

No. 2020-6480

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

Date: 09/24/2020

Subject Considered:

George Bernard Rhone
1632 Riverway Bend Circle
Dallas, Texas 75217

Default Order
SOAH Docket No. 454-20-4514
TDI Enforcement File No. 16926

General remarks and official action taken:

The subject of this default order is whether an adjuster license should be issued to George Bernard Rhone (Respondent). Respondent did not respond to a Notice of Hearing filed by the Texas Department of Insurance. This order denies Respondent's license application.

The following findings of fact and conclusions of law are adopted:

Findings of Fact

Failure to Respond to Notice of Hearing

1. On August 12, 2020, the department filed a Notice of Hearing, attached as Exhibit A, and an Original Petition, attached as Exhibit B, with the State Office of Administrative Hearings.
2. The department's factual allegations set out in the attached Notice of Hearing and Original Petition are incorporated in this order as findings of fact.
3. The department sent the Notice of Hearing and Original Petition to Respondent's last known address provided in writing to the department, 1632 Riverway Bend

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Circle, Dallas, Texas 75217. The Notice of Hearing and Original Petition were also sent by electronic mail to the Respondent.

4. Respondent failed to file a written response to the Notice of Hearing within 20 days of the date the Notice of Hearing and Original Petition were mailed.

Conclusions of Law

1. The commissioner has jurisdiction pursuant to Texas law, including TEX. INS. CODE §§ 82.051-82.055, 4001.002, 4005.101, 4005.102, 4101.051, TEX. GOV'T CODE §§ 2001.051-2001.178, 28 TEX. ADMIN. CODE § 1.502, and TEX. OCC. CODE §§ 53.021-53.023.¹
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. 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.
4. Based on Respondent'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.
5. The department's factual and legal allegations set out in the attached Notice of Hearing and Original Petition are incorporated in this order and deemed admitted as true pursuant to 28 TEX. ADMIN. CODE § 1.89.

¹ All citation to the Texas Occupations Code in this Original Petition refers to the law in effect prior to H.B. 1342 (86th R.S.), effective September 1, 2019. Section 14 of H.B. 1342 states: "The changes in law made by this Act apply only to an application for a license submitted on or after the effective date of this Act. An application for a license submitted before the effective date of this Act is governed by the law in effect on the date the application was submitted, and the former law is continued in effect for that purpose."

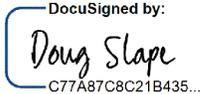
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Order

It is ordered that George Bernard Rhone's application for an adjuster license is denied. 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

By: 
C77A87C8C21B435...
Doug Slape
Chief Deputy Commissioner
Commissioner's Order No. 2018-5528

Prepared and reviewed by:



Anna Kalapach, Staff Attorney
Enforcement Division

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Affidavit

STATE OF TEXAS §

§

COUNTY OF TRAVIS §

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

"My name is David Moreno 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 George Bernard Rhone. I have confirmed that:

- a. The last mailing address provided to the department in writing by George Bernard Rhone is 1632 Riverway Bend Circle, Dallas, Texas 75217.
- b. The file maintained by the Enforcement Division contains a Notice of Hearing and Original Petition dated August 12, 2020, which were filed with the State Office of Administrative Hearings.
- c. On August 12, 2020, the Notice of Hearing and Original Petition addressed to George Bernard Rhone were mailed certified, return receipt requested, to his last known address.

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A copy of the certified mail log maintained by the Enforcement Division is attached as Exhibit C."

DocuSigned by:

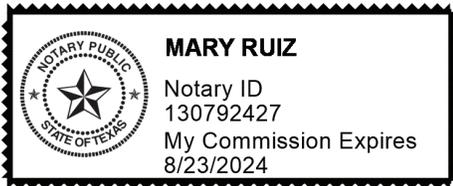
David Moreno

6E4D25ADDF894B8...

Affiant

SWORN TO AND SUBSCRIBED before me by means of an interactive two-way audio and video communication on 9/17/2020. This notarial act was an online notarization.

Notary Seal



Digital Certificate

DocuSigned by:

Mary Ruiz

795DC4D59167489...

