

No. 2017- 5163

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

**Date:** JUL 28 2017

**Subject Considered:**

NANCY RUTH ESKUE  
1531 S State Highway 121 Apt. 3011  
Lewisville, Texas 75067-5957

**CONSENT ORDER**  
TDI ENFORCEMENT FILE NO. 13295

**General remarks and official action taken:**

This order is in consideration of the application for a personal lines property and casualty license of Nancy Ruth Eskue.

**WAIVER**

Eskue acknowledges that the Texas Insurance Code and other applicable law provide certain rights. Eskue waives all of these rights in consideration of the entry of this consent order.

**FINDINGS OF FACT**

The findings of fact are as follows:

1. In 1995, Eskue, along with two other parties, stole checks from four different companies, forged and cashed the checks, and recruited others to cash the checks for a percentage of the money received. Eskue personally stole and cashed at least 18 checks. The check amounts ranged from \$2,200 to \$2,500 per check.
2. On November 13, 1996, Eskue pleaded guilty to bank theft, a federal felony. The court ordered probation for four years, \$2,500 in restitution, and an assessment of \$50.
3. Eskue successfully completed her probation and was discharged on November 11, 2000.
4. On March 21, 2017, Eskue submitted an application for a personal lines property and casualty license to be issued by TDI. Eskue disclosed her criminal history in her application.

5. Eskue has cooperated with TDI in its investigation of her criminal background. She provided mitigating evidence to support her fitness for licensure as follows:
  - a. she has paid back the restitution subject to criminal prosecution;
  - b. she has committed no other criminal offenses;
  - c. she has been steadily employed since 1996;
  - d. she has worked for her current company for the last ten years;
  - e. she has held positions with management responsibilities and access to personal and financial information;
  - f. she has submitted three letters of recommendation, including letters from an agent who has been licensed with the department for five years and has no complaints, and others who have known her for a significant time period, are aware of her past conduct and consistently refer to her as hardworking, dependable, responsible, as well as a person of integrity; and
  - g. she has accepted responsibility and expressed remorse for her criminal conduct.
6. Due to Eskue's criminal background, TDI needs an opportunity to monitor her insurance activities to ensure she demonstrates the ability, capability, and fitness required to perform and discharge the responsibilities of an agent.

**CONCLUSIONS OF LAW**

The conclusions of law are as follows:

1. The commissioner has jurisdiction over this matter pursuant to TEX. INS. CODE §§ 82.051–82.055, 4001.002, 4001.102, 4001.105, 4005.101–4005.103, and 4051.401; TEX. GOV'T CODE §§ 2001.051–2001.178; 28 TEX. ADMIN. CODE § 1.502; and TEX. OCC. CODE §§ 53.021–53.023.
2. The commissioner has the authority to dispose of this case informally pursuant to the provisions of TEX. GOV'T CODE § 2001.056, 28 TEX. ADMIN. CODE § 1.47, and TEX. INS. CODE § 82.055.
3. Eskue committed an act for which TDI may deny a license under TEX. INS. CODE §§ 4001.101(b)(5) and 4005.101(b)(8).
4. Pursuant to 28 TEX. ADMIN. CODE § 1.502(f), the factors in TEX. OCC. CODE §§ 53.022–53.023 outweigh the serious nature of Eskue's criminal conviction.
5. The commissioner is an insurance regulatory official authorized to regulate Eskue's activities in the business of insurance. The commissioner has primary jurisdiction to grant Eskue written consent to engage or participate in the business of insurance pursuant to 18 U.S.C. § 1033.

It is ordered that a personal lines property and casualty license is granted to Nancy Ruth Eskue. It is further ordered that the personal lines property and casualty license is suspended for four years, probated.

If, during the probation period imposed by this order, the department issues any additional licenses or authorizations to Nancy Ruth Eskue, those additional licenses or authorizations will be suspended until the probation period imposed by this order has ended. The suspension shall be probated, and the same terms and conditions stated in this order will apply.

Beginning from the date of this order and continuing through the probation period, Eskue must provide written notice of her criminal record to any appointing company, agency, or sponsor. Eskue must provide TDI with a copy of the notification within 30 days of the appointment or sponsorship by sending it to the Texas Department of Insurance, Attn: Catherine Bell or her successor, Enforcement Section, Mail Code 110-1A, P.O. Box 149104, Austin, Texas 78714-9104.

Beginning from the date of this order and continuing through the probation period, Eskue must file a written report, on or before the 15th day of the month on a quarterly basis for the months of March, June, September, and December, with the Texas Department of Insurance, Attn: Catherine Bell or her successor, Enforcement Section, Mail Code 110-1A, P.O. Box 149104, Austin, Texas 78714-9104. The reports must include the following information:

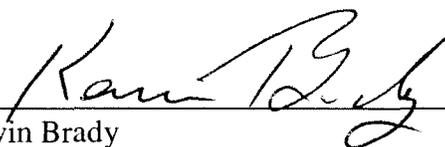
- a. Eskue's current mailing address and telephone number;
- b. the name, mailing address, and telephone number of Eskue's employer, and if Eskue is self-employed, a statement that she is self-employed and the name, mailing address, and telephone number of her business;
- c. the name and address of any insurer that has appointed Eskue as a personal lines agent;
- d. the name and address of any insurer that has canceled Eskue's appointment as a personal lines agent; and
- e. a copy of any and all contracts Eskue has entered into with an insurer, broker, managing general agent, managing general agency, or any person or entity in the business of insurance.

Eskue must notify TDI immediately of the following:

- a. any charges or indictments filed against her for a misdemeanor or felony during the period she is required to file reports, excluding traffic offenses and Class C misdemeanors;
- b. any state or regulatory actions taken against her including formal and informal actions;
- c. any change in her employment or her residence; and

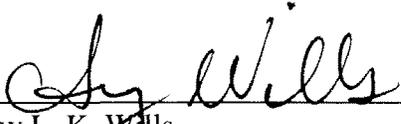
- d. any complaint made against Eskue concerning her performance as a personal lines agent as well as a written explanation from Eskue detailing the steps she has taken to resolve the complaint.

Written consent, as contemplated by 18 U.S.C. § 1033(e)(2), is granted for Eskue to engage or participate in the business of insurance with respect to persons who are domiciled in and risks and subjects of insurance that are resident, located, or to be performed in Texas. This written consent will remain in effect for as long as Eskue continues to renew her license. This written consent terminates immediately if any insurance license or authorization held by Eskue is suspended or revoked.



Kevin Brady  
Deputy Commissioner For Agency Affairs  
Texas Department of Insurance  
Delegation Order 4506

APPROVED AS TO FORM AND CONTENT:



Amy L. K. Wills  
Staff Attorney  
Legal Division, Enforcement Section  
Texas Department of Insurance

