

No. 2022-7488

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

Date: 09/12/2022

Subject Considered:

Austin Wayne Allen
[REDACTED]
Little Elm, Texas 75068

Consent Order
TDI Enforcement File No. 26256

General remarks and official action taken:

This is a consent order with Austin Wayne Allen (Allen). The department alleges that Allen impersonated his client to the insurance company handling an accident claim. Allen agrees to pay an administrative penalty of \$10,000.

Waiver

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

Findings of Fact

Licensure

1. Austin Wayne Allen (Allen), individual identification number 661906, holds a general lines agent license with a life, accident, and health qualification and a property and casualty qualification issued by the department on December 12, 2005.

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Previous Warning Letter

2. July 22, 2019, the department warned and advised Allen that an agent or licensee may be disciplined for willful violations of the insurance code and for fraudulent or dishonest acts or practices based on his resubmission of an expired application for coverage after a loss had occurred.

Agent Misconduct

3. On or about August 29, 2020, Allen called in a claim to Progressive County Mutual Insurance Company (Progressive) on a policy other than his own while posing as the insured. The insured was Allen's employee/contractor and was present when the call was made. As the insured's agent, Allen could have called in the claim. Instead, Allen identified himself as the insured and provided the insured's date of birth, details regarding the loss, and his own phone number as an additional contact for the insured to the company.
4. After investigation, Progressive paid the claim and maintains an active appointment for Allen.
5. Allen admits to posing as his client when making the initial claim and agrees to follow all insurance laws in the future.

Conclusions of Law

1. The commissioner has jurisdiction over this matter under TEX. INS. CODE §§ 82.051–82.055, 84.021–84.044, 4005.101, 4051.054, and 4054.054.
2. The commissioner has the authority to informally dispose of this matter as set forth in TEX. GOV'T CODE § 2001.056, TEX. INS. CODE §§ 36.104 and 82.055, and 28 TEX. ADMIN. CODE § 1.47.
3. Allen has knowingly and voluntarily waived all procedural rights to which he may have been entitled regarding the entry of this order, including, but not limited to, issuance and service of notice of intention to institute disciplinary action, notice of hearing, a public hearing, a proposal for decision, rehearing by the commissioner, and judicial review.

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4. Allen has committed acts for which a license holder may be disciplined under TEX. INS. CODE § 4005.101, as contemplated by TEX. INS. CODE § 4005.102.
5. Allen has willfully violated an insurance law of this state, in violation of TEX. INS. CODE § 4005.101(b)(1).
6. Allen engaged in dishonest acts or practices, in violation of TEX. INS. CODE § 4005.101(b)(5).

Order

It is ordered that Austin Wayne Allen pay an administrative penalty of \$10,000 within 30 days from the date of this order. The administrative penalty must be paid as instructed in the invoice, which the department will send after entry of this order.

DocuSigned by:

FC5D7EDDFB4F8...

Cassie Brown
Commissioner of Insurance

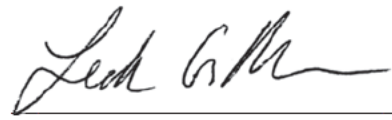
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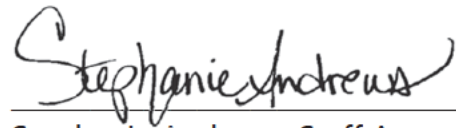
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Recommended and reviewed by:



Leah Gillum, Deputy Commissioner
Enforcement Division



Stephanie Andrews, Staff Attorney
Enforcement Division

Affidavit

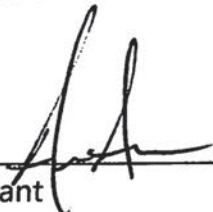
STATE OF Tx §
§
COUNTY OF Denton §

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

"My name is Austin Wayne Allen. 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.

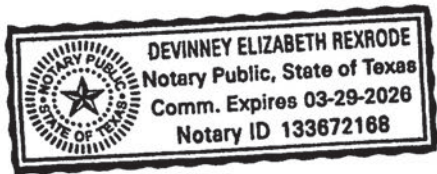
I have knowingly and voluntarily entered into this consent order and agree with and consent to the issuance and service of the same by the commissioner of insurance of the State of Texas."



Affiant

SWORN TO AND SUBSCRIBED before me on 1st of August, 2022.

(NOTARY SEAL)



Devinney Elizabeth Rexrode
Signature of Notary Public

Devinney Elizabeth Rexrode
Printed Name of Notary Public