Official Order of the Texas Commissioner of Insurance

Date: <u>05/04/2022</u>

Subject Considered:

James Posie Edwards
Plano, Texas 75074

Default Order SOAH Docket No. 454-22-2165

TDI Enforcement File No. 27130

General remarks and official action taken:

This is a default order taken against James Posie Edwards (Respondent) because he intentionally made a material misrepresentation in a renewal license application, obtained or attempted to obtain a license by fraud or misrepresentation, engaged in fraudulent or dishonest acts or practices, and failed to timely respond to requests for information. Further, Respondent can be considered to have been convicted of ten felonies. Respondent did not respond to a Notice of Hearing filed by the Texas Department of Insurance. This order revokes Respondent's license.

The following findings of fact and conclusions of law are adopted:

Findings of Fact

Failure to Respond to Notice of Hearing

- 1. On March 22, 2022, the department filed a Notice of Hearing, attached as Exhibit A, and an Original Petition, attached as Exhibit B, with the State Office of Administrative Hearings.
- 2. The department's factual allegations set out in the attached Notice of Hearing and Original Petition are incorporated in this order as findings of fact.

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- 3. The department sent the Notice of Hearing and Original Petition to Respondent's last known address provided in writing to the department, Plano, Texas 75074. The Notice of Hearing and Original Petition were also sent by electronic mail and to one additional address associated with Respondent: Plano, Texas 75074.
- 4. Respondent failed to file a written response to the Notice of Hearing within 20 days of the date the Notice of Hearing and Original Petition were mailed.

Conclusions of Law

- 1. The commissioner has jurisdiction under Texas law, including Tex. Ins. Code §§ 82.051-82.055, 4001.002, 4005.101, 4005.102, 4051.051, and 4054.051; Tex. Occ. Code §§ 53.021-53.023; 28 Tex. Admin. Code § 1.502; and Tex. Gov't Code §§ 2001.051-2001.178.
- 2. The commissioner has authority to dispose of this case informally under Tex. Gov'T CODE § 2001.056; Tex. Ins. CODE § 82.055; and 28 Tex. ADMIN. CODE §§ 1.47, 1.88, and 1.89.
- 3. The department provided proper notice of the hearing under Tex. GOV'T CODE §§ 2001.051, 2001.052, and 2001.054, and 28 Tex. ADMIN. CODE §§ 1.28, 1.88, 1.89, and 19.906.
- 4. Based on Respondent's failure to file a written response to the Notice of Hearing, the department is entitled to disposition by default under 28 Tex. ADMIN. CODE §§ 1.88 and 1.89.
- 5. The department's factual and legal allegations set out in the attached Notice of Hearing and Original Petition are incorporated in this order and deemed admitted as true under 28 Tex. ADMIN. CODE § 1.89.

Commissioner's Order James Posie Edwards Page 3 of 5

Order

It is ordered that any licenses held by James Posie Edwards are revoked. A copy of this order will be provided to law enforcement or other appropriate administrative agencies for further investigation as may be warranted.

—DocuSigned by:

- FC3D7EDDFFBB4F8

Cassie Brown

Commissioner of Insurance

Prepared and reviewed by:

Sarah White, Staff Attorney

Enforcement

Commissioner's Order James Posie Edwards Page 4 of 5

Affidavit

STATE OF TEXAS §

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COUNTY OF TRAVIS §

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

"My name is David Moreno 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 James Posie Edwards. I have confirmed that:

- a. The last mailing address provided to the department in writing by James Posie Edwards is Plano, Texas 75074.
- b. The file maintained by the Enforcement Division contains a Notice of Hearing and Original Petition dated March 22, 2022, which were filed with the State Office of Administrative Hearings.
- c. On March 22, 2022, the Notice of Hearing and Original Petition addressed to James Posie Edwards were mailed first-class and certified, return receipt requested, to his last known address and one additional address: Plano, Texas 75074.

Copies of the first-class mail log and certified mail log maintained by the Enforcement Division are attached as Exhibit C and Exhibit D, respectively."

