

No. 2020-6422

**Official Order
of the
Texas Commissioner of Insurance**

Date: 08-06-2020

Subject Considered:

Elaine Louise Hebert

[REDACTED]
Leander, Texas 78641

Default Order
SOAH Docket No. 454-20-3525.C
TDI Enforcement File No. 22986

General remarks and official action taken:

This is a default order taken against Elaine Louise Hebert (Respondent) because she misappropriated trust funds and forged signatures. Respondent did not respond to a Notice of Hearing filed by the Texas Department of Insurance or appear at the hearing on the merits. 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 April 30, 2020, 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.

2020-6422

Commissioner's Order
Elaine Louise Hebert
SOAH Docket No. 454-20-3525.C
Page 2 of 4

3. The department sent the Notice of Hearing and Original Petition to Respondent's last known address provided in writing to the department, [REDACTED], [REDACTED], Texas 78641.
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.

Failure to Appear at Hearing on the Merits

5. After receiving proper notice of the date, time, and location of the hearing on the merits, Respondent failed to appear for the hearing on July 14, 2020, as shown in the record in SOAH Docket No. 454-20-3525.C.

Conclusions of Law

1. The commissioner has jurisdiction pursuant to Texas law, including TEX. INS. CODE §§ 82.051–82.055, 2652.001, and 2652.201; 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. The department provided proper notice of the hearing pursuant to 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 and failure to appear in person or by legal representative at the hearing, the department is entitled to disposition by default pursuant to 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 pursuant to 28 TEX. ADMIN. CODE § 1.89.

2020-6422

Commissioner's Order
Elaine Louise Hebert
SOAH Docket No. 454-20-3525.C
Page 4 of 4

Affidavit

STATE OF TEXAS §
 §
COUNTY OF TRAVIS §

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

"My name is Mary Ruiz 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 Elaine Louise Hebert. I have confirmed that:

- a. The last mailing address provided to the department in writing by Elaine Louise Hebert is [REDACTED], Texas 78641.
- b. The file maintained by the Enforcement Division contains a Notice of Hearing and Original Petition dated April 30, 2020, which were filed with the State Office of Administrative Hearings.
- c. On April 30, 2020, the Notice of Hearing and Original Petition addressed to Elaine Louise Hebert were mailed certified, return receipt requested, to her last known address.

A copy of the certified mail log maintained by the Enforcement Division is attached as Exhibit C."

DocuSigned by:
Mary Ruiz
1B7F2CDF925A438...
Affiant

State of Texas Travis
County of _____

SWORN TO AND SUBSCRIBED before me by means of an interactive two-way audio and video communication) on July 17, 2020. This notarial act was an online notarization.



Digital Certificate
DocuSigned by:
Franchetta Alexander
ED54610E15BF40C...
Notary Public State of Texas

ACCEPTED
454-20-3525
04/30/2020 9:08 AM
STATE OFFICE OF
ADMINISTRATIVE HEARINGS
Jodi Brown, CLERK

2020-6422

Exhibit A

FILED
454-20-3525
4/30/2020 9:07 AM
STATE OFFICE OF
ADMINISTRATIVE HEARINGS
Jodi Brown, CLERK

**SOAH DOCKET NO. 454-20-3525.C
TDI ENFORCEMENT FILE NO. 22986**

**TEXAS DEPARTMENT OF INSURANCE,
Petitioner**

v.

**ELAINE LOUISE HEBERT,
Respondent**

BEFORE THE STATE OFFICE

OF

ADMINISTRATIVE HEARINGS

Notice of Hearing

The Texas Department of Insurance is seeking 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, July 14, 2020** at **9:00 a.m.** The hearing will take place at the State Office of Administrative Hearings, located in the William P. Clements Building, 300 West 15th Street, 4th Floor, Austin, Texas, 78701.

The hearing shall be conducted pursuant to 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 PURSUANT TO 1 TEX. ADMIN. CODE § 155.501 AND 28 TEX. ADMIN. CODE §§ 1.88 AND 1.89.

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

2020-6422

Notice of Hearing
Elaine Louise Hebert
SOAH Docket No. 454-20-3525.C
Page 2 of 4

OF HEARING ARE DEEMED ADMITTED AS TRUE AND THE RELIEF SOUGHT IN THE NOTICE OF HEARING, INCLUDING REVOCATION OF YOUR LICENSE, IMPOSITION OF ADMINISTRATIVE PENALTIES, AND/OR PAYMENT OF RESTITUTION, 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, IMPOSITION OF ADMINISTRATIVE PENALTIES, AND/OR PAYMENT OF RESTITUTION, IS GRANTED BY DEFAULT.

In accord with 28 TEX. ADMIN. CODE § 1.90(e) and 1 TEX. ADMIN. CODE §§ 155.101 and 155.105, you should send copies of your written response to:

- (1) Docketing Division
State Office of Administrative Hearing
300 West 15th Street, Room 504
P.O. Box 13025
Austin, Texas 78711-3025
(512) 322-2061 (fax);
- (2) Chief Clerk
Texas Department of Insurance, MC112-2A
P.O. Box 149104
Austin, Texas 78714-9104
(512) 490-1064 (fax)
chiefclerk@tdi.texas.gov; and
- (3) Casey Seeboth, Staff Attorney
Texas Department of Insurance
Enforcement Division, MC110-1A
P.O. Box 149104
Austin, Texas 78714-9104
(512) 490-1020 (fax)
Casey.Seeboth@tdi.texas.gov.