Notary Public State of Texas

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ACCEPTED
454-20-4514
8/12/2020 12:14 PM
STATE OFFICE OF
ADMINISTRATIVE HEARINGS
Donnie Roland, CLERK

FILED
454-20-4514
8/12/2020 10:10 AM
STATE OFFICE OF
ADMINISTRATIVE HEARINGS
Donnie Roland, CLERK

**SOAH DOCKET NO. 454-20-4514
TDI ENFORCEMENT FILE NO. 16926**

TEXAS DEPARTMENT OF INSURANCE,

BEFORE THE STATE OFFICE

Petitioner

v.

OF

GEORGE BERNARD RHONE,

ADMINISTRATIVE HEARINGS

Respondent

NOTICE OF HEARING

The Texas Department of Insurance seeks to deny your license application. This Notice of Hearing and the Original Petition, which is attached and incorporated for all purposes, states the allegations against you and the relief sought by the Department.

A public hearing will be held before an Administrative Law Judge on **Tuesday, November 10, 2020, 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. You have the right to appear at this hearing and to be represented by an attorney.

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.

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.

**EXHIBIT
A**

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IF YOU FAIL TO FILE A WRITTEN RESPONSE, THE SCHEDULED HEARING CAN BE CANCELED 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 DENIAL OF YOUR LICENSE APPLICATION, 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 DENIAL OF YOUR LICENSE APPLICATION, IS GRANTED BY DEFAULT.

In accord with 28 TEX. ADMIN. CODE § 1.90(e) and 1 TEX. ADMIN. CODE §§ 155.101 and 155.103, you should 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
P.O. Box 149104, MC112-2A
Austin, Texas 78714-9104
(512) 490-1064 (Fax)
chiefclerk@tdi.texas.gov; and
- (3) Anna Kalapach, Staff Attorney
Texas Department of Insurance
Enforcement Division, MC110-1A
P.O. Box 149104
Austin, Texas 78714-9104
(512) 490-1020 (Fax)
anna.kalapach@tdi.texas.gov

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Receiving Documents

The State Office of Administrative Hearings (SOAH) offers you the ability to receive service of orders and other documents issued by SOAH through email instead of by mail or fax. If you want to receive SOAH-issued documents by email, go to SOAH's website, www.soah.texas.gov, click on the "E-Services" tab, then click the "eFiling" hyperlink, and follow the instructions.

NOTE: A request to receive SOAH-issued documents by email does not change the procedures you must follow to file documents with SOAH. The rules for filing documents and providing copies to all other parties in the case are described in SOAH's Procedural Rules, which are available on SOAH's website. Click the "Agency" tab, then click "Administrative Rules and Laws" to view SOAH's Procedural Rules.

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.

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If you have any questions, please contact me at the address or telephone number shown below.

Respectfully Submitted,



Anna Kalapach
State Bar No. 24083290
Texas Department of Insurance
Enforcement Division, MC110-1A
P.O. Box 149104
Austin, Texas 78714-9104
(512) 676-6326 (Direct)
(512) 490-1020 (Fax)
anna.kalapach@tdi.texas.gov

ATTORNEY FOR THE PETITIONER
TEXAS DEPARTMENT OF INSURANCE

Enclosure: Original Petition

cc: Leah Gillum, Deputy Commissioner, Enforcement Division, MC-110-1A
Rachel Cloyd, Litigation Director, Enforcement Division, MC-110-1A
Administrative Review, MC107-1A

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CERTIFICATE OF SERVICE

I, Anna Kalapach, certify that a true and correct copy of the *Notice of Hearing and the Original Petition* were sent by the following methods, on this 12th day of August, 2020 to:

George Bernard Rhone
1632 Riverway Bend Circle
Dallas, TX 75217
Respondent Pro Se

Via CM/RRR No.: 9214 8901 9403 8318 4510 53
Via Email at:
georgebrhone@gmail.com



Anna Kalapach

TEXAS DEPARTMENT OF INSURANCE,

Petitioner

v.

