

No. 2018- 5743

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

Date: DEC 12 2018

Subject Considered:

JEROME ALOYSIUS WALISZEWSKI
10935 Ben Crenshaw Dr., Ste. 100
El Paso, Texas 79935-3039

DEFAULT ORDER

SOAH DOCKET NO. 454-18-4878.C
TDI ENFORCEMENT FILE NO. 14368

The subject of this order is whether disciplinary action should be taken against Jerome Aloysius Waliszewski (Waliszewski).

FINDINGS OF FACT

Failure to Respond to Notice of Hearing

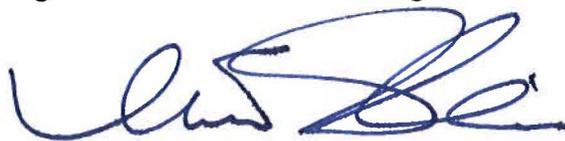
1. On July 23, 2018, the Texas Department of Insurance filed a Notice of Hearing, attached as Exhibit A, with the State Office of Administrative Hearings.
2. The department's factual allegations set out in the attached Notice of Hearing are incorporated in this order as findings of fact.
3. The department sent the Notice of Hearing to Waliszewski's last known address provided in writing to the department, 10935 Ben Crenshaw Dr., Ste. 100, El Paso, Texas 79935-3039. Notice was also sent to one additional addresses associated with Waliszewski: 10535 Montwood Dr., Apt. 177, El Paso, Texas 79935-2718.
4. Waliszewski failed to file a written response to the notice of hearing within 20 days of the date the notice of hearing was mailed.

5. Based on Waliszewski's failure to file a written response to the notice of hearing, the department is entitled to disposition by default pursuant to 28 TEX. ADMIN. CODE §§ 1.88 and 1.89.

CONCLUSIONS OF LAW

1. The department's factual and legal allegations set out in the attached Notice of Hearing are incorporated in this order and deemed admitted as true pursuant to 28 TEX. ADMIN. CODE § 1.89.
2. The commissioner has jurisdiction pursuant to Texas law, including TEX. INS. CODE §§ 82.051-82.055, 4001.002, 4005.101-4005.105, 4051.051, 4051.101, 4051.201, and 4054.051, and TEX. GOV'T CODE §§ 2001.051-2001.178.
3. 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.
4. The department provided proper notice of the hearing pursuant to TEX. GOV'T CODE §§ 2001.051, 2001.052, and 2001.054, and 28 TEX. ADMIN. CODE §§ 1.28, 1.88, 1.89, and 19.906.
5. Based on Waliszewski's failure to file a written response to the notice of hearing, TDI is entitled to disposition by default pursuant to 28 TEX. ADMIN. CODE §§ 1.88 and 1.89.

It is ordered that Jerome Aloysius Waliszewski's general lines agent license with a property and casualty qualification, and a life, accident, and health qualification, is revoked. It is also ordered that Jerome Aloysius Waliszewski's county mutual agent license and limited lines agent license are revoked. A copy of this order will be provided to law enforcement and/or other appropriate administrative agencies for further investigation as may be warranted.



Kent C. Sullivan
Commissioner of Insurance

AFFIDAVIT

STATE OF TEXAS §
§
COUNTY OF TRAVIS §

Before me, the undersigned authority, personally appeared Mariah Cook, 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.

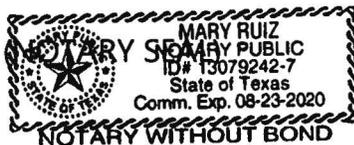
I have reviewed TDI's records concerning Jerome Aloysius Waliszewski. I have confirmed that:

- a. The last mailing address provided to the department in writing by Jerome Aloysius Waliszewski is 10935 Ben Crenshaw Dr., Ste. 100, El Paso, Texas 79935-3039.
- b. The file maintained by the Enforcement Section of the Legal and Enforcement Division contains a Notice of Hearing dated July 23, 2018, which was filed with the State Office of Administrative Hearings.
- c. On July 23, 2018, a Notice of Hearing addressed to Jerome Aloysius Waliszewski was mailed first class and certified, return receipt requested, to his last known address and one additional addresses associated with Waliszewski: 10535 Montwood Dr., Apt. 177, El Paso, Texas 79935-2718.

