,386.46, reducing the amount owed to Reliable to \$1,770.88.
5. Reliable cancelled Duke's appointment on April 3, 2017.

Failure to Respond to Department Inquiry

6. On November 21, 2017, the department sent Duke a request for information pursuant to TEX. INS. CODE § 38.001 which required Duke to respond in writing not later than the 15th day after Duke received the request. Duke failed to respond.

Failure to Respond to Notice of Hearing

7. On February 8, 2018, the department sent a notice of hearing to Duke's last known address provided in writing to the department, 331 CR 4123, Timpson, Texas 75975, and one additional address, 2125 Center Hwy., Nacogdoches, Texas 75961.
8. Duke failed to file a written response to the notice of hearing within 20 days of the date the notice of hearing was mailed.

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, 4051.201, and 4054.051, and TEX. GOV'T CODE §§ 2001.051-2001.178.
2. The commissioner has authority to dispose of this case informally pursuant to TEX. GOV'T CODE § 2001.056; TEX. INS. CODE § 82.055; and 28 TEX. ADMIN. CODE §§ 1.47, 1.88, and 1.89.
3. Based on 28 TEX. ADMIN. CODE § 19.906, Duke's last known address is presumed to be 331 CR 4123, Timpson, Texas 75975.
4. The department sent a notice of hearing to Duke'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, and one additional address: 2125 Center Hwy., Nacogdoches, Texas 75961.
5. The department's allegations in the notice of hearing, set out herein as findings of fact nos. 1-6, are deemed admitted as true pursuant to 28 TEX. ADMIN. CODE § 1.89.
6. Duke has committed acts for which a license holder may be disciplined pursuant to TEX. INS. CODE § 4005.101, as contemplated by TEX. INS. CODE § 4005.102.
7. Duke has willfully violated an insurance law of this state, pursuant to TEX. INS. CODE § 4005.101(b)(1).
8. Duke has misappropriated, converted to his own use, or illegally withheld money belonging to an insured, insurer, or beneficiary, in violation of TEX. INS. CODE § 4005.101(b)(4).
9. Duke has engaged in fraudulent or dishonest acts or practices, in violation of TEX. INS. CODE § 4005.101(b)(5).

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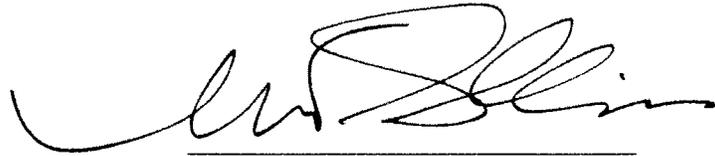
COMMISSIONER'S ORDER

Jacob Wayne Duke

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10. Duke failed to respond to a department inquiry in writing not later than the 15th day after the date Duke received the inquiry, in violation of TEX. INS. CODE § 38.001.

It is ordered that Jacob Wayne Duke's county mutual agent license and general lines agent license with a life, accident, and health qualification are revoked.

A handwritten signature in black ink, appearing to read "Kent C. Sullivan". The signature is fluid and cursive, with a long horizontal stroke extending to the left.

Kent C. Sullivan
Commissioner of Insurance

Affidavit

STATE OF TEXAS

§

§

COUNTY OF TRAVIS

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

“My name is Mariah Cook 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.

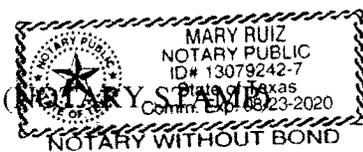
I have reviewed TDI’s records concerning Frank Wayne Duke. I have confirmed that:

- a. The last mailing address provided to the department by Jacob Wayne Duke in writing is 331 CR 4123, Timpson, Texas 75975.
- b. The file maintained by the Enforcement Section contains a notice of hearing dated February 8, 2018, filed with the State Office of Administrative Hearings.
- c. Certified letters, return receipts requested, and first class mailings, each containing a notice of hearing, were sent to Duke’s last known address, and one additional address, 2125 Center Hwy., Nacogdoches, Texas 75961.

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

M.S. Cook
Affiant

SWORN TO AND SUBSCRIBED before me on March 28, 2018.



Mary Ruiz
Signature of Notary Public



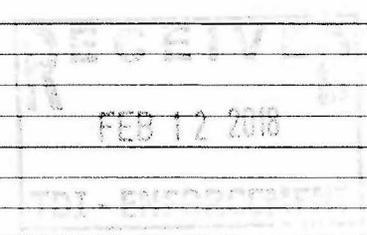
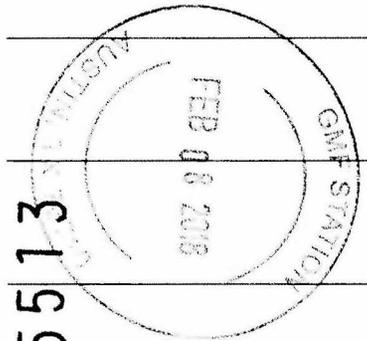
Firm Mailing Book For Accountable Mail

Name and Address of Sender
 MC-110-1A M. Cook
 Texas Department of Insurance
 333 Guadalupe St
 Austin TX 78701

- Check type of mail or service
- Adult Signature Required
 - Adult Signature Restricted Delivery
 - Certified Mail
 - Certified Mail Restricted Delivery
 - Collect on Delivery (COD)
 - Insured Mail
 - Priority Mail
 - Priority Mail Express
 - Registered Mail
 - Return Receipt for Merchandise
 - Signature Confirmation
 - Signature Confirmation Restricted Delivery

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

| USPS Tracking/Article Number | Addressee (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 |
|-------------------------------------|---|---------|---------------------|--|----------------------------|---------------|-------------------|--------------------------|-------------------------------------|---------------------|----------------|------------------------|--|------------------|
| 1. 9214 8901 9403 8300 0004 2440 72 | JACOB WAYNE DUKE 331 CR 4123 TIMPSON TX 75975 | 0.68 | 3.45 | Handling Charge - If Registered and over \$50,000 in value | | | | | | | 1.50 | | | |
| TIGUE/14217 | | | | | | | | | | | | | | |
| 2. 9214 8901 9403 8300 0004 2441 71 | JACOB WAYNE DUKE 2125 CENTER HWY NACOGDOCHES TX 75961 | 0.68 | 3.45 | | | | | | | | 1.50 | | | |
| | | | | | | | | Adult Signature Required | Adult Signature Restricted Delivery | Restricted Delivery | Return Receipt | Signature Confirmation | Signature Confirmation Restricted Delivery | Special Handling |



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Total Number of Pieces Listed by Sender: 2
 Total Number of Pieces Received at Post Office: [blank]

Postmaster Per (Name of receiving employee)

