

No. 2018- 5592

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

Date: JUL 3 0 2018

Subject Considered:

TOPAZ MARIE HODGES
2801 Stillwater Blvd.
Montgomery, Texas 77316

DEFAULT ORDER
SOAH DOCKET NO. 454-18-3439.C
TDI ENFORCEMENT FILE NO. 14328

General remarks and official action taken:

The subject of this order is whether disciplinary action should be taken against Topaz Marie Hodges (Hodges).

FINDINGS OF FACT

Licensure

1. Hodges, individual identification no. 1580483, holds a general lines agent license with a life, accident, and health qualification, originally issued by the Texas Department of Insurance on April 20, 2016.
2. Hodges was appointed as an agent by American National Insurance Company (American National) from April 2016, through January 2017.

Premium Conversion

3. According to a complaint filed by American National with TDI, an audit revealed a discrepancy between the cash premium amount Hodges collected and the amount Hodges reported and remitted to the company. Hodges collected approximately \$1,110.04 in premium payments from policyholders and failed to remit those payments to American National.
4. American National cancelled Hodges's appointment on January 24, 2017.

Failure to Respond to Department Inquiry

5. On November 17, 2017, TDI sent Hodges a request for information pursuant to TEX. INS. CODE § 38.001 which required Hodges to respond in writing not later than the 15th day after Hodges received the request. Hodges failed to respond.

6. On March 5, 2018, TDI sent Hodges a request for information pursuant to TEX. INS. CODE § 38.001 which required Hodges to respond in writing not later than the 15th day after Hodges received the request. Hodges failed to respond

Failure to Respond to Notice of Hearing

7. On May 1, 2018, the department sent a notice of hearing to Hodges's last known address provided in writing to the department, 2801 Stillwater Blvd., Montgomery, Texas 77316, and one additional address, 515 N. Sam Houston Pkwy. East, No. 600, Houston, Texas 77060.
8. Hodges failed to file a written response to the notice of hearing within 20 days of the date the notice of hearing was mailed.

CONCLUSIONS OF LAW

1. The commissioner has jurisdiction over this matter pursuant to TEX. INS. CODE §§ 82.051-82.055, 4001.002, 4005.101, 4005.102, and 4054.051, and TEX. GOV'T CODE §§ 2001.051-2001.178.
2. The commissioner has authority to dispose of this case informally pursuant to TEX. GOV'T CODE § 2001.056; TEX. INS. CODE § 82.055; and 28 TEX. ADMIN. CODE §§ 1.47, 1.88, and 1.89.
3. Based on 28 TEX. ADMIN. CODE § 19.906, Hodges's last known address is presumed to be 2801 Stillwater Blvd., Montgomery, Texas 77316.
4. The department sent a notice of hearing to Hodges's last known address, 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, and one additional address: 515 N. Sam Houston Pkwy. East, No. 600, Houston, Texas 77060.
5. The department's allegations in the notice of hearing, set out herein as findings of fact nos. 1-6, are deemed admitted as true pursuant to 28 TEX. ADMIN. CODE § 1.89.
6. Hodges has committed acts for which a license holder may be disciplined pursuant to TEX. INS. CODE § 4005.101, as contemplated by TEX. INS. CODE § 4005.102.
7. Hodges willfully violated an insurance law of this state, pursuant to TEX. INS. CODE § 4005.101(b)(1).
8. Hodges misappropriated, converted to her own use, or illegally withheld money belonging to an insured, insurer, or beneficiary, in violation of TEX. INS. CODE § 4005.101(b)(4).
9. Hodges engaged in fraudulent or dishonest acts or practices, in violation of TEX. INS. CODE § 4005.101(b)(5).

10. Hodges failed to respond to a department inquiry in writing not later than the 15th day after the date Hodges received the inquiry, in violation of TEX. INS. CODE § 38.001.

It is ordered that Topaz Marie Hodges's general lines agent license with a life, accident, and health qualification is revoked. A copy of this order will be provided to law enforcement and/or other appropriate administrative agencies for further investigation as may be warranted.

A handwritten signature in black ink, appearing to read 'K. Sullivan', is written over a horizontal line.

Kent C. Sullivan
Commissioner of Insurance

Affidavit

STATE OF TEXAS

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COUNTY OF TRAVIS

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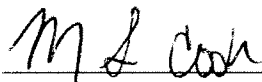
Before me, the undersigned authority, personally appeared the affiant, who, being by me duly sworn, deposed as follows:

"My name is Mariah Cook 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 Topaz Marie Hodges. I have confirmed that:

- a. The last mailing address provided to the department by Topaz Marie Hodges in writing is 2801 Stillwater Blvd., Montgomery, Texas 77316.
- b. The file maintained by the Enforcement Section contains a notice of hearing dated May 1, 2018, filed with the State Office of Administrative Hearings.
- c. Certified letters, return receipts requested, and first class mailings, each containing a notice of hearing, were sent to Hodges's last known address, and one additional address, 515 N. Sam Houston Pkwy. East, No. 600, Houston, Texas 77060.

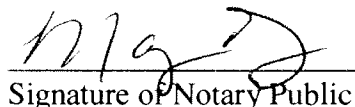
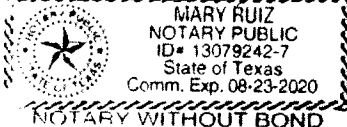
A copy of the first class and certified mail logs maintained by the Enforcement Section are attached as Exhibit A and Exhibit B."



Affiant

SWORN TO AND SUBSCRIBED before me on June 20, 2018.

(NOTARY STAMP)


Signature of Notary Public

2018-5592

<input type="checkbox"/> Adult Signature Required	<input type="checkbox"/> Priority Mail Express
<input type="checkbox"/> Adult Signature Restricted Delivery	<input type="checkbox"/> Registered Mail
<input type="checkbox"/> Certified Mail	<input type="checkbox"/> Return Receipt for Merchandise
<input checked="" type="checkbox"/> Certified Mail Restricted	<input type="checkbox"/> Signature Confirmation
<input type="checkbox"/> Collect on Delivery (COD)	<input type="checkbox"/> Signature Confirmation Restricted Delivery
<input type="checkbox"/> Insured Mail	
<input type="checkbox"/> Priority Mail	

Affix Stamp Here
(If issued as an international certificate of mailing or for additional copies of this receipt). Postmark with
Date of Receipt

EXHIBIT
A

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Check type of mail or service

☐ Adult Signature Required ☐ Priority Mail Express
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☒ Certified Mail ☐ Return Receipt for Merchandise
☐ Certified Mail Restricted Delivery ☐ Signature Confirmation
☐ Collect on Delivery (COD) ☐ Signature Confirmation Restricted Delivery
☐ Insured Mail
☐ Priority Mail

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certificate of mailing or for
additional copies of this receipt).
Postmark with Date of Receipt.

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Total Number of Pieces Received at Post Office

Postmaster, Per (Name of receiving employee)

(Page 1 of 1)

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EXHIBIT

B