Copies of the first class mail log and certified mail log maintained by the Enforcement Section are attached as Exhibit B and Exhibit C, respectively."

Mariah S. Cook
Affiant

SWORN TO AND SUBSCRIBED before me on October 11, 2018.



Mary Ruiz
Signature of Notary Public
Mary Ruiz
Printed Name of Notary Public

DOCKET NO. 454-18-4878.C
TDI CASE NO. 14368

TEXAS DEPT. OF INSURANCE, Petitioner	§ § § § § § §	BEFORE THE STATE OFFICE ADMINISTRATIVE HEARINGS
v.	§	OF
JEROME ALOYSIUS WALISZEWSKI, Respondent	§	

NOTICE OF HEARING

The Texas Department of Insurance is seeking to take disciplinary action against you, including but not limited to, revocation of your insurance license. Please consider this formal notice that a public hearing will be held before an Administrative Law Judge on **Wednesday, October 10, 2018, at 9:00 a.m.** The hearing will take place at the State Office of Administrative Hearings, located in the William P. Clements Building, 300 W. 15th Street, 4th Floor, Austin, Texas, 78701.

The hearing shall be conducted pursuant to TEX. GOV'T CODE, Ch. 2001 and 1 TEX. ADMIN. CODE, Ch. 155. Unless otherwise directed by the Administrative Law Judge, the hearing shall continue from day to day in the offices of the State Office of Administrative Hearings until concluded.

PARTIES THAT ARE NOT REPRESENTED BY AN ATTORNEY MAY OBTAIN INFORMATION REGARDING CONTESTED CASE HEARINGS ON THE PUBLIC WEBSITE OF THE STATE OFFICE OF ADMINISTRATIVE HEARINGS AT WWW.SOAH.TEXAS.GOV, OR IN PRINTED FORMAT UPON REQUEST TO SOAH.

The commissioner of insurance has jurisdiction over this matter pursuant to TEX. INS. CODE §§ 82.051-82.055, 4001.002, 4005.101, 4005.102, 4051.051, 4051.101, 4051.201, and 4054.051, and TEX. GOV'T CODE §§ 2001.051- 2001.178.

YOU MUST FILE A WRITTEN RESPONSE TO THE NOTICE OF HEARING WITH THE STATE OFFICE OF ADMINISTRATIVE HEARINGS WITHIN 20 DAYS OF THE DATE THE NOTICE OF HEARING WAS MAILED. FAILURE TO FILE A WRITTEN RESPONSE BY THIS DEADLINE SHALL ENTITLE TDI TO SEEK DISPOSITION BY DEFAULT PURSUANT TO 1 TEX. ADMIN. CODE § 155.501 AND 28 TEX. ADMIN. CODE §§ 1.88 AND 1.89.

IF YOU FAIL TO FILE A WRITTEN RESPONSE, THE SCHEDULED HEARING CAN BE CANCELLED AND WITHOUT FURTHER NOTICE TO YOU THE COMMISSIONER OF INSURANCE CAN ISSUE AN ORDER IN WHICH THE ALLEGATIONS IN THE NOTICE OF HEARING ARE DEEMED ADMITTED AS TRUE AND THE RELIEF SOUGHT IN THE NOTICE OF HEARING, INCLUDING REVOCATION OF YOUR LICENSE, ISSUANCE OF A CEASE AND DESIST ORDER, IMPOSITION OF ADMINISTRATIVE PENALTIES, AND/OR PAYMENT OF RESTITUTION, IS GRANTED BY DEFAULT.

