

No. 2020-6328

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

Date: 04/28/2020

Subject Considered:

Geoffrey Wayne Leininger
PO Box 269031
Plano, Texas 75026

Default Order
SOAH Docket No. 454-20-2456.C
TDI Enforcement File No. 16991

General remarks and official action taken:

This is a default order taken against Geoffrey Wayne Leininger ("Respondent") because he: failed to notify the department of regulatory actions taken against him in the states of Washington, Louisiana, and California; engaged in fraudulent and dishonest acts; failed to notify the department of the change in his mailing address; failed to respond to an inquiry; and, he is not actively engaged in soliciting or writing insurance in Texas. Respondent did not respond to a Notice of Hearing filed by the department. This order revokes Respondents' license.

The following findings of fact and conclusions of law are adopted:

Findings of Fact

Failure to Respond to Notice of Hearing

1. On February 7, 2020, the department filed a Notice of Hearing, attached as Exhibit A, and an Original Petition, attached as Exhibit B, with the State Office of Administrative Hearings.
2. The department's factual allegations set out in the attached Notice of Hearing and Original Petition are incorporated in this order as findings of fact.

3. The department sent the Notice of Hearing and Original Petition to Respondent's last known address provided in writing to the department, PO Box 269031, Plano, Texas 75026. The Notice of Hearing and Original Petition were also sent to the following two addresses: 11018 Elizabeth Ave., Frisco, Texas 75035; and Liberty Mutual Insurance, 3905 Dallas Pkwy, Plano, Texas 75093. In addition, these documents were sent electronically to two email addresses associated with the Respondent.
4. Respondent failed to file a written response to the Notice of Hearing within 20 days of the date the Notice of Hearing and Original Petition were mailed.

Conclusions of Law

1. The commissioner has jurisdiction pursuant to Texas law, including TEX. INS. CODE §§ 82.051-82.055, 4001.002, 4005.101, 4005.102, 4051.051, 4051.401, 4054.051; TEX. GOV'T CODE §§ 2001.051-2001.178; and TEX. OCC. CODE §§ 53.021-53.023.
2. The commissioner has authority to dispose of this case informally pursuant to TEX. GOV'T CODE § 2001.056; TEX. INS. CODE § 82.055; and 28 TEX. ADMIN. CODE §§ 1.47, 1.88, and 1.89.
3. The department provided proper notice of the hearing pursuant to TEX. GOV'T CODE §§ 2001.051, 2001.052, and 2001.054, and 28 TEX. ADMIN. CODE §§ 1.28, 1.88, 1.89, and 19.906.
4. Based on Respondent's failure to file a written response to the Notice of Hearing, the department is entitled to disposition by default pursuant to 28 TEX. ADMIN. CODE §§ 1.88 and 1.89.
5. The department's factual and legal allegations set out in the attached Notice of Hearing and Original Petition are incorporated in this order and deemed admitted as true pursuant to 28 TEX. ADMIN. CODE § 1.89.

Affidavit

STATE OF TEXAS §
 §
COUNTY OF TRAVIS §

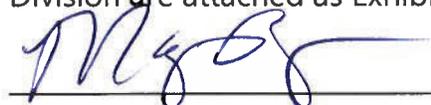
Before me, the undersigned authority, personally appeared Mary Ruiz, who, being by me duly sworn, deposed as follows:

"My name is Mary Ruiz 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 Geoffrey Wayne Leininger. I have confirmed that:

- a. The last mailing address provided to the department in writing by Geoffrey Wayne Leininger is PO Box 269031, Plano, Texas 75026.
- b. The file maintained by the Enforcement Division contains a Notice of Hearing and Original Petition dated February 7, 2020, which were filed with the State Office of Administrative Hearings.
- c. On February 7, 2020, the Notice of Hearing and Original Petition addressed to Geoffrey Wayne Leininger were mailed first-class and certified, return receipt requested, to his last known address, and two additional addresses: 11018 Elizabeth Ave., Frisco, Texas 75035; and Liberty Mutual Insurance, 3905 Dallas Pkwy, Plano, Texas 75093.

