

No. 2017- 5198

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

Date: AUG 3 0 2017

Subject Considered:

REBECCA LYNN ODELL
5959 S. Staples St., Ste. 103
Corpus Christi, Texas 78413-3844

DEFAULT ORDER
SOAH DOCKET NO. 454-17-4963.C
TDI ENFORCEMENT FILE NO. 11826

General remarks and official action taken:

This order is in consideration of whether disciplinary action should be taken against Rebecca Lynn Odell.

FINDINGS OF FACT

1. Rebecca Lynn Odell, individual identification no. 1231819, holds a general lines agent license with a property and casualty qualification, originally issued by TDI on October 8, 2014.
2. Odell also holds a personal lines personal property and casualty agent license, originally issued by TDI on October 8, 2013.
3. On June 29, 2017, the department sent a notice of hearing to Odell's last known address provided in writing to the department, 5959 S. Staples St., Ste. 103, Corpus Christi, Texas 78413-3844, and three additional addresses: 4040 Schanen Blvd., Apt. 400, Corpus Christi, Texas 78413-3434; 4001 Lamont St., Corpus Christi, Texas 78411; and 4502 Corona Dr., Apt. 26E, Corpus Christi, Texas 78411.
4. Odell failed to file a written response to the notice of hearing within 20 days of the date the notice of hearing was mailed.
5. Odell was appointed by Allstate from October 2015, through July 2016.
6. Odell used an insured's credit card without his consent at least 11 different times, totaling approximately \$2,825.61 in unauthorized charges. Odell used the credit card on other policyholders' accounts including Odell's aunt's personal auto policy. Odell had taken cash payments from these insureds and then charged the credit card for the amount she received in cash. The insured successfully disputed the charges with his credit card

- company and received a refund. Allstate reimbursed the other insureds who made cash payments to Odell and never had the amount applied to their policies.
7. Odell also created and provided fake premium payment receipts to at least three different insureds who made cash payments in person, totaling approximately \$933.12.
 8. Allstate cancelled Odell's appointment on July 26, 2016.
 9. On November 28, 2016, TDI sent Odell a request for information pursuant to TEX. INS. CODE § 38.001 which required Odell to respond in writing not later than the 15th day after Odell received the request. Odell failed to respond.
 10. On December 7, 2016, TDI sent Odell a request for information pursuant to TEX. INS. CODE § 38.001 which required Odell to respond in writing not later than the 15th day after Odell received the request. Odell failed to respond.
 11. On January 11, 2017, TDI sent Odell a request for information pursuant to TEX. INS. CODE § 38.001 which required Odell to respond in writing not later than the 15th day after Odell received the request. Odell failed to respond.

CONCLUSIONS OF LAW

1. The commissioner has jurisdiction over this matter pursuant to TEX. INS. CODE §§ 82.051-82.055, 4001.002, 4005.101, 4005.102, 4051.051, and 4051.401, and TEX. GOV'T CODE §§ 2001.051-2001.178.
2. TEX. GOV'T CODE § 2001.056; TEX. INS. CODE § 82.055; and 28 TEX. ADMIN. CODE §§ 1.47, 1.88, and 1.89 give the commissioner authority to dispose of this case informally.
3. Based on 28 TEX. ADMIN. CODE § 19.906, Odell's last known address is presumed to be 5959 S. Staples St., Ste. 103, Corpus Christi, Texas 78413-3844.
4. The department sent a notice of hearing to Odell's last known address, as required by 28 TEX. ADMIN. CODE §§ 1.28(c) and 1.88(c), 1 TEX. ADMIN. CODE § 155.401, and TEX. GOV'T CODE Ch. 2001. The department also sent a notice of hearing to three additional addresses: 4040 Schanen Blvd., Apt. 400, Corpus Christi, Texas 78413-3434; 4001 Lamont St., Corpus Christi, Texas 78411; and 4502 Corona Dr., Apt. 26E, Corpus Christi, Texas 78411.
5. The department's allegations in the notice of hearing, set out herein as findings of fact nos. 1-2 and 5-11, are deemed admitted as true pursuant to 28 TEX. ADMIN. CODE § 1.89.
6. Odell has committed acts for which a license holder may be disciplined under TEX. INS. CODE § 4005.101, as contemplated in TEX. INS. CODE § 4005.102.
7. Odell has willfully violated an insurance law of this state, pursuant to TEX. INS. CODE § 4005.101(b)(1).