IF YOU FILE A WRITTEN RESPONSE BUT THEN FAIL TO APPEAR ON THE DAY AND TIME SET FOR HEARING, WITHOUT FURTHER NOTICE TO YOU, THE



COMMISSIONER OF INSURANCE CAN ISSUE AN ORDER IN WHICH THE ALLEGATIONS IN THE NOTICE OF HEARING ARE DEEMED ADMITTED AS TRUE AND THE RELIEF SOUGHT IN THE NOTICE OF HEARING, INCLUDING REVOCATION OF YOUR LICENSE, ISSUANCE OF A CEASE AND DESIST ORDER, IMPOSITION OF ADMINISTRATIVE PENALTIES, AND/OR PAYMENT OF RESTITUTION, IS GRANTED BY DEFAULT.

Pursuant to 28 TEX. ADMIN. CODE § 1.90(e) and 1 TEX. ADMIN. CODE §§ 155.101 and 155.103, send copies of your written response to:

- (1) Docketing Division
State Office of Administrative Hearings
300 West 15th Street, Room 504
P. O. Box 13025
Austin, Texas 78711-3025
(512) 322-2061 (Fax);
- (2) Chief Clerk
Texas Department of Insurance, MC113-2A
P. O. Box 149104
Austin, Texas 78714-9104
(512) 490-1064 (Fax)
chiefclerk@tdi.texas.gov; and
- (3) Cassie Tigue, Staff Attorney
Texas Department of Insurance
Enforcement Section, MC110-1A
P.O. Box 149104
Austin, Texas 78714-9104.

The allegations against you are:

Licensure

1. You hold a general lines agent license with a life, accident, and health qualification, and a property and casualty qualification, originally issued by TDI on October 3, 1986.
2. You also hold a county mutual agent license, originally issued by TDI on March 6, 2002.
3. You also hold a limited lines agent license, originally issued by TDI on March 6, 2002.

Premium Conversion

J.N.

4. In August of 2016, Mr. Navarro paid you approximately \$9,381.75 for two commercial policies.

5. J.N. received notice of cancellation on one of the policies due to non-payment in January of 2017. J.N. received notice of cancellation on the second policy due to non-payment in February of 2017. J.N. contacted you immediately after receiving each notice and you claimed it was a mistake and that you would take care of it. Both policies were subsequently cancelled due to non-payment.
6. You converted \$9,381.75 in premium payments belonging to J.N.

L.P.

7. In February of 2016, L.P. obtained an insurance binder from you for a commercial policy.
8. L.P. began making monthly payments for the commercial policy. L.P. paid you approximately \$1049.07 in premium payments.
9. In November of 2016, L.P. suffered a loss totaling \$7,765 after several structures sustained damage from wind and hail. He contacted you to file a claim but nothing was ever adjusted because no policy had been placed.
10. You converted at least \$1,049.07 in premium payments belonging to L.P.

Montana Vista Community Church

11. In March of 2016, Montana Vista Community Church (Montana Vista) paid you approximately \$4,678.69 in premium payments for a commercial policy.
12. The church building suffered a loss after sustaining damaged from severe weather. Montana Vista filed a claim with Scottsdale Insurance and was informed there was no coverage in place.
13. You converted \$4,678.69 in premium payments belonging to Montana Vista.

Failure to Respond to Requests for Information

14. On October 26, 2017, TDI sent you a request for information pursuant to TEX. INS. CODE §38.001 which required you to respond in writing not later than the 15th day after you received the request. You failed to respond.
15. On January 12, 2018, TDI sent you a request for information pursuant to TEX. INS. CODE §38.001 which required you to respond in writing not later than the 15th day after you received the request. You failed to respond.

The commissioner may discipline you because:

1. You have committed acts for which a license holder may be disciplined under TEX. INS. CODE § 4005.101, as contemplated by TEX. INS. CODE § 4005.102.

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2. You have willfully violated an insurance law of this state, pursuant to TEX. INS. CODE § 4005.101(b)(1).

3. You have misappropriated, converted to your own use, or illegally withheld money belonging to an insured, insurer, or beneficiary, in violation of TEX. INS. CODE § 4005.101(b)(4).
4. You have engaged in fraudulent or dishonest acts or practices, in violation of TEX. INS. CODE § 4005.101(b)(5).
5. You failed to respond to a department inquiry in writing not later than the 15th day after the date you received the inquiry, in violation of TEX. INS. CODE § 38.001.

