

No. **2023-7768**

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

Date: 02/01/2023

Subject Considered:

Howell Gregory Ferguson
Ferguson Financial LLC
P.O. Box 655
La Grange, TX 78945-0655

Consent Order
TDI Enforcement File Nos. 29635 & 31257

General remarks and official action taken:

This is a consent order with Howell Gregory Ferguson (Ferguson) for engaging in dishonest conduct and failing to notify TDI of the administrative action taken against him. This agreed order imposes a \$1,000 fine and issues a probated suspension of Ferguson's general lines life, accident, health, and HMO license, until February 8, 2024. Further, this order grants a life agency license to Ferguson Financial, LLC, subject to a concurrent suspended probation period under the same terms and conditions.

Waiver

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

Findings of Fact

1. Howell Gregory Ferguson, individual identification number 470378, holds a general lines life, accident, health, and HMO license issued on October 16, 2001.

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2. Ferguson submitted an application for a life agency license for Ferguson Financial, LLC on November 16, 2022. Ferguson is the designated licensed responsible party and the sole owner of the business.
3. Ferguson has been registered with the Financial Industry Regulatory Authority (FINRA) since August 2001 as a General Securities Representative (GSR).
4. Ferguson was employed by Fayetteville Bank and was the sole GSR for 24 bank locations. One of the bank clients serviced by Ferguson, MP, was almost two hours away from Ferguson's primary place of business.
5. On December 31, 2019, to prevent MP from incurring financial penalties, Ferguson signed MP's name to two annuity forms causing the annual required minimum distributions to be deposited into MP's bank account. Ferguson maintains he did so after developing a friendship and working relationship with MP over many years and knowing this is what she would have wanted.
6. In May 2020, FINRA investigated Fayetteville Bank's allegations that Ferguson signed MP's name to the documents. During the investigation, Ferguson initially denied signing the documents because he was angry that Fayetteville Bank had not honored its agreement related to his resignation.
7. MP maintains that she did not complain or bring the action against Ferguson and that he signed on her behalf to prevent detriment to her financial situation.
8. Ferguson further represents that this was an isolated incident, that he is remorseful for what he did, and that he understands the importance of his fiduciary duties and of being completely forthcoming with inquiries related to his professional licenses.
9. On January 27, 2022, Ferguson admitted to signing the forms and entered into a letter of acceptance, waiver, and consent (AWC) with FINRA, imposing a monetary fine and a two-year suspension beginning on February 8, 2022.
10. Ferguson failed to notify TDI of the FINRA administrative action within 30 days.
11. Ferguson has been forthcoming in his communication with TDI and has been highly responsive to all subsequent inquiries related to the matter.

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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. Ferguson has knowingly and voluntarily waived all procedural rights to which he 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. Ferguson violated TEX. INS. CODE § 4005.101(b)(5) by engaging in dishonest conduct.
5. Ferguson violated TEX. INS. CODE § 4001.252(a)(3) by failing to report the FINRA administrative action to TDI within thirty days.

Order

It is ordered that Howell Gregory Ferguson's life, accident, health and HMO license is suspended until February 7, 2024. The suspension is probated pursuant to the terms and conditions stated in this order.

It is further ordered that the Ferguson Financial, LLC agency license is granted subject to a concurrent suspended probation period under the same terms and conditions.

Beginning from the date of this order and continuing through the probationary period, Ferguson 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. List of all employees, or other individuals working for or on behalf of, Ferguson Financial, LLC or Ferguson in his capacity as an agent or agency owner, including the license number of any individuals who are licensed by the department;

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- b. the name, address, and contact number of any insurer which has appointed Ferguson Financial LLC or Ferguson as an agent;
- c. the name, address, and contact number of any insurer which has canceled Ferguson Financial LLC or Ferguson's appointment as an agent; and
- d. a copy of all contracts Ferguson Financial LLC and Ferguson has entered into with an insurer, broker, managing general agent, managing general agency, or any person or entity in the business of insurance.

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

- a. any charges or indictments filed against Ferguson for a misdemeanor or felony during the period he is required to file reports, excluding traffic offenses and Class C misdemeanors;
- b. any civil suit brought against Ferguson Financial LLC or Ferguson in relation to the business of insurance; or
- c. any other complaint made against Ferguson Financial LLC or Ferguson concerning his performance as an agent, including the name, address, phone, and policy number of the complainant, as well as a written explanation detailing the steps taken to resolve it.

It is further ordered that Howell Gregory Ferguson must pay an administrative penalty of \$1,000 within 30 days from the date of this order.

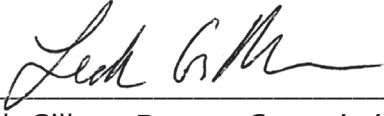
DocuSigned by:

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Cassie Brown
Commissioner of Insurance

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Recommended and reviewed by:



Leah Gillum, Deputy Commissioner
Fraud and Enforcement Division



Nancy Williams, Staff Attorney
Enforcement

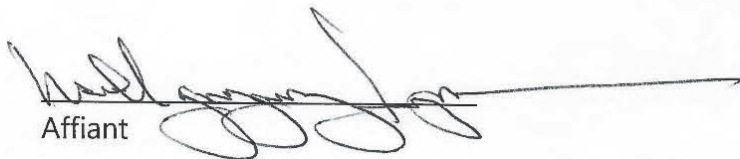
Affidavit

STATE OF Texas §
§
COUNTY OF Colorado §

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

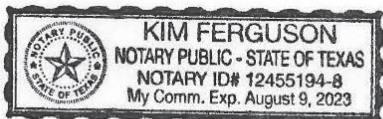
"My name is Howell Gregory Ferguson. I am of sound mind, capable of making this statement, and have personal knowledge of these facts which are true and correct.

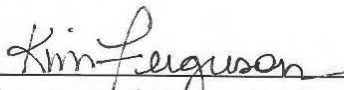
I have knowingly and voluntarily entered into the foregoing consent order and agree with and consent to the issuance and service of the same by the commissioner of insurance of the state of Texas."


Affiant

SWORN TO AND SUBSCRIBED before me on January 18, 2023.

(NOTARY SEAL)




Signature of Notary Public

KIM Ferguson
Printed Name of Notary Public