8. Odell has misappropriated, converted to her own use, or illegally withheld money belonging to an insured, insurer, or beneficiary, in violation of TEX. INS. CODE § 4005.101(b)(4).
9. Odell has engaged in fraudulent or dishonest acts or practices, in violation of TEX. INS. CODE § 4005.101(b)(5).
10. Odell failed to respond to a department inquiry in writing not later than the 15th day after the date she received the inquiry, in violation of TEX. INS. CODE § 38.001.

It is ordered that Rebecca Lynn Odell's general lines agent license with a property and casualty qualification, and personal lines property and casualty agent license are revoked.

It is further ordered that Odell must pay \$3,758.73 in restitution to Allstate within 30 days from the date of this order. Odell 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 45 days from the date of this order.



Kevin Brady
Deputy Commissioner For Agency Affairs
Texas Department of Insurance
Delegation Order 4506

Affidavit

STATE OF TEXAS

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COUNTY OF TRAVIS

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

“My name is Judy Lopez and I am employed by the Texas Department of Insurance. I am of sound mind, capable of making this affidavit, and have personal knowledge of these facts which are true and correct.

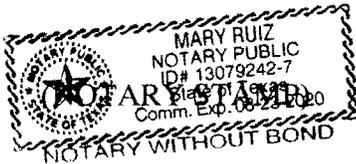
I have reviewed TDI’s records concerning Rebecca Lynn Odell. I have confirmed that:

- a. The last mailing address provided to the department by Rebecca Lynn Odell in writing is 5959 S. Staples St., Ste. 103, Corpus Christi, Texas 78413-3844.
- b. The file maintained by the Enforcement Section contains a notice of hearing dated June 29, 2017, filed with the State Office of Administrative Hearings.
- c. Certified letters, return receipts requested, and first class mailings, each containing a notice of hearing, were sent to Odell’s last known address, and three additional addresses: 4040 Schanen Blvd., Apt. 400, Corpus Christi, Texas 78413-3434; 4001 Lamont St., Corpus Christi, Texas 78411; and 4502 Corona Dr., Apt. 26E, Corpus Christi, Texas 78411.

A copy of the first class and certified mail logs maintained by the Enforcement Section are attached as Exhibit A and Exhibit B.”

Judy Lopez
Affiant

SWORN TO AND SUBSCRIBED before me on August 11, 2017.



Mary Ruiz
Signature of Notary Public

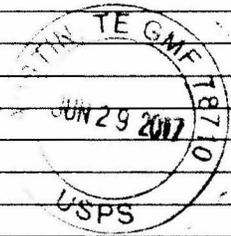
Name and Address of Sender
 Texas Dept of Insurance
 Mail Code 110-1A
 333 Guadalupe St
 Austin TX 78701
 June 29, 2017
 Judy Lopez

- Check type of mail or service
- Adult Signature Required
 - Adult Signature Restricted Delivery
 - Certified Mail
 - Certified Mail Restricted
 - Collect on Delivery (COD)
 - Insured Mail
 - Priority Mail
 - Priority Mail Express
 - Registered Mail
 - Return Receipt for Merchandise
 - Signature Confirmation
 - Signature Confirmation Restricted

Affix Stamp Here
 (If issued as an international certificate of mailing or for additional copies of this receipt). Postmark with Date of Receipt

USPS Tracking/Article Number	Address (Name, Street, City, State, & Zip Code)	Postage	(Extra Service) Fee	Handling Charge	Actual Value if Registered	Insured Value	Due Sender if COD	ASR Fee	ASRD Fee	RD Fee	RR Fee	SC Fee	SCRD Fee	SH Fee	
Tigue	Rebecca Lynn Odell 5959 S. Staples St., Ste. 103 Corpus Christi, Texas 78413-3844	UL													
Ecase #11826 - Notice of Hearing	Rebecca Lynn Odell 4040 Schanen Blvd., Apt. 400 Corpus Christi, Texas 78413-3434														
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Ecase #11826 - Notice of Hearing	Rebecca Lynn Odell 4502 Corona Dr., Apt. 26E Corpus Christi, Texas 78411														
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Ecase #11826 - Notice of Hearing															
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Ecase #11826 - Notice of Hearing															

over \$50,000 in value



neopost 06/29/2017
US POSTAGE \$001.17⁰
 OFFICIAL BUSINESS
 STATE OF TEXAS
 PENALTY FOR PRIVATE USE

neopost 06/29/2017
US POSTAGE \$000.38⁰
 OFFICIAL BUSINESS
 STATE OF TEXAS
 PENALTY FOR PRIVATE USE

ZIP 78701
 041L12203074

ZIP 78701
 041L12203074

A Adult Restr. Return Signature Conf. Special Handling

Delivery

2017-5198