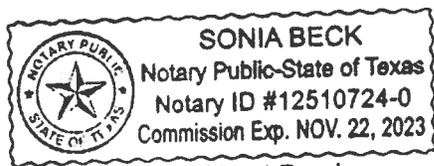
Copies of the first-class mail log and certified mail log maintained by the Enforcement Division are attached as Exhibit C and Exhibit D, respectively."

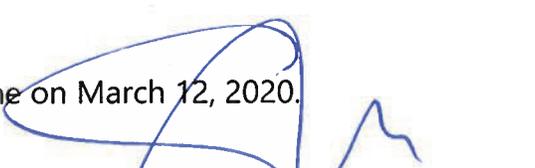


Affiant

SWORN TO AND SUBSCRIBED before me on March 12, 2020.

(NOTARY SEAL)





Signature of Notary Public



Printed Name of Notary Public

SOAH DOCKET NO. 454-20-2456.C
TDI ENFORCEMENT FILE NO. 16991

TEXAS DEPARTMENT OF INSURANCE,

Petitioner

v.

GEOFFREY WAYNE LEININGER,

Respondent

BEFORE THE STATE OFFICE

OF

ADMINISTRATIVE HEARINGS

NOTICE OF HEARING

The Texas Department of Insurance seeks to take disciplinary action against you. This Notice of Hearing and the Original Petition, which is attached and incorporated for all purposes, states the allegations against you and the relief sought by the Department.

A public hearing will be held before an Administrative Law Judge on **Tuesday, May 5, 2020, at 9:00 a.m.** The hearing will take place at the State Office of Administrative Hearings, located in the William P. Clements Building, 300 W. 15th Street, 4th Floor, Austin, Texas, 78701.

The hearing shall be conducted pursuant to TEX. GOV'T CODE, ch. 2001 and 1 TEX. ADMIN. CODE, ch. 155. Unless otherwise directed by the Administrative Law Judge, the hearing shall continue from day to day in the offices of the State Office of Administrative Hearings until concluded. You have the right to appear at this hearing and to be represented by an attorney.

Parties that are not represented by an attorney may obtain information regarding contested case hearings on the public website of the State Office of Administrative Hearings at www.soah.texas.gov, or in printed format upon request to SOAH.

YOU MUST FILE A WRITTEN RESPONSE TO THE NOTICE OF HEARING WITH THE STATE OFFICE OF ADMINISTRATIVE HEARINGS WITHIN 20 DAYS OF THE DATE THE NOTICE OF HEARING WAS MAILED. FAILURE TO FILE A WRITTEN RESPONSE BY THIS DEADLINE SHALL ENTITLE TDI TO SEEK DISPOSITION BY DEFAULT PURSUANT TO 1 TEX. ADMIN. CODE § 155.501 AND 28 TEX. ADMIN. CODE §§ 1.88 AND 1.89.



2020-6328

Notice of Hearing
Geoffrey Wayne Leininger
SOAH Docket No. 454-20-2456.C
Page 2 of 5

IF YOU FAIL TO FILE A WRITTEN RESPONSE, THE SCHEDULED HEARING CAN BE CANCELED AND WITHOUT FURTHER NOTICE TO YOU THE COMMISSIONER OF INSURANCE CAN ISSUE AN ORDER IN WHICH THE ALLEGATIONS IN THE NOTICE OF HEARING ARE DEEMED ADMITTED AS TRUE AND THE RELIEF SOUGHT IN THE NOTICE OF HEARING, INCLUDING REVOCATION OF YOUR LICENSES, IS GRANTED BY DEFAULT.