DocuSigned by:	
David Moreno	
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Affiant	

Commissioner's Order James Posie Edwards Page 5 of 5

SWORN TO AND SUBSCRIBED before me by means of an interactive two-way audio and video communication on $\frac{4/20/2022}{}$. This notarial act was an online notarization.

Notary Seal



Digital Certificate

DocuSigned by:

Mary Ruiz

795DC4D59167489...

Notary Public State of Texas

FILED 454-22-2165 3/22/2022 1:14 PM STATE OFFICE OF ADMINISTRATIVE HEARINGS Jessie Harbin, CLERK

SOAH DOCKET NO. 454-22-2165 TDI ENFORCEMENT FILE NO. 27130

ACCEPTED 454-22-2165 3/22/2022 1:38 PM STATE OFFICE OF ADMINISTRATIVE HEARINGS Jessie Harbin, CLERK

TEXAS DEPARTMENT OF INSURANCE,	BEFORE THE STATE OFFICE					
Petitioner						
v.	OF					
JAMES POSIE EDWARDS,	ADMINISTRATIVE LIEADINGS					
Respondent	ADMINISTRATIVE HEARINGS					

NOTICE OF HEARING

The Texas Department of Insurance seeks to take disciplinary action against you. This Notice of Hearing and the Original Petition, which is attached and incorporated for all purposes, states the allegations against you and the relief sought by the Department.

A public hearing will be held before an Administrative Law Judge on **Tuesday, May 31, 2022, at 9:00 a.m.** The hearing will take place via videoconference using a videoconference platform controlled by the State Office of Administrative Hearings, unless otherwise ordered to proceed in another manner by the Administrative Law Judge.

The hearing shall be conducted under Tex. Gov'T Code, ch. 2001 and 1 Tex. Admin. Code, ch. 155. Unless otherwise directed by the Administrative Law Judge, the hearing shall continue from day to day in the offices of the State Office of Administrative Hearings until concluded. You have the right to appear at this hearing and to be represented by an attorney.

Parties that are not represented by an attorney may obtain information regarding contested case hearings on the public website of the State Office of Administrative Hearings at www.soah.texas.gov, or in printed format upon request to SOAH.

YOU MUST FILE A WRITTEN RESPONSE TO THE NOTICE OF HEARING WITH THE STATE OFFICE OF ADMINISTRATIVE HEARINGS WITHIN 20 DAYS OF THE DATE THE NOTICE OF HEARING WAS MAILED. FAILURE TO FILE A WRITTEN RESPONSE BY THIS DEADLINE SHALL ENTITLE TDI TO SEEK DISPOSITION BY DEFAULT UNDER 1 Tex. Admin. Code § 155.501 AND 28 Tex. Admin. Code §§ 1.88 AND 1.89.

EXHIBIT_____A

Notice of Hearing James Posie Edwards SOAH Docket No. 454-22-2165 Page 2 of 5

IF YOU FAIL TO FILE A WRITTEN RESPONSE, THE SCHEDULED HEARING CAN BE CANCELED AND WITHOUT FURTHER NOTICE TO YOU THE COMMISSIONER OF INSURANCE CAN ISSUE AN ORDER IN WHICH THE ALLEGATIONS IN THE NOTICE OF HEARING ARE DEEMED ADMITTED AS TRUE AND THE RELIEF SOUGHT IN THE NOTICE OF HEARING, INCLUDING REVOCATION OF YOUR LICENSE, IS GRANTED BY DEFAULT.

IF YOU FILE A WRITTEN RESPONSE BUT THEN FAIL TO APPEAR ON THE DAY AND TIME SET FOR HEARING, WITHOUT FURTHER NOTICE TO YOU, THE COMMISSIONER OF INSURANCE CAN ISSUE AN ORDER IN WHICH THE ALLEGATIONS IN THE NOTICE OF HEARING ARE DEEMED ADMITTED AS TRUE AND THE RELIEF SOUGHT IN THE NOTICE OF HEARING, INCLUDING REVOCATION OF YOUR LICENSE, IS GRANTED BY DEFAULT.

