

No. **4256**

**OFFICIAL ORDER  
OF THE  
TEXAS COMMISSIONER OF INSURANCE**

**Date:** JAN 13 2016

**Subject Considered:**

ANDREA C. WARD  
14415 S. 50th Street, No. 150  
Phoenix, Arizona 85044

**DEFAULT ORDER**  
SOAH DOCKET NO. 454-16-0608.C  
ENFORCEMENT FILE NO. 9620

**General remarks and official action taken:**

The commissioner of insurance considers the insurance license application of Andrea C. Ward.

**FINDINGS OF FACT**

1. Andrea C. Ward filed an application with TDI for the issuance of a general lines property and casualty license on April 9, 2015.
2. TDI records show the last known mailing address Ward provided in writing to the department was 14415 S. 50th Street, No. 150, Phoenix, Arizona 85044, and the last known residential address was 8425 W Northview Avenue, Glendale, Arizona 85305-3930.
3. On November 17, 2015, TDI sent an amended notice of hearing to both Ward's last known mailing and residential addresses.
4. Ward 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 or about August 13, 2014, Ward was terminated from her employment at Imperial Fire & Casualty Insurance Company (Imperial) for engaging in misconduct as an Imperial employee. Ward did not disclose her and her husband's previous insurance claim history in their homeowner's policy application for the purpose of avoiding being denied insurance coverage. When she applied for insurance with Imperial, Ward was aware that a truthful disclosure of their insurance claim history would reveal that they were an unreasonably high risk and that their application would likely

be denied. Accordingly, Ward knowingly used both a false social security number and date of birth for her husband in an attempt to obtain insurance coverage that otherwise may have been denied.

- 6. When confronted by Imperial with the facts of her false policy application, Ward confessed and admitted to her fraudulent acts. As a direct result of her admitted misconduct, Imperial terminated her employment on August 13, 2014.
- 7. Approximately eight months later, on or about April 9, 2015, Ward executed an original application for the issuance of a general lines property and casualty license, which was electronically filed with the department on April 9, 2015. Within that application, Ward falsely answered "No" to the application question which states as follows:

"Have you or any business in which you are or were an owner, partner, officer or director, or member or manager of a limited liability company, ever had an insurance agency contract or any other business relationship with an insurance company terminated for any alleged misconduct?"

- 8. On or about April 9, 2015, Ward executed an APPLICANT'S CERTIFICATION AND ATTESTATION in her agent license application where she made the following representations to TDI:

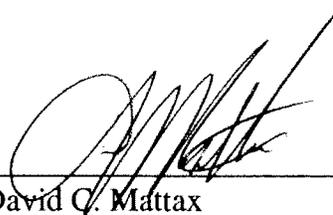
"I hereby certify that, under penalty of perjury, all of the information submitted in this application and attachments is true and complete. I am aware that submitting false information or omitting pertinent or material information in connection with this application is grounds for license revocation or denial of the license and may subject me to civil or criminal penalties."

**CONCLUSIONS OF LAW**

- 1. The commissioner has jurisdiction over this matter pursuant to TEX. INS. CODE §§ 82.051 – 82.056, 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 dispose of this case informally.
- 3. Based on 28 TEX. ADMIN. CODE § 19.906, Ward's last known mailing address is presumed to be 14415 S. 50th Street, No. 150, Phoenix, Arizona 85044.

4. TDI mailed an amended notice of hearing to Ward's last known mailing address on file with TDI, 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. TDI also mailed the amended notice of hearing to Ward's last known residential address at 8425 W Northview Avenue, Glendale, Arizona, 85305-3930.
5. TDI's allegations in the notice of hearing, as set out in finding of fact nos. 5-8, are deemed admitted as true pursuant to 28 TEX. ADMIN. CODE § 1.89.
6. Ward engaged in fraudulent and/or dishonest acts or practices, as contemplated in TEX. INS. CODE § 4005.101(b)(5).
7. Ward intentionally made a material misstatement in her general lines property and casualty license application, as contemplated in TEX. INS. CODE § 4005.101(b)(2).
8. Ward attempted to obtain a general lines property and casualty license by fraud and/or misrepresentation, as contemplated in TEX. INS. CODE § 4005.101(b)(3).
9. Ward committed an act for which a license application may be denied under TEX. INS. CODE § 4005.101(b), as contemplated in TEX. INS. CODE § 4001.105(3).