If one or more of the above allegations is found to be true, the commissioner of insurance may enter an order revoking your license, ordering you to cease and desist from certain activity, and/or imposing an administrative penalty, restitution, and additional sanctions. You have the right to appear at this hearing and to be represented by an attorney. Please address any questions and correspondence to the undersigned counsel at the address or telephone number below.

IMPORTANT SECURITY NOTICE

ALL VISITORS TO THE WILLIAM P. CLEMENTS BUILDING WITHOUT AN AGENCY OR DPS ISSUED ID CARD MUST PROVIDE THE BUILDING SECURITY OFFICER WITH THE STATE OFFICE OF ADMINISTRATIVE HEARINGS DOCKET NUMBER AND RECEIVE A VISITOR'S PASS IN ORDER TO BE ALLOWED ACCESS TO THE HEARING ROOM. INDIVIDUALS SHOULD ALLOW ADDITIONAL TIME TO GO THROUGH THE SECURITY PROCESS.

Sincerely,



Cassie Tigue, Staff Attorney
State Bar No. 24099994
Texas Department of Insurance
Enforcement Section, MC110-1A
P.O. Box 149104
Austin, Texas 78714-9104
(512) 676-6356 (Phone)
(512) 490-1020 (Fax)
Cassie.Tigue@tdi.texas.gov

cc: Leah Gillum, Associate Commissioner, Enforcement Section MC-110-1A

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Ginger R. Loeffler, Director, Licensing Litigation Office, Enforcement Section, MC-110-1A
Administrative Review, MC107-1A

CERTIFICATE OF SERVICE

I, Cassie Tigue, certify that this *Notice of Hearing* was served by U.S. mail and certified mail, return receipt requested, on this 23rd day of July, 2018 to:

Jerome Aloysius Waliszewski
10935 Ben Crenshaw Dr., Ste. 100
El Paso, Texas 79935-3039
Respondent Pro Se

Via CM/RRR No.: 9214 8901 9403 8308 0248 16

Jerome Aloysius Waliszewski
10535 Montwood Dr., Apt. 177
El Paso, Texas 79935-2718
Respondent Pro Se

Via CM/RRR No.: 9214 8901 9403 8308 0248 54



Cassie Tigue



2018-

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 Priority Mail Express
 Adult Signature Restricted Delivery Registered Mail
 Certified Mail Return Receipt for Merchandise
 Certified Mail Restricted Delivery Signature Confirmation
 Collect on Delivery (COD) Signature Confirmation Restricted Delivery
 Insured Mail
 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.

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	Fee
1. 9214 8901 9403 8308 0248 16 TIGUE/14368	JEROME ALOYSIUS WALISZEWSKI 10935 BEN CRENSHAW DR STE 100 EL PASO TX 79935-3039	0.71	3.45	Handling Charge - if Registered and over \$50,000 in value							1.50			5743
2. 9214 8901 9403 8308 0248 54	JEROME ALOYSIUS WALISZEWSKI 10535 MONTWOOD DR APT 177 EL PASO TX 79935-2718	0.71	3.45	Handling Charge - if Registered and over \$50,000 in value							1.50			
				Handling Charge - if Registered and over \$50,000 in value				Adult Signature Required						
								Adult Signature Restricted Delivery						
				Handling Charge - if Registered and over \$50,000 in value					Restricted Delivery					
									Return Receipt					
				Handling Charge - if Registered and over \$50,000 in value								Signature Confirmation		
												Signature Confirmation Restricted Delivery		
				Handling Charge - if Registered and over \$50,000 in value									Special Handling	

RECEIVED
 JUL 25 2018
TDI - ENFORCEMENT

AUSTIN, TX GME
 JUL 23 2018
 USPS

Total Number of Pieces Listed by Sender
 2

Total Number of Pieces Received at Post Office
 2

Postmaster, Per (Name of receiving employee)
 23



Complete in I

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