In accord with 28 Tex. ADMIN. CODE § 1.90(e) and 1 Tex. ADMIN. CODE §§ 155.101 and 155.103, you should send copies of your written response to:

- (1) (by mail, fax, or electronically)
 Docketing Division
 State Office of Administrative Hearings
 300 West 15th Street, Room 504
 P.O. Box 13025
 Austin, Texas 78711-3025
 (512) 322-2061 (Fax);
 www.soah.texas.gov/e-filing-soah
- (2) (by mail, fax, or email)
 Chief Clerk
 Texas Department of Insurance
 P.O. Box 12030, MC GC-CCO
 Austin, Texas 78711-2030
 (512) 490-1064 (Fax)
 chiefclerk@tdi.texas.gov; and
- (3) (by mail, fax, or email)
 Sarah White, Staff Attorney
 Texas Department of Insurance
 Enforcement Division, MC ENF

Notice of Hearing James Posie Edwards SOAH Docket No. 454-22-2165 Page 3 of 5

> P.O. Box 12030 Austin, Texas 78711-2030 (512) 490-1020 (Fax) Sarah.white@tdi.texas.gov

Receiving Documents Electronically and Filing Documents with SOAH

The State Office of Administrative Hearings (SOAH) offers you the ability to electronically receive orders and other documents issued by SOAH by email instead of by mail. If you want to receive SOAH-issued documents by email, follow the instructions on SOAH's website: www.soah.texas.gov.

A request to receive SOAH-issued documents by email does <u>not</u> change the procedures you must follow to file documents with SOAH. You may file documents with SOAH by mail, fax, or electronically. To file electronically, you must use eFileTexas. Instructions on using eFileTexas are on SOAH's website. SOAH's website also includes guidance for representing yourself.

Important Security Notice (for In-Person Hearings ONLY)

ALL VISITORS TO THE WILLIAM P. CLEMENTS BUILDING WITHOUT AN AGENCY OR DPS ISSUED ID CARD MUST PROVIDE THE BUILDING SECURITY OFFICER WITH THE STATE OFFICE OF ADMINISTRATIVE HEARINGS DOCKET NUMBER AND RECEIVE A VISITOR'S PASS IN ORDER TO BE ALLOWED ACCESS TO THE HEARING ROOM. INDIVIDUALS SHOULD ALLOW ADDITIONAL TIME TO GO THROUGH THE SECURITY PROCESS.

Notice of Hearing James Posie Edwards SOAH Docket No. 454-22-2165 Page 4 of 5

If you have any questions, please contact me at the address or telephone number shown below.

Respectfully Submitted,



Sarah White
State Bar No. 24064622
Texas Department of Insurance
Enforcement Division, MC ENF
P.O. Box 12030
Austin, Texas 78711-2030
(512) 676-6354 (Direct)
(512) 490-1020 (Fax)
Sarah.white@tdi.texas.gov

ATTORNEY FOR THE PETITIONER
TEXAS DEPARTMENT OF INSURANCE

Enclosure: Original Petition

cc: Leah Gillum, Deputy Commissioner, Enforcement Division, MC ENF Rachel Cloyd, Litigation Director, Enforcement Division, MC ENF Administrative Review, MC CO-AAL

Notice of Hearing James Posie Edwards SOAH Docket No. 454-22-2165 Page 5 of 5

CERTIFICATE OF SERVICE

I, Sarah White, certify that a true and correct copy of the Notice of Hearing and the Original Petition were sent by regular, first-class mail, by certified mail, return receipt requested and by email, on this 22nd day of March, 2022 to:

James Posie Edwards

Plano, Texas 75074

Plano, Texas 75074 Respondent Pro Se

Via CM/RRR No.: 9214 8901 9403 8370 5627 97 Via First Class Mail

Via Email:

Via CM/RRR No.: 9214 8901 9403 8370 5629 64 Via First Class Mail

Sarah White

FILED 454-22-2165 3/22/2022 9:45 AM STATE OFFICE OF ADMINISTRATIVE HEARINGS Carol Hale, CLERK

SOAH DOCKET NO. 454-22-2165 TDI ENFORCEMENT FILE NO. 27130

TEXAS DEPARTMENT OF INSURANCE.

