

No. 3757

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

Date: JAN 05 2015

Subject Considered:

KIRK EVAN JACKSON
Post Office Box 2000
Channelview, Texas 77530-8000

DEFAULT ORDER
SOAH DOCKET NO. 454-14-4955.C
TDI ENFORCEMENT FILE NO. 7214

General remarks and official action taken:

The commissioner of insurance considers whether disciplinary action should be taken against Kirk Evan Jackson.

Findings of Fact

1. Kirk Evan Jackson holds a general lines property and casualty license issued by the department September 1, 2006.
2. The last known address Jackson filed with the department was Post Office Box 2000, Channelview, Texas 77530-8000.
3. The department sent a notice of hearing to Jackson's last known address by first class and certified mail, return receipt requested, August 20, 2014.
4. Jackson filed a written response to the notice of hearing September 15, 2014.
5. The department sent a first amended notice of hearing to Jackson's last known address by first class and certified mail, return receipt requested, October 6, 2014.
6. The hearing on the merits in the case was scheduled for December 10, 2014, by the Administrative Law Judge in Order No. 3. The TDI staff attorney appeared at the State Office of Administrative Hearings and announced ready for hearing. Although Jackson filed a written response, he failed to appear at the hearing.

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7. Jackson was a designated licensed person for Jackson-United Insurance Agency, whose general lines property and casualty license expired April 5, 2014, due to failure to renew.
8. Jackson committed fraudulent acts by providing falsified proofs of errors and omissions coverage to multiple insurance companies and managing general agencies, which purported to show coverage for Jackson-United Insurance Agency.
9. Jackson failed to complete 30 hours of continuing education during his 2012 to 2014 continuing education reporting period.

Conclusions of Law

1. The commissioner has jurisdiction pursuant to TEX. INS. CODE §§ 82.051-82.054, 4001.002, 4005.101, 4005.102, and 4051.051; 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 informally dispose of this case.
3. Based on 28 TEX. ADMIN. CODE § 19.906, Jackson's last known address is presumed to be Post Office Box 2000, Channelview, Texas 77530-8000.
4. TDI sent a notice of hearing to Jackson'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.
5. The allegations in the first amended notice of hearing, set out as findings of fact nos. 7-9, are deemed admitted as true pursuant to 28 TEX. ADMIN. CODE § 1.89.
6. Pursuant to TEX. INS. CODE §§ 4005.101 and 4005.102, the commissioner may revoke Jackson's license because he
 - a. Engaged in fraudulent or dishonest acts or practices, and
 - b. Materially misrepresented the terms and conditions of an insurance policy or contract.
7. Jackson violated TEX. INS. CODE §§ 4004.051, 4004.053, and 4004.054 because he did not complete the required number of continuing education hours during his 2012-2014 reporting period.

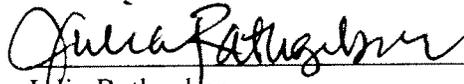
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The commissioner revokes Kirk Evan Jackson's general lines property and casualty license.



Julia Rathgeber

Commissioner of Insurance

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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 Micah Mireles 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 Kirk Evan Jackson. I have confirmed that:

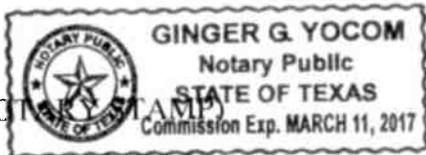
- a. Post Office Box 2000, Channelview, Texas 77530-8000 is the last mailing address Jackson provided the department in writing.
- b. The file maintained by the Enforcement Section of the Compliance Division contains a notice of hearing filed with the State Office of Administrative Hearings August 20, 2014, and a first amended notice of hearing filed October 6, 2014.
- c. Certified letters, return receipt requested, and first class mailings containing a notice of hearing and subsequently the first amended notice of hearing, addressed to Jackson’s last known address, were deposited in the United States mails.

