

No. **3954**

**OFFICIAL ORDER
of the
TEXAS COMMISSIONER OF INSURANCE**

Date: MAY 11 2015

Subject Considered:

Michael Alex Ogilvy
3509 Monclair
Odessa, Texas 79762

CONSENT ORDER
TDI ENFORCEMENT FILE NO. 8905

General remarks and official action taken:

The commissioner of insurance considers whether disciplinary action should be taken against Michael Alex Ogilvy.

WAIVER

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

FINDINGS OF FACT

1. Ogilvy holds an escrow officer's license issued by the Texas Department of Insurance.
2. Ogilvy is employed as an escrow officer for Ector County Abstract & Title Co., Inc.
3. The department requires escrow officers to complete 10 continuing education hours during each reporting period.
4. Ogilvy certified on his renewal application received October 1, 2013, that he completed 10 required hours of continuing education for the October 1, 2011, through October 1, 2013, reporting period. In doing so, Ogilvy answered yes to question number four, and indicated he completed 10 total hours of continuing education.
5. Ogilvy further signed an "Escrow Officer Certification" on the renewal, certifying that he personally answered each question and that each was true and correct. The renewal application also provided notice that failure to comply with any one of the licensing requirements could result in non-renewal.

6. An audit of records revealed that Ogilvy failed to complete six hours of continuing education during the applicable period.
7. Ogilvy completed the outstanding credit hours and fulfilled the continuing education requirement for the applicable period.

CONCLUSIONS OF LAW

1. The commissioner has jurisdiction over this matter pursuant to TEX. INS. CODE §§ 82.051-82.056, 84.021-84.044, 2651.001, 2651.301, 2652.002, 2652.051, 2652.058, 2652.201, and 4005.102-4005.104; 28 TEX. ADMIN. CODE § 9.1, which adopts by reference the Texas Title Insurance Basic Manual, Procedural Rule P-28 (Basic Manual, Rule P-28); and TEX. GOV'T CODE §§ 2001.051-2001.178.
2. The commissioner has authority to informally dispose of this matter under TEX. GOV'T CODE § 2001.056, TEX. INS. CODE § 82.055, and 28 TEX. ADMIN. CODE § 1.47.
3. Pursuant to TEX. INS. CODE §§ 82.052, 2652.201, and Basic Manual, Rule P-28, the department may discipline an escrow officer for failure to comply with the continuing education requirements, including fine, suspension, revocation, or cancellation of a license.
4. Pursuant to TEX. INS. CODE § 2652.201, the department may discipline an escrow officer if it determines that the applicant intentionally made a misstatement on a license application, including fine, suspension, revocation, or cancellation of a license.
5. Ogilvy violated TEX. INS. CODE §§ 2652.058, 2652.201, and Basic Manual, Rule P-28 by failing to complete six hours of required continuing education during the October 1, 2011, through October 1, 2013, reporting period.
6. Ogilvy violated TEX. INS. CODE § 2652.201 by intentionally misstating that he completed the continuing education requirement during the October 1, 2011, through October 1, 2013, reporting period.

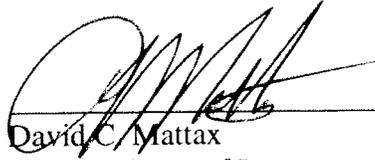
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COMMISSIONER'S ORDER

Michael Ogilvy

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The commissioner orders Michael Alex Ogilvy to pay an administrative penalty of \$3,000. The administrative penalty must be paid in full 30 days from the date of this order. The administrative penalty must be paid by cashier's check or money order made payable to the "State of Texas" and transmitted to the Texas Department of Insurance, Attn: Enforcement Section, Division 40111, MC 9999, P.O. Box 149104, Austin, Texas 78714-9104.



David C. Mattax
Commissioner of Insurance

APPROVED AS TO FORM AND CONTENT:



Beverly Rosendahl, Director
Texas Department of Insurance