BEFORE THE STATE OFFICE

ACCEPTED 454-22-2165

3/22/2022 12:04:25 pm STATE OFFICE OF

STATE OFFICE OF ADMINISTRATIVE HEARINGS Carol Hale, CLERK

OF

ADN Care

V.

JAMES POSIE EDWARDS.

Petitioner

Respondent

ADMINISTRATIVE HEARINGS

ORIGINAL PETITION

The Texas Department of Insurance seeks to take disciplinary action against James Posie Edwards. In support of this petition, the department makes the following allegations upon information and belief:

Jurisdiction

The Commissioner of Insurance has jurisdiction over this matter under Tex. Ins. Code §§ 82.051-82.055, 4001.002, 4005.101, 4005.102, 4051.051 and 4054.051, 28 Tex. ADMIN. Code §§ 1.502; Tex. Occ. Code §§ 53.021-53.023, and Tex. Gov't Code §§ 2001.051-2001.178.

Factual Allegations

Licensure

1. James Posie Edwards (Edwards), individual identification number 1624937, holds a general lines agent license with both a life, accident, health, and HMO qualification and a property and casualty qualification issued by the department on August 2, 2016.

Failure to Disclose Administrative Proceeding in Original Application

2. On July 11, 2016, Edwards submitted two applications to the department for a general lines agent license with both a life, accident, health, and HMO qualification and a property and casualty qualification.

EXHIBIT

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Original Petition James Posie Edwards Page 2 of 6

- 3. In both applications, Edwards was required to truthfully answer the following question: "have you been named or involved as a party in an administrative proceeding, including a FINRA sanction or arbitration proceeding regarding any professional or occupational license or registration?" In response to this question, Edwards twice answered "no" and failed to disclose the following administrative action in each application.
- 4. On November 20, 2015, the Texas Appraiser Licensing and Certification Board (TALCB) entered an Agreed Final Order for Unlicensed Activity against Edwards.
- 5. The order concluded that Edwards appraised multiple properties without a real estate appraiser certificate or license and used misleading identification with the public regarding his credentials to perform appraisal services.
- 6. The order sanctioned Edwards by imposing a \$28,000 administrative penalty.

Criminal Offenses after Licensure

- 7. On May 11, 2018, Edwards was indicted for 16 counts of the 1st degree felony of False Statement for Property/Credit \$200k in cause no. 1544471D, in the 396th District Court, Tarrant County, Texas.
- 8. On May 17, 2018, the department was notified of the indictment.
- 9. On November 5, 2018, Edwards received deferred adjudication for count one of the indictment of intentionally and knowingly making a materially false and misleading written statement to Texas First Bank by providing an appraisal of real property for compensation.
- 10. On November 5, 2018, Edwards received deferred adjudication for counts two and three of the indictment of intentionally and knowingly making a materially false and misleading written statement to Texas Brand Bank by providing an appraisal of real property for compensation.
- 11. On November 5, 2018, Edwards received deferred adjudication for counts four, five, and six of the indictment of intentionally and knowingly making a materially false and misleading written statement to Veritex Community Bank by providing an appraisal of real property for compensation.

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- 12. On November 5, 2018, Edwards received deferred adjudication for counts seven, eight, nine, and ten of the indictment of intentionally and knowingly making a materially false and misleading written statement to One World Bank by providing an appraisal of real property for compensation.
- 13. For all ten counts, the court placed Edwards on community supervision for a period of five years, ordered him to pay a \$500 fine and \$25,000 in restitution, prohibited him from engaging in any type of appraisal work, and placed him in jail for ten days.
- 14. Additionally, the court-imposed conditions of community supervision upon Edwards for economic crime. Specifically, unless authorized by the court or supervision officer, the court prohibited Edwards from employment or seeking employment where the duties or responsibilities include any of the following:
 - a. receiving, possessing, distributing or otherwise handling cash, checks, or negotiable instruments except for personal compensation check or cash;
 - b. using, signing, or paying charges on any credit cards or debit cards of any other person or business and executing checks or negotiable instruments;
 - c. making or maintaining entries in or controlling ledgers, journals, book of accounts or any other financial records kept or stored in any media;
 - d. having a signature authority on bank accounts of any other person, firm, or corporation;
 - e. exercising any rights under any Power of Attorney purporting to authorize any rights or duties pertaining to financial matters of any other person; and
 - f. seeking application for appointment or accepting or qualifying for appointment as Guardian, Executor, Administrator or any person or estate without express prior approval of the court.
- 15. Finally, the court ordered Edwards to notify any employer in writing that he is on community supervision, the offense he is under supervision for, and provide verification of the notification to his supervision officer.

