

No. **3846**

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

Date: MAR 03 2015

Subject Considered:

EVONNE SENEGAL
5218 Royal Oak
Texas City, Texas 77591

DEFAULT ORDER

SOAH DOCKET NO. 454-15-1945.C
ENFORCEMENT FILE NO. 7635

General remarks and official action taken:

The commissioner of insurance considers whether disciplinary action should be taken against Evonne Senegal.

Findings of Fact

1. Evonne Senegal, individual identification no. 1084602, holds a general lines life, accident, and health license issued by TDI January 2, 2012.
2. TDI records show the last mailing address Evonne Senegal provided in writing is 5218 Royal Oak, Texas City, Texas 77591.
3. On January 14, 2015, TDI sent a notice of hearing to Evonne Senegal's last known mailing address.
4. Evonne Senegal failed to file a written response to the notice of hearing within 20 days of the date the notice of hearing was mailed.
5. On September 26, 2013, the Reliable Life Insurance Company (Reliable) notified Evonne Senegal that as a result of her separation from Reliable, they would cancel all of her company appointments with Reliable and affiliated companies as of September 26, 2013.
6. In September and October of 2013, Evonne Senegal collected \$422.32 from Mary Brown for the purchase of life insurance coverage to be issued by Reliable. Evonne Senegal failed to forward any of the \$422.32 in collected premiums to Reliable.

7. In September and October of 2013, Evonne Senegal collected \$251.80 from Christi Beck for the purchase of life insurance coverage to be issued by Reliable. Evonne Senegal failed to forward any of the \$251.80 in collected premiums to Reliable.
8. In September of 2013, Evonne Senegal collected \$162.92 from Carolyn Vallin for the purchase of life insurance coverage to be issued by Reliable. Evonne Senegal failed to forward any of the \$162.92 in collected premiums to Reliable.
9. In September and October of 2013, Evonne Senegal collected \$313.24 from Charles Sullivan for the purchase of life insurance coverage to be issued by Reliable. Evonne Senegal failed to forward any of the \$313.24 in collected premiums to Reliable.
10. An audit by Reliable's regional vice-president determined that between August 2013 and January 2014, Evonne Senegal collected approximately \$8,527.34 in premiums from 72 insureds that she did not forward to Reliable. Based upon the multiple signatures of Evonne Senegal found within the Reliable Premium Receipt Book, Reliable provided full credit to the insureds.
11. As of November 18, 2014, Evonne Senegal has failed to forward any of the \$8,527.34 of collected insurance payments to Reliable.

Conclusions of Law

1. The commissioner has jurisdiction over this matter pursuant to TEX. INS. CODE §§ 82.051 – 82.055, 84.021 – 84.022, 4001.002, 4005.101, 4005.102, 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 informally dispose of this case.
3. Based on 28 TEX. ADMIN. CODE § 19.906, Evonne Senegal's last known address is presumed to be 5218 Royal Oak, Texas City, Texas 77591.
4. TDI mailed a notice of hearing to the last known mailing address of Evonne Senegal, 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 Chapter 2001.
5. TDI's allegations in the notice of hearing, as set out in finding of fact nos. 5–11, are deemed admitted as true pursuant to 28 TEX. ADMIN. CODE § 1.89.
6. Evonne Senegal misappropriated, converted to her own use, and illegally withheld money belonging to an insurer, as contemplated in TEX. INS. CODE § 4005.101(b)(4)(A).

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COMMISSIONER'S ORDER
EVONNE SENEGAL
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7. Evonne Senegal engaged in fraudulent and dishonest acts or practices, as contemplated in TEX. INS. CODE § 4005.101(b)(5).

Evonne Senegal's general lines life, accident, and health license is revoked. Evonne Senegal is ordered to pay a \$5,000 administrative penalty within 30 days from the date of this order. The administrative penalty must be paid by cashier's check or money order made payable to the "State of Texas." Mail the administrative penalty to the Texas Department of Insurance, Attn: Enforcement Section, Division 40111, MC 9999, P.O. Box 149104, Austin, Texas 78714-9104.



David C. Mattax
Commissioner of Insurance

STATE OF TEXAS §
 §
COUNTY OF TRAVIS §

Affidavit

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

“My name is Judy Lopez 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.

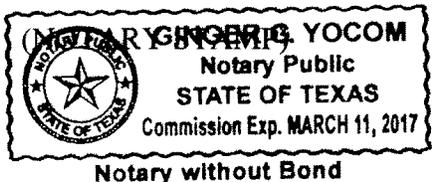
I have reviewed TDI’s records concerning Evonne Senegal and I have confirmed that:

- (1) The last mailing address provided to the department by Evonne Senegal in writing was 5218 Royal Oak, Texas City, Texas 77591.
- (2) The file maintained by the Enforcement Section of the Compliance Division contains a notice of hearing dated January 14, 2015, filed with the State Office of Administrative Hearing.
- (3) A certified letter, return receipt requested, and a first class mailing, both containing a notice of hearing addressed to Evonne Senegal’s last known address, were deposited in the United States mails.

Copies of the certified and first class mail logs are attached as exhibits A and B.”

Judy Lopez
Affiant

SWORN TO AND SUBSCRIBED before me on February 23, 2015.



Gregory Yocom
Notary Public, State of Texas

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Texas Dept of Insurance
Mail Code 110
333 Guadalupe
Austin TX 78701
January 14, 2015
Ludy Lopez

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 COD
 Delivery Confirmation
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 Insured
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 Registered
 Return Receipt for Merchandise
 Signature Confirmation

Artix Stamp Here
(if issued as a
certificate of
mailing,
or for additional
copies of this bill)
Postmark, and
Date of Receipt

Wwyer

Evonne Senegal
5218 Royal Oak
Texas City, Texas 77591

Postage

Fee

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Charge

Actual Value
if Registered

Insured
Value

Due Sender
if COD

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Fee

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