

No. 2024-8546

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

Date: 2/27/2024

Subject Considered:

Priscilla Whiteaker
[REDACTED]
Edinburg, TX 78539-9683

Consent Order
TDI Enforcement File No. 30603

General remarks and official action taken:

This is a consent order with Priscilla Whiteaker (Whiteaker). Whiteaker misappropriated money belonging to an insurer by improperly delaying or failing to deposit cash premiums paid by the insured. This agreed order imposes a \$1,500 administrative penalty and a one-year probated suspension of Whiteaker's general lines agent license, subject to the terms and conditions stated herein.

Waiver

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

Findings of Fact

1. Whiteaker, individual identification number 637642, holds a general lines agent license with a property and casualty qualification originally issued by the Texas Department of Insurance (TDI) on October 6, 2009, and a life, accident, health & HMO qualification issued on December 22, 2009.

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2. Whiteaker mishandled 29 cash premium payments from insureds by delaying or failing to remit premiums to Farmers Insurance (Farmers) between February 2021 and March 2022.
3. Whiteaker documented the cash payments she received from the insureds into Farmers database and none of the insureds were subjected to late payments or cancellations as a result of Whiteaker's mishandling of premiums.
4. Farmers made a full recovery of the cash premiums.
5. Whiteaker contends that at the time she had no process in place to keep track of cash payments causing her to lose track of what deposits needed to be made. Whiteaker further indicated that her concerns over coronavirus restrictions exacerbated the situation by causing her to make less frequent visits to the bank. Whiteaker has subsequently put into place processes so that cash payments are timely tracked and deposited.

Conclusions of Law

1. The commissioner has jurisdiction over this matter under TEX. INS. CODE §§ 82.051–82.055, 84.021–84.044, 4051.051, and 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. Whiteaker 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. Whiteaker violated TEX. INS. CODE § 4005.101(b)(4) by misappropriating money belonging to an insurer.

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Order

It is ordered that Whiteaker pay an administrative penalty of \$1,500 within 30 days from the date of this order. The administrative penalty must be paid as instructed in the invoice, which TDI will send after entry of this order.

It is further ordered that Priscilla Whiteaker's general lines property and casualty and life, accident, health, and HMO licenses are suspended for one year. This suspension is probated pursuant to the terms and conditions stated in this order.

Beginning from the date of this order and continuing through the probationary period, Whiteaker must file a written report, on or before the 15th day of each month on a quarterly basis for the months of March, June, September, and December, with TDI by emailing it to EnforcementReports@tdi.texas.gov. The reports must include the following information:

- a. the name, address, contact number, and email address of her employer, contractor, direct supervisor, or upline agent;
- b. list of all employees, or other individuals working for or on behalf of Whiteaker, in her capacity as an agent, including the license number of any individuals who are licensed by TDI;
- c. the name, address, contact number, and email address of any insurer which has appointed Whiteaker as an agent;
- d. the name, address, contact number, and email address of any insurer which has canceled Whiteaker's appointment as an agent; and
- e. a copy of all contracts Whiteaker entered into with an insurer, broker, managing general agent, managing general agency, or any person or entity in the business of insurance, with the exception of personal insurance products purchased on her own behalf.


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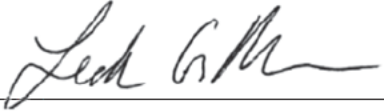
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Whiteaker must immediately notify TDI, by emailing EnforcementReports@tdi.texas.gov, of any complaint made against her concerning her performance as an agent, including the name, address, phone number, and email address of the complainant, as well as a written explanation detailing the steps taken to resolve it.

DocuSigned by:

FC5D7EDDFFB4F8... _____
Cassie Brown
Commissioner of Insurance

Recommended and reviewed by:



Leah Gillum, Deputy Commissioner
Fraud and Enforcement Division



Nancy Williams, Staff Attorney
Enforcement

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Affidavit

STATE OF Texas §
§
COUNTY OF Hidalgo §

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

"My name is Priscilla Whiteaker. 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."

Priscilla Whiteaker

Affiant

SWORN TO AND SUBSCRIBED before me on 01/30, 2024.

(NOTARY SEAL)



[Handwritten Signature]
Signature of Notary Public

Kylie Nicole Guerrero
Printed Name of Notary Public