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16. Edwards remains on community supervision until 2023.

Failure to Disclose Criminal Offenses in Renewal Application

- 17. On November 25, 2020, Edwards submitted a renewal application to the department for his general lines agent license with both qualifications.
- 18. In the renewal application, Edwards was required to truthfully answer the following question: "have you been convicted of a felony, had a judgment withheld or deferred, or are you currently charged with committing a felony, which has not been previously reported to this insurance department?" In response to this question Edwards answered "no" and failed to disclose his ten deferred adjudications.
- 19. Edwards also failed to disclose to the department the administrative proceeding against him, the 2015 TALCB order, in the renewal application.

Failure to Respond

- 20. Between November 2020 and August 2021, the department sent requests for information to Edwards regarding the above allegations. Some of these requests were sent to Edwards electronically and others by first class and certified mail return receipt requested.
- 21. The first-class mail requests sent to Edwards' mailing address of record and email address of record were delivered.
- 22. Edwards failed to respond to the requests for information that were delivered by mail to his mailing address of record and which were delivered electronically to his email address of record.

Legal Allegations

- 1. Edwards committed acts for which a license holder may be disciplined under TEX. INS. CODE § 4005.101, as contemplated in TEX. INS. CODE § 4005.102 because he:
 - a. willfully violated an insurance law of this state, in violation of Tex. Ins. Code § 4005.101(b)(1);

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- b. intentionally made a material misrepresentation in his license renewal application, in violation of Tex. INS. CODE § 4005.101(b)(2);
- c. obtained or attempted to obtain a license by fraud or misrepresentation, in violation of Tex. INS. Code § 4005.101(b)(3); and
- d. engaged in fraudulent or dishonest acts of practices, in violation of Tex. INS. CODE § 4005.101(b)(5).
- 2. Edwards failed to timely respond to the department's request for information, in violation of Tex. INS. CODE § 38.001.
- 3. Pursuant to Tex. Occ. Code § 53.021(a) and (d), the commissioner may revoke Edwards' licenses and consider him to have been convicted of multiple felonies of False Statement for Property/Credit because:
 - a. he has not completed the period of supervision, pursuant to Tex. Occ. Code § 53.021(d)(1)(B)(i); and
 - b. pursuant to Tex. Occ. Code § 53.021(d)(2), the department determined:
 - i. Edwards continues to pose a continued threat to public safety; or
 - ii. employment of Edwards in the licensed occupation would create a situation in which he has the opportunity to repeat the prohibited conduct.
- 4. Department guidelines, 28 Tex. ADMIN. CODE § 1.502(c)-(e), emphasize that the department:
 - a. considers it very important that license holders be honest, trustworthy, and reliable;
 - may revoke a license if the department determines that the license holder has committed a felony or misdemeanor, or has engaged in fraudulent or dishonest activity that directly relates to the duties and responsibilities of the licensed application;

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- c. considers any offense for which fraud, dishonesty, or deceit is an essential element to be a crime of prime importance when determining fitness for licensure pursuant to 28 Tex. ADMIN. CODE § 1.502(e)(1); and,
- d. considers any felony involving moral turpitude or breach of fiduciary duty to be a crime of prime importance when determining fitness for licensure pursuant to 28 Tex. ADMIN. CODE § 1.502(e)(3).