Receiving Documents

The State Office of Administrative Hearings (SOAH) offers you the ability to receive service of orders and other documents issued by SOAH through email instead of by mail or fax. If you want to receive SOAH-issued documents by email, go to SOAH's website, www.soah.texas.gov, click on the "E-Services" tab, then click the "Email Service" hyperlink, and follow the instructions.

NOTE: A request to receive SOAH-issued documents by email does not change the procedures you must follow to file documents with SOAH. The rules for filing documents and providing copies to all other parties in the case are described in SOAH's Procedural Rules, which are available on SOAH's website. Click the "Agency" tab, then click "Administrative Rules and Laws" to view SOAH's Procedural Rules.

Important Security Notice:

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.

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

Sincerely,

/s/ Casey Seeboth

Casey Seeboth
State Bar No. 24070584
Texas Department of Insurance
Enforcement Division, MC110-1A
P.O. Box 149104
Austin, Texas 78714-9104
(512) 676-6337
(512) 490-1020 (fax)
casey.seeboth@tdi.texas.gov

ATTORNEY FOR THE PETITIONER
TEXAS DEPARTMENT OF INSURANCE
enclosure: Original Petition

2020-6422

Notice of Hearing
Elaine Louise Hebert
SOAH Docket No. 454-20-3525.C
Page 4 of 4

cc: Leah Gillum, Deputy Commissioner, Enforcement Division, MC110-1A
Whitney Fraser, Litigation Director, Enforcement Division, MC110-1A

Certificate of Service

I, Casey Seeboth, certify that a true and correct copy of the *Notice of Hearing* and *Original Petition* was sent by certified mail, return receipt requested, on April 30, 2020 to:

Elaine Louise Hebert

████████████████████
Leander, Texas 78641

via CM/RRR No.:

9214 8901 9403 8311 7246 66

/s/ Casey Seeboth

Casey Seeboth

SOAH DOCKET NO. 454-20-3525.C
TDI ENFORCEMENT FILE NO. 22986

TEXAS DEPARTMENT OF INSURANCE,
Petitioner

v.

ELAINE LOUISE HEBERT,
Respondent

BEFORE THE STATE OFFICE

OF

ADMINISTRATIVE HEARINGS

Original Petition

The Texas Department of Insurance is seeking disciplinary action against Elaine Louise Hebert. In support of this petition, TDI makes the following allegations upon information and belief:

Jurisdiction

The commissioner of insurance has jurisdiction over this matter pursuant to TEX. INS. CODE §§ 82.051 – 82.056, 2652.001, and 2652.201; and TEX. GOV'T CODE §§ 2001.051 – 2001.178.

Factual Allegations

1. Elaine Louise Hebert holds an escrow officer license issued by TDI.
2. Between October 2016 and March 2018, Hebert was employed by Capital Title of Texas, LLC (Capital Title). Hebert worked with other Capital Title escrow officers to close transactions. One of Hebert's responsibilities was preparing checks drawn on Capital Title's escrow account for another escrow officer to sign.
3. Capital Title discovered that Hebert had prepared checks payable to Scott Hill and forged the signature of the assigned escrow officer. These checks were charged against the ledgers of 14 guaranty files concerning specific transactions. There is no evidence that a person named "Scott Hill" was associated with any of these 14 guaranty files and, consequently, Scott Hill should not have received any disbursement in conjunction with any of these files. The checks totaled \$27,429.02. Capital Title reimbursed its escrow account after the discovery.
4. Scott Hill was Hebert's father. He died in May 2014, and Hebert was appointed executor of his estate in July 2014. In February 2016, Hebert opened a bank account in the name of the estate of Scott Hill. Hebert used this bank account to deposit the checks she had issued from Capital Title's escrow account payable to Scott Hill.

Legal Allegations

1. Hebert has misappropriated or converted to the escrow officer's own use or illegally withheld money belonging to a title insurance agent, direct operation, or another person, as contemplated by TEX. INS. CODE § 2652.201(b)(4).
2. Hebert has been guilty of fraudulent or dishonest practices, as contemplated by TEX. INS. CODE § 2652.201(b)(5).

Relief Sought

If these allegations are proved, the commissioner of insurance is authorized to revoke the escrow officer license issued to Elaine Louise Hebert per TEX. INS. CODE §§ 82.051 and 2652.201; additionally, the commissioner is authorized to impose other disciplinary measures per TEX. INS. CODE §§ 82.052–82.055.

Respectfully submitted,

Casey Seeboth
State Bar No. 24070584
Texas Department of Insurance
Enforcement Division, MC110-1A
P.O. Box 149104
Austin, Texas 78714-9104
(512) 676-6337
(512) 490-1020 (fax)
casey.seeboth@tdi.texas.gov

ATTORNEY FOR THE PETITIONER
TEXAS DEPARTMENT OF INSURANCE

2020-6422

Exhibit C

Shipment Confirmation
Acceptance Notice



A. 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: 04/30/2020
Shipped From:
Name: MC 110-1A M RUIZ
Address: 333 GUADALUPE ST
City: AUSTIN
State: TX ZIP+4® 78701

Type of Mail	Volume
Priority Mail Express®	
Priority Mail®	0
First-Class Package Service®	
Returns	
International*	
Other	1
Total	1

*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



9275 0901 1935 6200 0021 7219 14

seeboth/ 22986