IF YOU FILE A WRITTEN RESPONSE BUT THEN FAIL TO APPEAR ON THE DAY AND TIME SET FOR HEARING, WITHOUT FURTHER NOTICE TO YOU, THE COMMISSIONER OF INSURANCE CAN ISSUE AN ORDER IN WHICH THE ALLEGATIONS IN THE NOTICE OF HEARING ARE DEEMED ADMITTED AS TRUE AND THE RELIEF SOUGHT IN THE NOTICE OF HEARING, INCLUDING REVOCATION OF YOUR LICENSES, IS GRANTED BY DEFAULT.

In accord with 28 TEX. ADMIN. CODE § 1.90(e) and 1 TEX. ADMIN. CODE §§ 155.101 and 155.103, you should send copies of your written response to:

- (1) Docketing Division
State Office of Administrative Hearings
300 West 15th Street, Room 504
P.O. Box 13025
Austin, Texas 78711-3025
(512) 322-2061 (Fax);
- (2) Chief Clerk
Texas Department of Insurance
P.O. Box 149104, MC112-2A
Austin, Texas 78714-9104
(512) 490-1064 (Fax)
chiefclerk@tdi.texas.gov; and
- (3) Anna Kalapach, Staff Attorney
Texas Department of Insurance
Enforcement Division, MC110-1A
P.O. Box 149104
Austin, Texas 78714-9104
(512) 490-1020 (Fax)
anna.kalapach@tdi.texas.gov

2020-6328

Notice of Hearing
Geoffrey Wayne Leininger
SOAH Docket No. 454-20-2456.C
Page 3 of 5

Receiving Documents

The State Office of Administrative Hearings (SOAH) offers you the ability to receive service of orders and other documents issued by SOAH through email instead of by mail or fax. If you want to receive SOAH-issued documents by email, go to SOAH's website, www.soah.texas.gov, click on the "E-Services" tab, then click the "Email Service" hyperlink, and follow the instructions.

NOTE: A request to receive SOAH-issued documents by email does not change the procedures you must follow to file documents with SOAH. The rules for filing documents and providing copies to all other parties in the case are described in SOAH's Procedural Rules, which are available on SOAH's website. Click the "Agency" tab, then click "Administrative Rules and Laws" to view SOAH's Procedural Rules.

Important Security Notice

ALL VISITORS TO THE WILLIAM P. CLEMENTS BUILDING WITHOUT AN AGENCY OR DPS ISSUED ID CARD MUST PROVIDE THE BUILDING SECURITY OFFICER WITH THE STATE OFFICE OF ADMINISTRATIVE HEARINGS DOCKET NUMBER AND RECEIVE A VISITOR'S PASS IN ORDER TO BE ALLOWED ACCESS TO THE HEARING ROOM. INDIVIDUALS SHOULD ALLOW ADDITIONAL TIME TO GO THROUGH THE SECURITY PROCESS.

2020-6328

Notice of Hearing
Geoffrey Wayne Leininger
SOAH Docket No. 454-20-2456.C
Page 4 of 5

If you have any questions, please contact me at the address or telephone number shown below.

Respectfully Submitted,



Anna Kalapach
State Bar No. 24083290
Texas Department of Insurance
Enforcement Division, MC110-1A
P.O. Box 149104
Austin, Texas 78714-9104
(512) 676-6326 (Direct)
(512) 490-1020 (Fax)
anna.kalapach@tdi.texas.gov

ATTORNEY FOR THE PETITIONER
TEXAS DEPARTMENT OF INSURANCE

Enclosure: Original Petition

cc: Leah Gillum, Deputy Commissioner, Enforcement Division, MC-110-1A
Rachel Cloyd, Litigation Director, Enforcement Division, MC-110-1A
Administrative Review, MC107-1A

2020-6328

Notice of Hearing
Geoffrey Wayne Leininger
SOAH Docket No. 454-20-2456.C
Page 5 of 5

CERTIFICATE OF SERVICE

I, Anna Kalapach, certify that a true and correct copy of the *Notice of Hearing and the Original Petition* were sent by the following methods, on this 7th day of February, 2020 to:

