

No. 2017 - 5223

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

Date: SEP 20 2017

**Subject Considered:**

JOSHUA DON HOWARD  
3201 E. University Dr.  
Denton, Texas 76208-1027

**CONSENT ORDER**  
TDI ENFORCEMENT FILE NO. 12358

**General remarks and official action taken:**

This order is in consideration of whether disciplinary action should be taken against Joshua Don Howard.

**WAIVER**

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

**FINDINGS OF FACT**

1. Joshua Don Howard, individual identification no. 1226921, holds a general lines agent license with a property and casualty qualification and a life, accident, and health qualification, originally issued by the Texas Department of Insurance on April 14, 2014.
2. On May 16, 2017, Howard submitted an application for a general lines agency license for the corporation PC&H Insurance Agency, LLC.
3. Howard was appointed by Southern Farm Bureau Life Insurance Company (SFB) from April 2014, through November 2016.
4. According to SFB, Howard forged delivery receipts on life insurance policies. The delivery receipts confirmed the policies were hand delivered to insureds for review upon inception of the policy. However, Howard mailed these policies to the insureds in question because they lived out of town. Howard then signed the delivery receipts once he confirmed the policies had been received. There is no evidence that Howard

did this without consent of the applicants and the department has not received any complaints regarding these applications and/or policies.

5. Additionally, SFB received a complaint from two insureds stating Howard added a whole life rider to their life insurance policies and changed the beneficiary designation without their consent. SFB provided correspondence between Howard and the insureds that revealed some disclosure of the whole life rider. However, the rider was ultimately added without the insureds' consent. According to Howard, SFB would not allow the original beneficiary to be added during policy inception due to underwriting guidelines. Howard opted to add a different beneficiary in order to comply with the guidelines. He alleges it was his intent to change the beneficiary information by amendment after inception of the policy.
6. Howard has not had any other complaints during his licensure.
7. Howard has cooperated fully with the department's investigation and agrees to comply with all insurance laws in the future.

### CONCLUSIONS OF LAW

1. The commissioner has jurisdiction over this matter pursuant to TEX. INS. CODE §§ 82.001-82.056, 84.021-84.022, 4005.101, 4005.102, 4051.051, and 4054.051, and TEX. GOV'T CODE §§ 2001.051-2001.178.
2. The commissioner has the authority to dispose of this case informally pursuant to the provisions of TEX. GOV'T CODE § 2001.056, TEX. INS. CODE §§ 36.104 and 82.055, and 28 TEX. ADMIN. CODE § 1.47.
3. Howard willfully violated an insurance law of this state, in violation of TEX. INS. CODE § 4005.101(b)(1), as contemplated by TEX. INS. CODE § 4005.102.
4. Howard engaged in fraudulent or dishonest acts or practices, in violation of TEX. INS. CODE § 4005.101(b)(5).

It is ordered that Joshua Don Howard pay a \$3,000 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 60851, MC 9999, P.O. Box 149104, Austin, Texas 78714-9104.

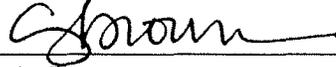
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COMMISSIONER'S ORDER

Joshua Don Howard

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It is further ordered that a general lines agency license is granted to PC&H Insurance Agency, LLC.



Cassie Brown  
Deputy Commissioner  
Regulatory Policy Division  
Texas Department of Insurance  
Delegation Order 4506

APPROVED AS TO FORM AND CONTENT:



Cassie Tighe  
Staff Attorney  
Enforcement Section  
Texas Department of Insurance

Affidavit

STATE OF Texas

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COUNTY OF Collin

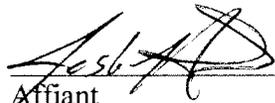
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Before me, the undersigned authority, personally appeared the affiant, who being by me duly sworn, deposed as follows:

"My name is Joshua Don Howard. I am of sound mind, capable of making this statement, and have personal knowledge of these facts which are true and correct.

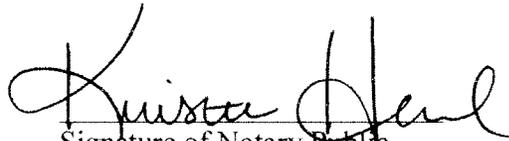
I waive rights provided by the Texas Insurance Code and other applicable law and acknowledge the jurisdiction of the commissioner.

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."

  
\_\_\_\_\_  
Affiant

SWORN TO AND SUBSCRIBED before me on this 5<sup>th</sup> day of September, 2017.

(NOTARY STAMP)

  
\_\_\_\_\_  
Signature of Notary Public