Copies of the printouts from the online tracking service from the United States Postal Service website for the notice of hearing showing delivery attempts for the certified letters are attached as Exhibits A and B. Copies of the first class and certified mail logs maintained by the Enforcement Section for the first amended notice of hearing are attached as Exhibits C and D.”

Micah Mireles

Affiant

SWORN TO AND SUBSCRIBED before me on Dec. 15, 2014



(NOTARY PUBLIC)

Notary without Bond

Ginger G. Yocom
Signature of Notary Public

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Tracking Number: 70133020000094935156

Updated Delivery Day: Tuesday, September 16, 2014

Product & Tracking Information

Available Actions

Postal Product:

Features:
Certified Mail™

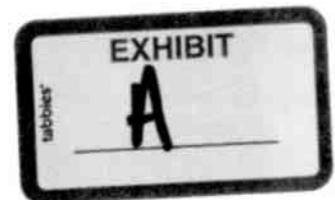
Return Receipt After Mailing

DATE & TIME	STATUS OF ITEM	LOCATION
September 16, 2014 , 6:52 am	Delivered	AUSTIN, TX 78714
Your item was delivered at 8:52 am on September 16, 2014 in AUSTIN, TX 78714		
September 16, 2014 , 3:26 am	Arrived at Unit	AUSTIN, TX 73301
September 15, 2014 , 4:05 am	Departed USPS Facility	AUSTIN, TX 78710
September 14, 2014 , 2:32 pm	Arrived at USPS Facility	AUSTIN, TX 78710
September 13, 2014 , 6:55 pm	Departed USPS Facility	NORTH HOUSTON, TX 77315
September 10, 2014 , 3:03 pm	Unclaimed	CHANNELVIEW, TX 77530
August 22, 2014 , 8:35 am	Available for Pickup	CHANNELVIEW, TX 77530
August 22, 2014 , 8:25 am	Out for Delivery	CHANNELVIEW, TX 77530
August 22, 2014 , 8:15 am	Sorting Complete	CHANNELVIEW, TX 77530
August 22, 2014 , 8:07 am	Arrived at Unit	CHANNELVIEW, TX 77530
August 21, 2014 , 8:17 pm	Arrived at USPS Facility	NORTH HOUSTON, TX 77315
August 21, 2014 , 3:45 am	Departed USPS Facility	AUSTIN, TX 78710
August 20, 2014 , 7:38 pm	Arrived at USPS Facility	AUSTIN, TX 78710

Track Another Package

Tracking (or receipt) number

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Tracking Number: 70133020000094935149

Updated Delivery Day: Wednesday, August 27, 2014

Product & Tracking Information

Available Actions

Postal Product:

Features:
Certified Mail™

DATE & TIME	STATUS OF ITEM	LOCATION
August 27, 2014 , 5:24 am	Arrived at Unit	AUSTIN, TX 73301

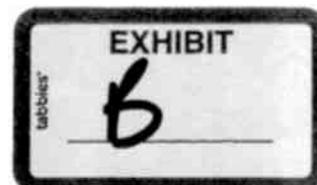
Your item arrived at the Post Office at 5:24 am on August 27, 2014 in AUSTIN, TX 73301

August 26, 2014 , 1:58 pm	Arrived at USPS Facility	AUSTIN, TX 78710
August 24, 2014 , 10:59 am	Arrived at USPS Facility	NORTH HOUSTON, TX 77315
August 22, 2014 , 8:03 am	Out for Delivery	HOUSTON, TX 77013
August 22, 2014 , 7:53 am	Sorting Complete	HOUSTON, TX 77013
August 22, 2014 , 12:18 am	Departed USPS Facility	HOUSTON, TX 77201
August 21, 2014 , 8:34 pm	Arrived at USPS Facility	HOUSTON, TX 77201
August 21, 2014 , 3:45 am	Departed USPS Facility	AUSTIN, TX 78710
August 20, 2014 , 7:38 pm	Arrived at USPS Facility	AUSTIN, TX 78710

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