

No. 2018-5443

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

Date: MAR 30 2018

Subject Considered:

CHRISTOPHER BRANDON TURNER
500 N. Tarrant Parkway, Apt. 121
Keller, Texas 76248

DEFAULT ORDER
SOAH DOCKET NO. 454-18-1221.C
TDI ENFORCEMENT FILE NO. 12301

General remarks and official action taken:

The subject of this order is whether disciplinary action should be taken against Christopher Brandon Turner (Turner).

FINDINGS OF FACT

Licensure

1. Turner, individual identification no. 851949, holds a general lines agent license with a life, accident, and health qualification originally issued by the Texas Department of Insurance on July 13, 2009.
2. Turner failed to renew his general lines agent license and his license became inactive on July 13, 2011.
3. Turner submitted an application to reinstate his general lines agent license on February 7, 2012. The department reinstated Turner's general lines agent license on March 14, 2012.
4. On February 9, 2016, Turner submitted an application to add a property and casualty qualification to his general lines agent license. Turner subsequently attained a property and casualty qualification for his general lines agent license on March 31, 2016.

Agent Misconduct

5. At the time that Turner submitted his application to add the property and casualty qualification to his general lines agent license on February 9, 2016, the department reviewed

- Turner's license status. The department determined that Turner was not compliant with his continuing education obligations for the 2009-2011 and 2012-2014 reporting periods.
6. According to department records, Turner failed to complete 30 hours of the 30 hours of continuing education required for the 2009-2011 reporting period.
 7. According to department records, Turner failed to complete 30 hours of the 30 hours of continuing education required for the 2012-2014 reporting period.
 8. On March 8, 2016, the department notified Turner that he owed an automatic fine based on Turner's failure to obtain the total number of continuing education hours before the expiration date of his license. The automatic fine assessed is \$50 per credit hour not completed when a licensee fails to obtain the required number of continuing education hours before the expiration date of a license. Turner's continuing education deficiency resulted in an automatic fine of \$3,000. The department informed Turner that if he did not address his continuing education deficiency with the department or withdraw his application, Turner's application would eventually be considered abandoned.
 9. On March 21, 2016, the department received a check from Turner in the amount of \$3,000 as payment for his outstanding automatic fine for failure to complete the required number of continuing education hours.
 10. On March 31, 2016, based on receipt of the payment for his outstanding fine, the department approved Turner's application to add a property and casualty qualification to his general lines agent license.
 11. Turner's payment would have satisfied the automatic fine; however, the bank returned the \$3,000 check to the department because Turner's account did not have sufficient funds.
 12. On April 18, 2016, the department sent Turner a certified letter informing him that the bank had returned the \$3,000 check for non-sufficient funds. The letter further instructed Turner to send a money order or cashier's check for the outstanding balance due. As of April 18, 2016, Turner owed \$3,030—the \$3,000 balance remaining on the automatic fine and the \$30 returned check fee. This letter was mailed to Turner prior to the inception of the present enforcement action. Turner failed to respond to the department.
 13. Subsequently, the department audited Turner's 2014-2016 continuing education reporting period for compliance. According to department records, Turner failed to complete 20 hours of the 24 hours of continuing education required for the 2014-2016 reporting period.
 14. Turner is deficient a total of 80 hours of continuing education from the 2009-2011, 2012-2014, and 2014-2016 reporting periods.

Failure to Respond to Notice of Hearing

15. On December 5, 2017, the department sent a notice of hearing to Turner's last known address provided in writing to the department, 500 N. Tarrant Parkway, Apt. 121, Keller, Texas 76248.
16. Turner failed to file a written response to the notice of hearing within 20 days of the date the notice of hearing was mailed.

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 4054.051, 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, Turner's last known address is presumed to be 500 N. Tarrant Parkway, Apt. 121, Keller, Texas 76248.
4. The department sent a notice of hearing to Turner'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.
5. The department's allegations in the notice of hearing, set out herein as findings of fact nos. 1-14, are deemed admitted as true pursuant to 28 TEX. ADMIN. CODE § 1.89.
6. Turner has committed acts for which a license holder may be disciplined under TEX. INS. CODE § 4005.101, as contemplated by TEX. INS. CODE § 4005.102.
7. Turner has willfully violated an insurance law of this state, pursuant to TEX. INS. CODE § 4005.101(b)(1).
8. Turner obtained or attempted to obtain a license by fraud or misrepresentation, in violation of TEX. INS. CODE § 4005.101(b)(3).
9. Turner engaged in fraudulent or dishonest acts or practices, in violation of TEX. INS. CODE § 4005.101(b)(5).
10. Turner violated TEX. INS. CODE §§ 4004.051, 4004.053, and 4004.054 by failing to complete the required number of continuing education hours during the 2009 through 2011 reporting period, the 2012 through 2014 reporting period, and the 2014 through 2016 reporting period.

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11. Turner violated 28 TEX. ADMIN. CODE § 19.1015(a)(5) by failing to pay the automatic fine assessed pursuant to TEX. INS. CODE § 4005.109 and 28 TEX. ADMIN. CODE § 19.1016.

It is ordered that Christopher Brandon Turner's general lines agent license with a life, accident, and health qualification and a property and casualty qualification is revoked.

A handwritten signature in black ink, appearing to read "Kent C. Sullivan", written over a horizontal line.

Kent C. Sullivan
Commissioner of Insurance