The commissioner of insurance denies Andrea C. Ward's application for a general lines property and casualty license.



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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 Ginger Yocom 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 Andrea C. Ward and I have confirmed that:

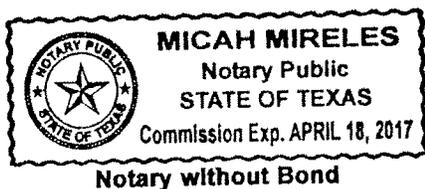
- (1) The last known mailing address Ward provided in writing to the department was 14415 S. 50th Street, No. 150, Phoenix, Arizona 85044, and the last known residential address was 8425 W Northview Avenue, Glendale, Arizona 85305-3930.
- (2) The file maintained by the Enforcement Section of the Compliance Division contains an amended notice of hearing dated November 17, 2015, filed with the State Office of Administrative Hearings.
- (3) A certified letter, return receipt requested, and a first class mailing, both containing an amended notice of hearing addressed to Andrea C. Ward’s last known mailing and residential addresses, was deposited in the United States mails.

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

Ginger Yocom  
Affiant

SWORN TO AND SUBSCRIBED before me on January 8th, 2016.

(NOTARY STAMP)



Micah Mireles  
Notary Public, State of Texas

110-1A

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Firm Mailing Book For Accountable Mail

Name and Address of Sender  
 Texas Dept of Insurance  
 Mail Code 110-1A  
 333 Guadalupe St  
 Austin TX 78701  
 November 17, 2015  
 Judy Lopez

Check type of mail or service

Adult Signature Required  
 Adult Signature Restricted Delivery  
 Certified Mail  
 Certified Mail Restricted  
 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 | Address (Name, Street, City, State, & Zip Code)                           | Postage | (Extra Service) Fee | Handling Charge  | Actual Value # Registered | Insured Value | Due Sender # COD | ASR Fee                                    | ASRD Fee | RD Fee | RR Fee | SC Fee | SCRD Fee | SH Fee |
|-------|------------------------------|---|---------|---------------------|--|---------------------------|---------------|------------------|--|----------|--------|--------|--------|----------|--------|
| Dwyer | 7012 0470 0000 3545 5690     | Andrea C. Ward<br>8425 W Northview Avenue<br>Glendale, Arizona 85305-3930 | 485     | 345                 |  |                           |               |                  |  |          |        | 280    |        |          |        |
| Dwyer | 7012 0470 0000 3545 5706     | Andrea C. Ward<br>14415 S 50th Street, No. 150<br>Phoenix, Arizona 85044  | 485     | 345                 |  |                           |               |                  |  |          |        | 200    |        |          |        |
|       |                              |   |         |                     | Handling Charge-if Registered and over \$50,000 in value |                           |               |                  |  |          |        |        |        |          |        |
|       |                              |   |         |                     |  |                           |               |                  | Adult Signature Required                   |          |        |        |        |          |        |
|       |                              |   |         |                     |  |                           |               |                  | Adult Signature Restricted Delivery        |          |        |        |        |          |        |
|       |                              |   |         |                     |  |                           |               |                  | Restricted Delivery                        |          |        |        |        |          |        |
|       |                              |   |         |                     |  |                           |               |                  | Return Receipt                             |          |        |        |        |          |        |
|       |                              |   |         |                     |  |                           |               |                  | Signature Confirmation                     |          |        |        |        |          |        |
|       |                              |   |         |                     |  |                           |               |                  | Signature Confirmation Restricted Delivery |          |        |        |        |          |        |
|       |                              |   |         |                     |  |                           |               |                  | Special Handling                           |          |        |        |        |          |        |

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