

No. 2022-7681

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

Date: 12/13/2022

Subject Considered:

Edward James Ferrari
[REDACTED]
San Antonio, Texas 78232

Consent Order
TDI Enforcement File No. 28939

General remarks and official action taken:

This is a consent order with Edward James Ferrari (Ferrari). Ferrari engaged in dishonest conduct related to the issuance of policies to fictitious people for a business that was no longer in operation. Ferrari has agreed to pay a \$3,500 administrative penalty for these violations.

Waiver

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

Findings of Fact

1. Ferrari, individual identification number 225634, holds a general lines agent license with life, accident, health, and HMO qualification issued by the department on March 2, 2012.
2. Ferrari was an agent for American Family Life Assurance Company (AFLAC) from December 16, 2011, until November 21, 2021.

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3. During an investigation by AFLAC, it was discovered that Ferrari issued three policies to fictitious persons on a payroll account for Dunamis Trucking.
4. Dunamis Trucking was a business that was owned by an associate working under Ferrari.
5. Dunamis Trucking was no longer in business at the time the payroll account was created.
6. Ferrari alleges that he was not aware that Dunamis Trucking was no longer in business at the time the payroll account was created.
7. Ferrari received commission and bonuses as a result of the fictitious account and policies.
8. The owner of Dunamis Trucking surrendered his insurance agent license with the department on April 27, 2022.
9. Ferrari represents that the unearned commissions and bonuses have been recovered by AFLAC through chargebacks.

Conclusions of Law

1. The commissioner has jurisdiction over this matter under TEX. INS. CODE §§ 82.051–82.055, 84.021–84.044, 4054.051.
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. Ferrari 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.
4. Ferrari violated TEX. INS. CODE § 4005.101(b)(5) by engaging in fraudulent or dishonest acts or practices in relation to the issuance of three life insurance policies.

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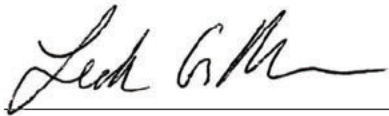
Order

It is ordered that Ferrari pay an administrative penalty of \$3,500 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.

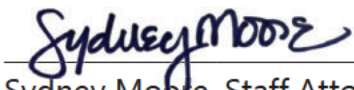
DocuSigned by:

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Cassie Brown
Commissioner of Insurance

Recommended and reviewed by:



Leah Gillum, Deputy Commissioner
Fraud and Enforcement Division



Sydney Moore, Staff Attorney
Enforcement

STATE OF TEXAS §

COUNTY OF BEXAR §

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

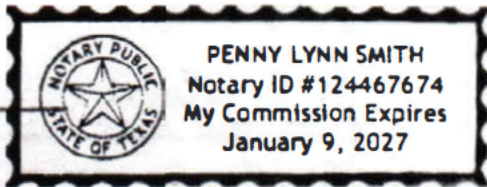
"My name is EDUARDO FERRARI. I am of sound mind, capable of making this statement, and have personal knowledge of these facts which are true and correct.

I have knowingly and voluntarily entered into the foregoing 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 November 29, 2022.

(NOTARY SEAL)



Penny Smith

Signature of Notary Public

Penny Smith

Printed Name of Notary Public