Geoffrey Wayne Leininger
PO Box 269031
Plano, TX 75026
Respondent Pro Se

Via CM/RRR No.: 9214 8901 9403 8305 8588 41
Via First Class Mail
Via email to bulldawgs844@gmail.com
and geoffrey.leininger@libertymutual.com

Geoffrey Wayne Leininger
11018 Elizabeth Ave.
Frisco, TX 75035

Via CM/RRR No.: 9214 8901 9403 8305 8589 88
Via First Class Mail

Geoffrey Wayne Leininger
Liberty Mutual Insurance
3905 Dallas Pkwy
Plano, TX 75093

Via CM/RRR No.: 9214 8901 9403 8305 8591 45
Via First Class Mail



Anna Kalapach

SOAH DOCKET NO. 454-20-2456.C
TDI ENFORCEMENT FILE NO. 16991

TEXAS DEPARTMENT OF INSURANCE,

BEFORE THE STATE OFFICE

Petitioner

v.

OF

GEOFFREY WAYNE LEININGER,

ADMINISTRATIVE HEARINGS

Respondent

ORIGINAL PETITION

The Texas Department of Insurance seeks to take disciplinary action against Geoffrey Wayne Leininger. In support of this petition, the department makes the following allegations upon information and belief:

Jurisdiction

The commissioner of insurance has jurisdiction over this matter pursuant to TEX. INS. CODE §§ 82.051-82.055, 4001.002, 4005.101, 4005.102, 4051.051, 4051.401, 4054.051; TEX. GOV'T CODE §§ 2001.051-2001.178; and TEX. OCC. CODE §§ 53.021-53.023.

Factual Allegations

Licensure

1. Geoffrey Wayne Leininger ("Leininger"), individual identification no. 1191684, was issued a general lines agent license with a life, accident, and health qualification, by the department on July 23, 2013.
2. The department issued a personal lines property and casualty agent license to Leininger on March 30, 2016.
3. On January 31, 2020, Leininger's general lines agent license and personal lines property and casualty agent license expired. However, under TEX. INS. CODE § 4003.007, Leininger may still attempt to renew his licenses.



Washington Revocation for Binding Coverage Without Knowledge or Consent

4. On July 11, 2018, the State of Washington Office of the Insurance Commissioner ("Washington Insurance Commissioner") entered an order revoking Leininger's license ("Order") after Leininger's potential customer complained (the "Complainant").
5. The Order advised Leininger that a demand for hearing must be made in writing within ninety (90) days after the Order was mailed to Leininger. Leininger did not demand such a hearing.
6. The Order found the following:
 - a. The Complainant, a Washington resident, requested quotes from various insurers and received a quote from Leininger, with Liberty Mutual, on December 17, 2017, for home, auto, and umbrella policies. The Complainant was clear during her call with Leininger that she was only seeking a quote.
 - b. On Monday, December 18, 2019, the Complainant told Leininger over the phone that she was not interested in purchasing the policy, but Leininger bound her to the policy soon after this phone call. The Complainant's mortgage escrow account was charged a premium payment for such policy. The Complainant filed a complaint with the Washington Insurance Commissioner.
 - c. The Complainant did not sign an application for the policy to which Leininger bound her.
 - d. On December 26, 2017, the Complainant called Liberty Mutual to cancel the policy. The Complainant's phone call prompted an internal investigation by Liberty Mutual of Leininger. Liberty Mutual discovered two other similar situations where customers requested cancellation of homeowners policies to which Leininger bound them.
 - e. On February 7, 2018, Leininger voluntarily resigned from Liberty Mutual before Liberty Mutual could interview him about the incident.

2020-6328

Original Petition
Geoffrey Wayne Leininger
Page 3 of 5

- f. The Complainant informed the Washington Insurance Commissioner that Liberty Mutual reimbursed the Complainant for the premium paid through her mortgage escrow account.