GEORGE BERNARD RHONE,

Respondent

BEFORE THE STATE OFFICE

OF

ADMINISTRATIVE HEARINGS

ORIGINAL PETITION

The Texas Department of Insurance seeks deny George Bernard Rhone's license application. In support of this petition, the department makes the following allegations upon information and belief:

Jurisdiction

The Commissioner of Insurance has jurisdiction over this matter pursuant to TEX. INS. CODE §§ 82.051-82.055, 4001.002, 4005.101, 4005.102, 4101.051, TEX. GOV'T CODE §§ 2001.051-2001.178, 28 TEX. ADMIN. CODE § 1.502, and TEX. OCC. CODE §§ 53.021-53.023.¹

Factual Allegations

License Application

1. On June 4, 2018, George Bernard Rhone ("Rhone") submitted an application to the department for an adjuster license.

¹ All citation to the Texas Occupations Code in this Original Petition refers to the law in effect prior to H.B. 1342 (86th R.S.), effective September 1, 2019. Section 14 of H.B. 1342 states: "The changes in law made by this Act apply only to an application for a license submitted on or after the effective date of this Act. An application for a license submitted before the effective date of this Act is governed by the law in effect on the date the application was submitted, and the former law is continued in effect for that purpose."

**EXHIBIT
B**

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Original Petition
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2. The department proposed to deny Rhone's application on July 26, 2018, based on his criminal history. Rhone appealed that decision and made a written request for a hearing.

Criminal History

3. On June 25, 1996, Rhone was convicted of Hindering Apprehension, a felony, in the County Criminal Court No. 5 of Dallas County, Texas, in case number MA9624341. Rhone received six months probation.
4. Rhone's probation was revoked in case number MA9624341 on February 17, 1997. He was sentenced to 90 days incarceration.
5. On November 11, 1997, Rhone was indicted by a grand jury for Robbery, a felony, in Criminal District Court No. 5 of Dallas County, Texas, in case number F9721205L. The indictment included that while depriving the complainant of property, Rhone then and there knowingly and intentionally cause bodily injury to said complainant.
6. In case number F9721205L, Rhone pled guilty to Robbery, a second degree felony, on May 1, 1998. Rhone received five years probation.
7. On January 22, 1998, Rhone pled nolo contendere and was found guilty of knowingly and intentionally possessing a usable quantity of marijuana in an amount of less than two ounces, a Class B misdemeanor, in the County Criminal Court M of Dallas County, Texas, in case number MB9843940. Rhone was sentenced to 45 days confinement in the Dallas County Jail.
8. On February 17, 1999, Rhone pled nolo contendere and was found guilty of Evading Arrest, a Class B misdemeanor, in the County Criminal Court 3 of Dallas County, Texas, in case number MB9870686. Rhone was sentenced to 52 days confinement in the Dallas County Jail.
9. On July 13, 2001, Rhone was charged with the Class B misdemeanor of knowingly and intentionally refusing to report or giving a false report of his name and date of birth to a peace officer while he was a fugitive from justice. Rhone pled nolo contendere and received deferred adjudication with six months probation in the County Criminal Court No. 11 of Dallas County, Texas, in case number MB0063332.

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10. On April 1, 2004, Rhone pled nolo contendere and was found guilty of knowingly and intentionally possessing a usable quality of marijuana in the amount of two ounces or less, a Class B misdemeanor, in the County Criminal Court No. 1 of Dallas County, Texas, in case number MB0334211A. Rhone was sentenced to 30 days confinement in the Dallas County Jail.
11. On June 30, 2003, Rhone was charged with unlawfully, intentionally, and knowingly possessing a controlled substance, cocaine, in an amount of less than one gram, a State Jail Felony, in the Criminal District Court No. 2 of Dallas County, Texas, in case number F-0335138-I. Rhone was sentenced to two years in state jail, probated to five years community supervision on April 1, 2004.
12. The State of Texas filed a Motion to Revoke Probation in case number F-0335138-I, on April 11, 2008. The State moved to revoke Rhone's probation because he unlawfully, knowingly, and intentionally possessed a controlled substance, cocaine, as charged and convicted in case number F-0752610-I, in the Criminal District Court No. 2, Dallas County, Texas. Rhone also did not pay his probation fees resulting in a \$81 delinquency, and he did not pay a urine analysis fee resulting in a \$190 delinquency.
13. A Judgment Revoking Community Supervision in case number F-0335138-I was entered on April 14, 2008. Rhone was sentenced to 180 days in State Jail.
14. On October 21, 2004, Rhone was charged with intentionally and knowingly displaying a fictitious number plate and registration insignia on a motor vehicle, a Class B misdemeanor, in County Criminal Court No. 9 of Dallas County, Texas, in case number MB0484167-K. Rhone was found guilty sentenced to 90 days confinement in the Dallas County Jail, probated to nine months of community supervision on June 7, 2005.
15. The State of Texas filed a Motion to Revoke Probation on November 2, 2005, in case number MB0484167-K. The State alleged that Rhone violated probation on July 8, 2005, when he operated a motor vehicle while his license was suspended.
16. Rhone's probation was revoked in case number MB0484167-K on March 7, 2006. Rhone received 75 days confinement in the Dallas County Jail.

