

No. 2017- 5030

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

Date: APR 06 2017

Subject Considered:

DAVID CHRISTIAN LUCIA
195 Tuscany Drive
Bridge City, Texas 77611

CONSENT ORDER
TDI ENFORCEMENT FILE NO. 10519

General remarks and official action taken:

The commissioner of insurance considers whether disciplinary action should be taken against David Christian Lucia.

WAIVER

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

FINDINGS OF FACT

The commissioner makes the following findings of fact:

1. David Christian Lucia holds a general lines agent license with life, accident, and health, and property and casualty qualifications, issued by the Texas Department of Insurance on October 3, 2013.
2. Lucia obtained a personal automobile policy through Farmers Insurance Group.
3. On March 8, 2014, Lucia attempted to make a payment via electronic funds transfer for his personal automobile policy in the amount of \$470.18. On March 14, 2014, the transaction was reversed for insufficient funds.
4. On April 8, 2014, Lucia attempted to make a payment via electronic funds transfer for his personal automobile policy in the amount of \$973.35. On April 17, 2014, the transaction was reversed for insufficient funds.
5. On April 21, 2014, Lucia attempted to make a payment via electronic funds transfer for his personal automobile policy in the amount of \$575.28. On May 1, 2014, the transaction was reversed for insufficient funds.

6. On May 2, 2014, Lucia attempted to make a payment via electronic funds transfer for his personal automobile policy in the amount of \$575.28. On May 13, 2014, the transaction was reversed due to the bank account being closed.
7. On May 5, 2014, Lucia entered into the company payment system that he was making a payment, by check, for his personal automobile policy in the amount of \$987.78. On July 28, 2014, the transaction was reversed due to Lucia never submitting the check.
8. On July 28, 2014, Lucia attempted to make a payment via electronic funds transfer for his personal automobile policy in the amount of \$272.94. On August 20, 2014, the transaction was reversed due to the bank account being closed.
9. On August 4, 2014, Lucia attempted to make a payment via electronic funds transfer for his personal automobile policy in the amount of \$1,399.78. On August 20, 2014, the transaction was reversed due to the bank account being closed.
10. Lucia repeatedly attempted to process premium payments himself through the company payment system, knowing that he did not have sufficient funds in the account or that the account was closed, while continuing to receive coverage from the company for approximately 6 months.
11. On November 13, 2014, Lucia filed for bankruptcy in the United States Bankruptcy Court.
12. In November 2014, Lucia closed his personal insurance business.
13. On August 4, 2015, Lucia's home was sold through a foreclosure sale in Orange County, Texas.
14. Lucia has cooperated with TDI in its investigation and has agreed to pay full restitution to Farmers. Farmers confirmed the amount of restitution owed is \$2,084.99.

CONCLUSIONS OF LAW

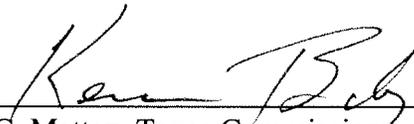
The commissioner makes the following conclusions of law:

1. The commissioner has jurisdiction over this matter pursuant to TEX. INS. CODE §§ 82.051-82.055, 4001.002, 4001.105, 4005.101-4005.107, 4051.051 and 4054.051, and TEX. GOV'T CODE §§ 2001.051-2001.178.
2. The commissioner has the authority to dispose of this case informally pursuant to TEX. GOV'T CODE § 2001.056, TEX. INS. CODE §§ 82.055 and 36.104, and 28 TEX. ADMIN. CODE § 1.47.
3. Lucia has committed acts for which a licensee holder may be disciplined under TEX. INS. CODE § 4005.101, as contemplated in TEX. INS. CODE § 4005.102.

4. Lucia has willfully violated an insurance law of this state, pursuant to TEX. INS. CODE § 4005.101(b)(1).
5. Lucia illegally withheld money belonging to an insurer, as contemplated by TEX. INS. CODE § 4005.101(b)(4).
6. Lucia engaged in fraudulent or dishonest acts or practices, as contemplated by TEX. INS. CODE § 4005.101(b)(5).

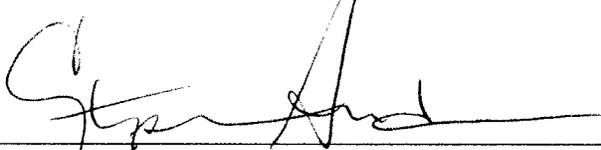
ORDER

The commissioner of insurance orders David Christian Lucia to pay \$2,084.99 in restitution to Farmers Insurance Group within one year from the date of this order. Lucia must send written proof of payment of restitution in full to the Texas Department of Insurance, Attn: Catherine Bell, or her successor, Enforcement Section, MC 110-1A, P.O. Box 149104, Austin, TX 78714-9104, within 13 months from the date of this order.



David C. Mattax, Texas Commissioner of Insurance
By: Kevin C. Brady, Deputy Commissioner
Delegation Order 4506

APPROVED AS TO FORM AND CONTENT:



Stephanie Andrews
Staff Attorney, Enforcement Section
Texas Department of Insurance

AGREED, ACCEPTED, AND EXECUTED BY:

DAVID LUCIA
[Name of Individual]

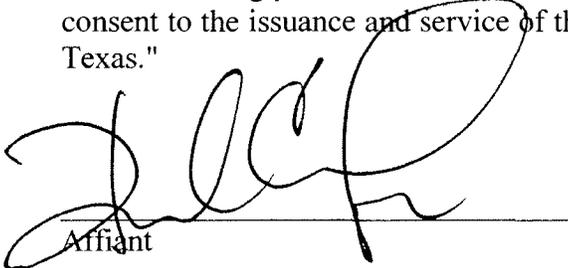
AFFIDAVIT

STATE OF TEXAS §
 §
COUNTY OF JEFFERSON §

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

"My name is DAVID LUCIA. 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 03-11-, 2017.

(NOTARY SEAL)


Signature of Notary Public

John Mark Domaschk Jr
Printed Name of Notary Public