Disciplinary Actions in Louisiana and California

7. On February 18, 2019, the State of Louisiana issued an order revoking Leininger's individual producer license for failing to report administrative action in the State of Washington and failing to provide documentation as requested.
8. On June 13, 2019, the State of California issued an order revoking Leininger's non-resident license to act as a personal lines broker-agent for failing to report administrative action in the States of Washington and Louisiana, and for placing policies for insurance without an individual's and other consumer's knowledge or consent.
9. Leininger did not notify the department of the administrative actions or license revocations in the States of Washington, Louisiana, or California.
10. Leininger did not notify the National Insurance Producer Registry ("NIPR") of the administrative actions or his license revocations in the States of Washington, Louisiana, or California.
11. As of the date of this notice of hearing, Leininger has not provided the department with a copy of the order or applicable judgment from the States of Washington, Louisiana, or California.

Failure to Notify Department of Change in Mailing Address

12. During an April 12, 2019 phone conversation with department staff, Leininger provided information indicating that his mailing address of record with the department was no longer current. Leininger was instructed to update his mailing address.
13. As of September 3, 2019, Leininger failed to update his mailing address of record with the department.

2020-6328

Original Petition
Geoffrey Wayne Leininger
Page 4 of 5

14. On September 3, 2019, Leininger was instructed in a phone call with a department staff that his mailing address must be updated. Leininger agreed to update it.
15. On September 9, 2019, Leininger's mailing address had still not been updated. The department sent him an email instructing him again to update his mailing address.

Failure to Respond to an Inquiry

16. On September 27, 2019, the department sent an inquiry to Leininger and informed him that he must respond not later than 15 days after receipt of the inquiry.
17. Although the inquiry was sent to Leininger via email, first class mail, and certified mail, return receipt requested, Leininger did not respond to the department's inquiry.

Not Actively Engaged in Soliciting or Writing Insurance

18. During a phone call on September 3, 2019, Leininger informed department staff that he had not engaged in the business of insurance for a few months.
19. At that time and presently, Leininger has only one active appointment with Federal Insurance Company.

Legal Allegations

1. Leininger failed to notify the department on a monthly basis of an administrative action taken against him by a financial or insurance regulator of this state, another state, or the United States, as contemplated by TEX. INS. CODE § 4001.252(a)(3).
2. Leininger has engaged in fraudulent or dishonest acts or practices, as contemplated by TEX. INS. CODE § 4005.101(b)(5).
3. Leininger failed to notify the department on a monthly basis of a change to Leininger's mailing address, as contemplated by TEX. INS. CODE § 4001.252(a)(1).
4. Leininger failed to respond to the department's inquiry in writing not later than the 15th day after the date of the inquiry, as contemplated by TEX. INS. CODE § 38.001.

5. Leininger was not actively engaged in soliciting or writing insurance for the public generally, as contemplated by TEX. INS. CODE § 4005.101(b)(10).

Relief Sought

If one or more of the above allegations is found to be true, the department asks the Administrative Law Judge to enter a Proposal for Decision recommending that the Commissioner of Insurance issue an order:

1. revoking Leininger's licenses; and
2. any other just and appropriate relief to which the department may be entitled to by law.

Respectfully Submitted,



Anna Kalapach
State Bar No. 24083290
Texas Department of Insurance
Enforcement Division, MC110-1A
P.O. Box 149104
Austin, Texas 78714-9104
(512) 676-6326 (Direct)
(512) 490-1020 (Fax)
anna.kalapach@tdi.texas.gov

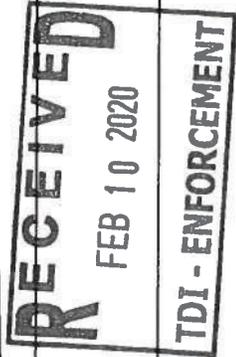
ATTORNEY FOR THE PETITIONER
TEXAS DEPARTMENT OF INSURANCE



Name and Address of Sender
 MC 110-1A M RUIZ
 Texas Department of Insurance
 333 Guadalupe St
 Austin TX 78701

