

No. 2021-6880

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

Date: 06/24/2021

Subject Considered:

David Christopher Davis
[REDACTED]
Lubbock, TX 79416

Consent Order
TDI Enforcement File No. 22799

General remarks and official action taken:

This is a consent order with David Christopher Davis (Davis). The department alleges that Davis offered or gave a rebate of an insurance premium as an incentive for his clients to change their term life policies to whole life policies. The department suspends Davis's general lines life, accident, health, and HMO license for one year. The suspension is probated pursuant to the terms and conditions stated in this order.

Waiver

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

Findings of Fact

1. Davis, individual identification number 284563, was issued a general lines agent license with life, accident, health, and HMO qualification on September 19, 1997.
2. Davis was employed by Massachusetts Mutual Life Insurance Company.

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3. Davis asked three clients to convert their term life policies to whole life policies by offering to pay for the initial premiums.
4. Of the three policies that were converted to whole life policies, one policy remained in effect, one policy lapsed with consent of the insured, and one policy lapsed but was reinstated to a term life policy by Massachusetts Mutual.
5. The converted policies resulted in Davis receiving unearned commissions he would not have otherwise received. Massachusetts Mutual was able to fully recover the commissions after the policies lapsed.
6. Davis was cooperative and responsive to the department during its investigation.

Conclusions of Law

1. The commissioner has jurisdiction over this matter under TEX. INS. CODE §§ 82.051 – 82.055, 84.021 – 84.044, and 4054.051.
2. The commissioner has the authority to informally dispose of this matter as set forth in TEX. GOV'T CODE § 2001.056; TEX. INS. CODE §§ 36.104 and 82.055; and 28 TEX. ADMIN. CODE § 1.47.
3. Davis has knowingly and voluntarily waived all procedural rights to which it may have been entitled regarding the entry of this order, including, but not limited to, issuance and service of notice of intention to institute disciplinary action, notice of hearing, a public hearing, a proposal for decision, rehearing by the commissioner, and judicial review.
4. Davis violated TEX. INS. CODE § 4005.101(b)(9) by offering and giving a rebate of an insurance premium to an insured.

Order

It is ordered that David Christopher Davis's general lines life, accident, and health license are suspended for one year. The suspension is probated pursuant to the terms and conditions stated in this order.

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If, during the probation period imposed by this order, the department issues any additional licenses or authorizations to Davis, those additional licenses or authorizations will be suspended until the probation period imposed by this order has ended. The suspension shall be probated, and the same terms and conditions stated in this order will apply.

Beginning from the date of this order and continuing through the probation period, Davis must file a written report, on or before the 15th day of each month on a quarterly basis for the months of March, June, September, and December with the Texas Department of Insurance by emailing it to EnforcementReports@tdi.texas.gov. The reports must include the following information:

- a. Davis's current mailing address and telephone number;
- b. the name, mailing address, and telephone number of Davis's employer, and if Davis is self-employed, a statement that he is self-employed and the name, mailing address, and telephone number of his business;
 - a. If Davis is self-employed, a list of the name, mailing address, and telephone number of every employee working for him or his business;
- c. the name and address of any insurer which has appointed Davis as an agent;
- d. the name and address of any insurer which has canceled Davis's appointment as an agent; and
- e. a copy of any and all contracts Davis has entered into with an insurer, broker, managing general agent, managing general agency, or any person or entity in the business of insurance.

Davis must notify the department immediately of the following by emailing EnforcementReports@tdi.texas.gov:

- a. any charges or indictments filed against him for a misdemeanor or felony during the period he is required to file reports, excluding traffic offenses and Class C misdemeanors;
- b. any state or regulatory actions taken against him including formal and informal actions;
- c. any change in his employment or his residence; and
- d. any complaint made against Davis concerning his performance as an agent, as well as a written explanation detailing the steps taken to resolve it.

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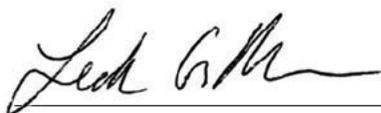
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Commissioner of Insurance

DocuSigned by:

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By: _____
Doug Slape
Chief Deputy Commissioner
TEX. GOV'T CODE § 601.002
Commissioner's Order No. 2018-5528

Recommended and reviewed by:



Leah Gillum, Deputy Commissioner
Enforcement Division



Sydney Moore, Staff Attorney
Enforcement Division

Affidavit

STATE OF TEXAS §

§

COUNTY OF LUBBOCK §

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

"My name is David Christopher Davis. I am of sound mind, capable of making this statement, and have personal knowledge of these facts which are true and correct.

I waive rights provided by the Texas Insurance Code and other applicable law and acknowledge the jurisdiction of the commissioner.

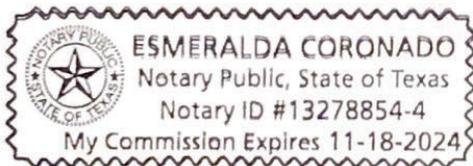
I have knowingly and voluntarily entered into the foregoing consent order and agree with and consent to the issuance and service of the same by the commissioner of insurance of the state of Texas."

David Christopher Davis

Affiant

SWORN TO AND SUBSCRIBED before me on June 10, 2021.

(NOTARY SEAL)



Esmeralda Coronado

Signature of Notary Public

Esmeralda Coronado

Printed Name of Notary Public