

No. 4620

OFFICIAL ORDER
of the
TEXAS COMMISSIONER OF INSURANCE

Date: AUG 09 2016

Subject Considered:

HERBERT HOOVER HYTCHE JR.
250 East Arapaho Road, Suite 120
Richardson, Texas 75081

CONSENT ORDER
TDI ENFORCEMENT FILE NO. 10252

General remarks and official action taken:

The commissioner of insurance considers whether to grant the application of Herbert Hoover Hytche Jr. for a general lines agent license with a life, accident, and health qualification.

Waiver

Hytche acknowledges that the Texas Insurance Code and other applicable laws provide certain rights. Hytche waives all of these rights, and any other applicable procedural rights, in consideration of the entry of this consent order.

Findings of Fact

1. On August 18, 2015, Herbert Hoover Hytche Jr. submitted an application for a general lines agent license with a life, accident, and health qualification to be issued by the Texas Department of Insurance. The department proposed to deny issuance of the license based on his failure to complete the required number of continuing education hours when he previously held a license issued by the department. Hytche made a written request for a hearing.
2. On March 21, 2003, TDI issued an insurance adjuster license to Hytche. Hytche failed to renew that license on March 21, 2013.
3. TDI's records show that Hytche did not complete any of his required 30 hours of continuing education for his March 21, 2011, to March 21, 2013, reporting period.

4. On July 15, 2013, despite his license already being expired, Hytche contacted the department and attempted to surrender his insurance adjuster license. He stated he had been unable to secure employment with this license and was therefore not using it. Hytche also asserted that due to the country's economic recession and his inability to find work, he had become homeless and was unable to pay for the hours of continuing education.
5. TDI has no record of any complaints being filed against Hytche.

Conclusions of Law

1. The commissioner has jurisdiction over this matter pursuant to TEX. INS. CODE chs. 82, 84, 4005, and 4054 and TEX. GOV'T CODE §§ 2001.051-2001.178.
2. The commissioner has the authority to dispose of this case informally pursuant to TEX. GOV'T CODE § 2001.056, 28 TEX. ADMIN. CODE § 1.47, and TEX. INS. CODE § 82.055.
3. According to TEX. INS. CODE § 4004.055, the department may not issue a new license to an individual who was previously licensed by the department if the individual fails to
 - a. provide evidence of completion of an applicable continuing education requirement for the expired, nonrenewed, canceled, or revoked license; or
 - b. pay an applicable fine related to the failure to timely complete continuing education.

The commissioner of insurance orders that the department issue Herbert Hoover Hytche Jr. a general lines agent license with a life, accident, and health qualification.

The commissioner of insurance also orders Herbert Hoover Hytche Jr. to pay a \$750 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 Texas Department of Insurance, Attn: Enforcement Section, Division 40111, MC 9999, P.O. Box 149104, Austin, Texas 78714-9104.

The commissioner also orders Herbert Hoover Hytche Jr. to complete 12 additional hours of continuing education within one year from the date of this order. These 12 hours are in addition to, and shall not be applied toward, the 24 hours of continuing education required by TEX. INS. CODE § 4004.053. Hytche must send proof of completion of these 12 hours to the Texas Department of Insurance, Attn: Catherin Bell, or her successor, Enforcement Section, MC 110-1A, P.O. Box 149104 within 13 months of the date of this order.



David C. Mattax
Commissioner of Insurance

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APPROVED AS TO FORM AND CONTENT:

A handwritten signature in black ink, appearing to read "Erin Dinsmore". The signature is written in a cursive style with a large initial "E".

Erin Dinsmore, Staff Attorney
Compliance Division, Enforcement Section

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Affidavit

STATE OF Texas

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COUNTY OF Dallas

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

"My name is Herbert Hoover Hytche, Jr. I am of sound mind, capable of making this statement, and have personal knowledge of these facts which are true and correct.

I waive rights provided by the Texas Insurance Code and other applicable law and acknowledge the jurisdiction of the commissioner.

I have knowingly and voluntarily entered into this consent order and agree with and consent to the issuance and service of the same by the commissioner of insurance of the state of Texas."

Herbert Hoover Hytche, Jr
Affiant

SWORN TO AND SUBSCRIBED before me on July 28, 2016.

(NOTARY STAMP)

Gayl Lynn Tobias
Signature of Notary Public