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17. On March 22, 2006, Rhone was found guilty of driving while his license was suspended, a Class B misdemeanor, in the County Criminal Court No. 2 of Dallas County, Texas, in case number MB0536456B. Rhone was sentenced to 45 days confinement.
18. On February 25, 2008, Rhone pled guilty to unlawful possession of a controlled substance, cocaine, a State Jail Felony, in the Criminal District Court No. 2, Dallas County, Texas, in case number F-0752610-I. Rhone was sentenced to 180 days in State Jail.
19. On June 17, 2009, Rhone was charged with driving with a suspended license, a Class B misdemeanor, in County Criminal Court No. 7 of Dallas County, Texas, in case number MB0958140-H.
20. Rhone was again charged, on March 23, 2010, with driving with a suspended license, a Class B misdemeanor, in County Criminal Court No. 7 of Dallas County, Texas, in case number MB1050071-H. In both case number MB0958140-H and MB1050071-H, Rhone received deferred adjudication on July 28, 2011, with one year of community supervision.
21. The State of Texas filed a Motion to Proceed with an Adjudication of Guilt on July 9, 2012, in case number MB0958140-H. The State alleged that Rhone violated the terms of his community supervision. On September 25, 2012, Rhone filed a Plea of True and Stipulation of Evidence confessed that he violated the terms of his community supervision as alleged by the State by:
 - a. Committing the offense of Possession of a Controlled Substance with Intent to Deliver, a first degree felony, in case number F1257251Q, in Dallas County, Texas;
 - b. Committing the offense of Possession of Controlled Substance in penalty group three in case number M1259019H in Dallas County, Texas;
 - c. Failing to pay court costs as directed with a remaining balance of \$738;
 - d. Failing to pay probation fees as directed with a remaining balance of \$152;
and

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- e. Failing to obtain and provide a clearance letter.
22. The State of Texas filed a Motion to Proceed with an Adjudication of Guilt on July 9, 2012, in case number MB1050071-H. The State alleged that Rhone violated the terms of his community supervision by:
 - a. Committing the offense of Possession of a Controlled Substance with Intent to Deliver, a first degree felony, in case number F1257251Q, in Dallas County, Texas;
 - b. Committing the offense of Possession of Controlled Substance in penalty group three in case number M1259019H in Dallas County, Texas;
 - c. Failing to pay court costs as directed with a remaining balance of \$657; and
 - d. Failing to obtain and provide a clearance letter.
23. On September 25, 2012, a Judgment Adjudicating Guilt was entered and Rhone was sentenced and found guilty in both case number MB0958140-H and MB1050071-H. Rhone was sentenced to 30 days confinement in the Dallas County Jail.
24. On December 13, 2010, Rhone was charged with Possession of a Controlled Substance, of one gram or more, but less than four grams, a third degree felony, in case number F-1060470-Q, in the 204th Judicial District Court of Dallas County, Texas. Rhone received ten years confinement, but it was suspended and Rhone was placed on community supervision for five years on August 5, 2011.
25. On July 2, 2012, Rhone was charged with unlawfully and knowingly possessing a controlled substance, cocaine, in amount of one gram or more, but less than four grams, with intent to deliver in case number F1257251 in the 204th Judicial District Court of Dallas County, Texas. The State of Texas requested that the case be dismissed on September 21, 2012.

