

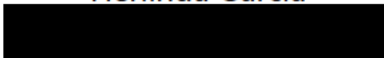
No. 2024-8454

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

Date: 1/2/2024

Subject Considered:

Herlinda Garcia


Dallas, Texas 75248-3760

Consent Order
TDI Enforcement File Nos. 32097

General remarks and official action taken:

This is a consent order with Herlinda Garcia (Garcia). Garcia improperly applied unearned discounts to insureds that were unwarranted. Garcia has agreed to an administrative penalty of \$1,000.

Waiver

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

Findings of Fact

1. Garcia, individual identification number 627440, holds a general lines agent license with a property and casualty qualification issued by TDI on April 20, 2005.
2. Garcia improperly applied the widow discount to insureds that were unwarranted.

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3. Garcia represents that she applied the discounts to insureds so that they could afford the premiums. She further represents that she received no extra compensation or benefits as a result of applying these discounts.

Conclusions of Law

1. The commissioner has jurisdiction over this matter under TEX. INS. CODE §§ 82.051–82.055, 84.021–84.044, and 4051.051.
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. Garcia has knowingly and voluntarily waived all procedural rights to which she 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. Garcia engaged in fraudulent or dishonest acts or practices, as contemplated by TEX. INS. CODE § 4005.101(b)(5).

Order

It is ordered that Garcia pay an administrative penalty of \$1,000 within 60 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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Recommended and reviewed by:



Leah Gillum, Deputy Commissioner
Fraud and Enforcement Division



Sydney Moore, Staff Attorney
Enforcement

Affidavit

STATE OF Texas §
§
COUNTY OF Dallas §

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

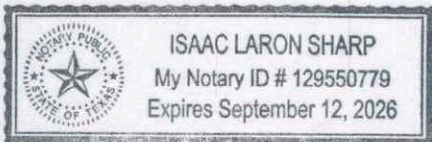
"My name is Herlinda Garcia. I am of sound mind, capable of making this statement, and have personal knowledge of these facts which are true and correct.

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."

Herlinda Garcia
Affiant

SWORN TO AND SUBSCRIBED before me on December 14, 2023.

(NOTARY SEAL)



Isaac L Sharp
Signature of Notary Public

Isaac L Sharp
Printed Name of Notary Public