Relief Sought

If one or more of the above allegations is found to be true, the department asks the Administrative Law Judge to enter a Proposal for Decision recommending that the Commissioner of Insurance issue an order:

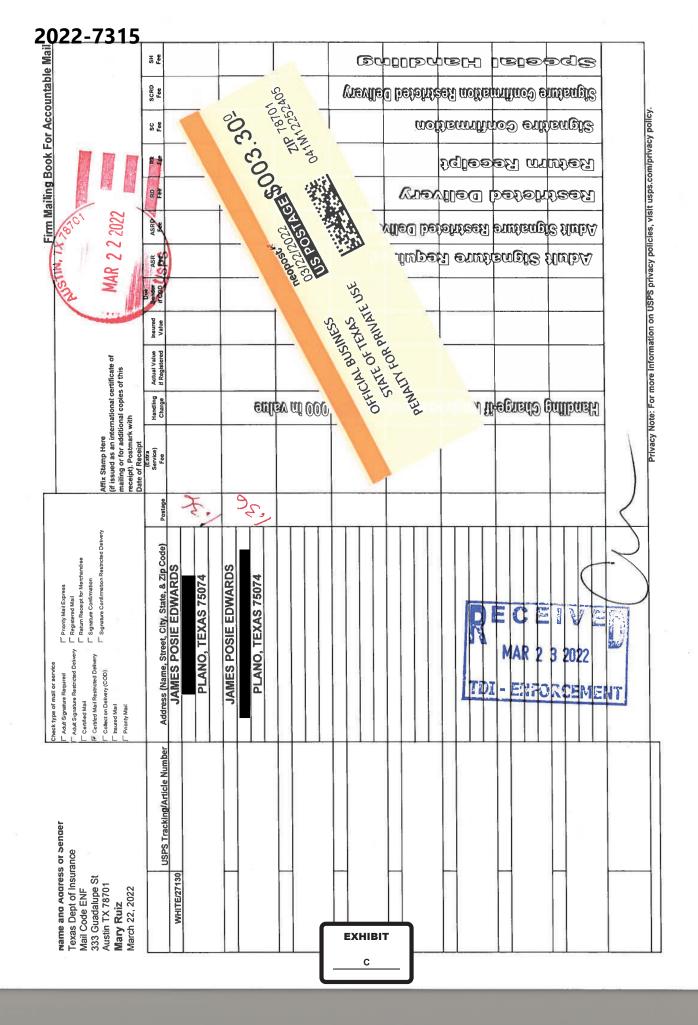
- 1. revoking Edwards' license; and
- 2. imposing any other just and appropriate relief to which the department may be entitled to by law, including any combination of the above actions.

Respectfully Submitted,

Sant White

Sarah White
State Bar No. 24064622
Texas Department of Insurance
Enforcement Division, MC ENF
P.O. Box 12030
Austin, Texas 78711-2030
(512) 676-6354 (Direct)
(512) 490-1020 (Fax)
Sarah.white@tdi.texas.gov

ATTORNEY FOR THE PETITIONER
TEXAS DEPARTMENT OF INSURANCE





Shipment Confirmation Acceptance Notice

Mailer Action

Note to Mailer: The labels and volume associated to this form online, must match the labeled packages being presented to the USPS® employee with this form.

Shipment Date: 03/22/2022

Shipped From:

Name: MC 110-1A M RUIZ

Address: _333 GUADALIPE ST

City: AUSTIN

State: TX ZIP+4® 78701

Type of Mail	Volume
Priority Mail Express®*	
Priority Mail®	0
First-Class Package Service®	
Returns	
International*	<u> </u>
Other	2
Total	2

^{*}Start time for products with service guarantees will begin when mail arrives at the local Post Office™ and items receive individual processing and acceptance scans.

B. USPS Action

Note to RSS Clerk:

1. Home screen > Mailing/Shipping > More
2. Select Shipment Confirm
3. Scan or enter the barcode/label number from PS Form 5630
4. Confirm the volume count message by selecting Yes or No
5. Select Pay and End Visit to complete transaction

USPS EMPLOYEE: Please scan upon pickup or receipt of mail. Leave form with customer or in customer's mail receptacle.

USPS SCAN AT ACCEPTANCE



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PS Form 5630, September 2016 PSN 7530-08-000-4335

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