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	Check type of mail or service	Postage	(Extra Service) Fee	Handling Charge - if Registered and over \$50,000 in value	Actual Value if Registered	Insured Value	Due Sender if COD	ASR Fee	ASRD Fee	RD Fee	RR Fee	SC Fee	SCRD Fee	SH Fee	
1. 9214 8901 9403 8305 8688 41 Kalapach/16991	<input type="checkbox"/> Adult Signature Required <input type="checkbox"/> Adult Signature Restricted Delivery <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Certified Mail Restricted Delivery <input type="checkbox"/> Collect on Delivery (COD) <input type="checkbox"/> Insured Mail <input type="checkbox"/> Priority Mail <input type="checkbox"/> Priority Mail Express <input type="checkbox"/> Registered Mail <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Signature Confirmation <input type="checkbox"/> Signature Confirmation Restricted Delivery	1.40	3.55	Handling Charge - if Registered and over \$50,000 in value						Restricted Delivery	Return Receipt	Signature Confirmation	Signature Confirmation Restricted Delivery	Special Handling	
2. 9214 8901 9403 8305 8689 88	<input type="checkbox"/> Adult Signature Required <input type="checkbox"/> Adult Signature Restricted Delivery <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Certified Mail Restricted Delivery <input type="checkbox"/> Collect on Delivery (COD) <input type="checkbox"/> Insured Mail <input type="checkbox"/> Priority Mail <input type="checkbox"/> Priority Mail Express <input type="checkbox"/> Registered Mail <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Signature Confirmation <input type="checkbox"/> Signature Confirmation Restricted Delivery	1.40	3.55								Restricted Delivery	Return Receipt	Signature Confirmation	Signature Confirmation Restricted Delivery	Special Handling
3. 9214 8901 9403 8305 8591 45	<input type="checkbox"/> Adult Signature Required <input type="checkbox"/> Adult Signature Restricted Delivery <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Certified Mail Restricted Delivery <input type="checkbox"/> Collect on Delivery (COD) <input type="checkbox"/> Insured Mail <input type="checkbox"/> Priority Mail <input type="checkbox"/> Priority Mail Express <input type="checkbox"/> Registered Mail <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Signature Confirmation <input type="checkbox"/> Signature Confirmation Restricted Delivery	1.40	3.55								Restricted Delivery	Return Receipt	Signature Confirmation	Signature Confirmation Restricted Delivery	Special Handling



Postmaster, Per (Name of receiving employee)

Total Number of Pieces Listed by Sender: 3
 Total Number of Pieces Received at Post Office: 3



**Shipment Confirmation
Acceptance Notice**

A. Mailer Action

Note to Mailer: The labels and volume associated to this form online, **must** match the labeled packages being presented to the USPS® employee with this form.

Shipment Date: 02/07/2020
 Shipped From:
 Name: MC 110-1A M RUIZ
 Address: 333 GUADALUPE ST
 City: AUSTIN
 State: TX ZIP+4® 78701

Type of Mail	Volume
Priority Mail Express®	
Priority Mail®	0
First-Class Package Service®	
Returns	
International*	
Other	3
Total	3

*Start time for products with service guarantees will begin when mail arrives at the local Post Office™ and items receive individual processing and acceptance scans.

B. USPS Action

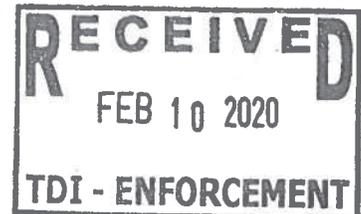
- Note to RSS Clerk:
1. Home screen > Mailing/Shipping > More
 2. Select Shipment Confirm
 3. Scan or enter the barcode/label number from PS Form 5630
 4. Confirm the volume count message by selecting Yes or No
 5. Select Pay and End Visit to complete transaction

USPS EMPLOYEE: Please scan upon pickup or receipt of mail.
 Leave form with customer or in customer's mail receptacle.

USPS SCAN AT ACCEPTANCE



9275 0901 1935 6200 0020 1440 80



Kalapach/16991