Legal Allegations

1. Rhone has engaged in fraudulent or dishonest acts or practices, as contemplated by TEX. INS. CODE § 4005.101(b)(5).
2. Rhone has been convicted of a felony, as contemplated by TEX. INS. CODE § 4005.101(b)(8) and TEX. OCC. CODE § 53.021(a).
3. Rhone has committed felony and misdemeanor offenses and has engaged in fraudulent or dishonest activity that directly relate to the duties and responsibilities of the licensed occupation, as contemplated in 28 TEX. ADMIN. CODE § 1.502(d) and (f).
4. Rhone committed offenses that the department considers to be of such a serious nature that it is of prime importance in determining fitness for licensure, as contemplated by 28 TEX ADMIN. CODE § 1.502(e)(1), (e)(4)(D), and (e)(4)(G), and TEX. OCC. CODE §§ 53.021 – 53.023.
5. Department guidelines, 28 TEX ADMIN. CODE § 1.502(c)-(e), emphasize that the department:
 - a. considers it very important that applicants be honest, trustworthy, and reliable;
 - b. may refuse to issue an original license if the department determines that the applicant has committed a felony or misdemeanor that directly relates to the duties and responsibilities of the licensed occupation;
 - c. considers the offenses of Hindering Apprehension, Robbery, Evading Arrest, Failure to Identify a Fugitive, and Fictitious License Plate to be of such a serious nature that it is of prime importance when determining fitness for licensure. 28 TEX ADMIN. CODE § 1.502(e)(1);
 - d. considers the offense of Robbery to be of such a serious nature that it is of prime importance when determining fitness for licensure. 28 TEX ADMIN. CODE § 1.502(e)(4)(D); and

- e. considers the offense of Possession of a Controlled Substance with Intent to Deliver to be of such a serious nature that it is of prime importance when determining fitness for licensure. 28 TEX ADMIN. CODE § 1.502(e)(4)(G).
6. Rhone has been convicted of a felony involving dishonesty or breach of trust, as specified in 18 U.S.C. § 1033 and requiring written consent from the commissioner of insurance to engage or participate in the business of insurance.

Relief Sought

If one or more of the above allegations is found to be true, the department asks the Administrative Law Judge to enter a Proposal for Decision recommending that the Commissioner of Insurance issue an order:

1. denying George Bernard Rhone's license application;
2. denying consent to allow George Bernard Rhone to engage or participate in the business of insurance under 18 U.S.C. § 1033; and
3. imposing any other just and appropriate relief to which the department may be entitled to by law, including any combination of the above actions.

Respectfully Submitted,



Anna Kalapach
State Bar No. 24083290
Texas Department of Insurance
Enforcement Division, MC110-1A
P.O. Box 149104
Austin, Texas 78714-9104
(512) 676-6326 (Direct)
(512) 490-1020 (Fax)
anna.kalapach@tdi.texas.gov
ATTORNEY FOR THE PETITIONER
TEXAS DEPARTMENT OF INSURANCE



Shipment Confirmation
Acceptance Notice

A. Mailer Action

Note to Mailer: The labels and volume associated to this form online, must match the labeled packages being presented to the USPS® employee with this form.

Shipment Date: 08/12/2020
Shipped From:
Name: MC 110-1A M RUIZ
Address: 333 GUADALUPE ST
City: AUSTIN
State: TX ZIP+4® 78701

Type of Mail	Volume
Priority Mail Express®	
Priority Mail®	0
First-Class Package Service®	
Returns	
International*	
Other	1
Total	1

*Start time for products with service guarantees will begin when mail arrives at the local Post Office™ and items receive individual processing and acceptance scans.

B. USPS Action

- Note to RSS Clerk:
1. Home screen > Mailing/Shipping > More
 2. Select Shipment Confirm
 3. Scan or enter the barcode/label number from PS Form 5630
 4. Confirm the volume count message by selecting Yes or No
 5. Select Pay and End Visit to complete transaction

USPS EMPLOYEE: Please scan upon pickup or receipt of mail. Leave form with customer or in customer's mail receptacle.

USPS SCAN AT ACCEPTANCE



9275 0901 1935 6200 0023 5157 57



anna/16926



