

No. 2023-8330

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

Date: 11/7/2023

Subject Considered:

Anthony Keith Garner II
[REDACTED]
Dallas, Texas 75201

Consent Order
TDI Enforcement File No. 29381

General remarks and official action taken:

This is a consent order with Anthony Keith Garner II (Garner). The department alleges that Garner was dishonest with his insurance company and local police officials. Garner agrees to pay an administrative penalty of \$5,000 and agrees to a one-year probated suspension of his insurance license.

Waiver

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

Findings of Fact

Licensure

1. Garner, individual identification number 1969807, holds an adjuster all lines license issued by the department on November 5, 2018.

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Agent Misconduct

2. On or about September 12, 2021, Garner notified the police that while at a club his vehicle was stolen. Garner stated he confirmed with club management that no vehicles had been towed that evening. At 7:33 a.m., Garner also notified his insurance company, USAA General Indemnity Company (USAA), of the loss.
3. A short time later, the vehicle was recovered by police after it had been involved in a collision.
4. On September 13, 2021, at 10:38 a.m., Garner notified his insurance company that the vehicle was recovered.
5. On September 16, 2021, Garner made approximately seven attempts to withdraw his insurance claim. At 4:56 p.m., he requested that his entire policy be canceled.
6. On September 20, 2021, Garner admitted to police officers that he was the driver of the vehicle when it was involved in the collision.
7. USAA paid for the damages according to the collision coverage in Garner's policy.
8. No criminal charges were filed.

Conclusions of Law

1. The commissioner has jurisdiction over this matter under TEX. INS. CODE §§ 82.051–82.055, 84.021–84.044, 4005.101, and 4104.051.
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. Garner 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.

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4. Garner 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.
5. Garner has willfully violated an insurance law of this state, in violation of TEX. INS. CODE § 4005.101(b)(1).
6. Garner engaged in fraudulent or dishonest acts or practices, in violation of TEX. INS. CODE § 4005.101(b)(5).

Order

It is ordered that Anthony Keith Garner II pay an administrative penalty of \$5,000 within 60 days from the date of this order. The administrative penalty must be paid as instructed in the invoice, which the department will send after entry of this order.

It is further ordered that the adjuster all lines license issued by the Texas Department of Insurance to Anthony Keith Garner II is suspended for one year, probated.

If, during the probation period imposed by this order, the department issues any additional licenses or authorizations to Garner, those additional licenses or authorizations will be suspended until the probation period imposed by this order has ended. The suspension will 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, Respondent must comply with the following terms and conditions:

- a. Garner must provide written notice of this order to any appointing company, agency, or sponsor. Garner must provide the department with a copy of the notification within 30 days of the signing of this Order, or within 30 days of the appointment or sponsorship to EnforcementReports@tdi.texas.gov.
- b. Garner must file a written report, on or before the 15th day of the month on a quarterly basis for the months of December, March, June, and September to EnforcementReports@tdi.texas.gov. The reports must include the following information:
 - i. Garner's current mailing address and telephone number;

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- ii. the name and mailing address of any insurer which has appointed, hired, contracted, or employed Garner as a licensed adjuster;
 - iii. the name and address of any insurer which has canceled Garner's employment, contract, or appointment as a licensed adjuster; and
 - iv. a copy of any and all contracts Garner has entered into with an insurer, broker, managing general agent, managing general agency, or any person or entity in the business of insurance.
- c. Garner must notify the department immediately of the following:
- i. any state or regulatory actions taken against him including formal and informal actions;
 - ii. any change of his business address; and
 - iii. any complaint made against him concerning his actions as a licensed adjuster, as well as a written explanation detailing the steps taken to resolve it.

DocuSigned by:

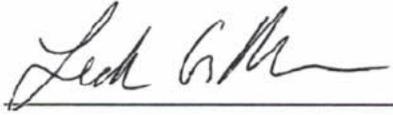
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Cassie Brown
Commissioner of Insurance

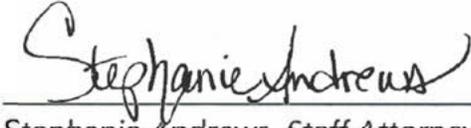
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Recommended and reviewed by:

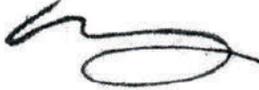


Leah Gillum, Deputy Commissioner
Fraud and Enforcement Division



Stephanie Andrews, Staff Attorney
Enforcement

Approved as to form and content:



Eric Durojaiye
Law Office of Patrick J. McLain
Counsel for Respondent

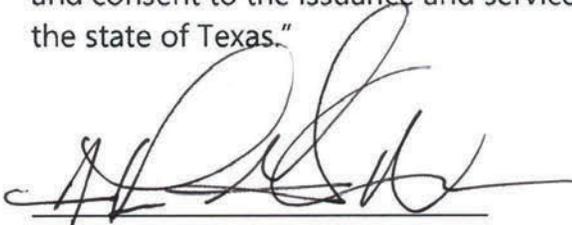
Affidavit

STATE OF Texas §
§
COUNTY OF Dallas §

Before me, the undersigned authority, personally appeared Anthony Keith Garner II, who being by me duly sworn, deposed as follows:

"My name is Anthony Keith Garner II. I am of sound mind, capable of making this statement, and have personal knowledge of these facts which are true and correct.

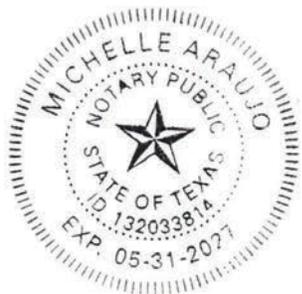
I have knowingly and voluntarily entered into the foregoing consent order and agree with and consent to the issuance and service of the same by the commissioner of insurance of the state of Texas."



Affiant

SWORN TO AND SUBSCRIBED before me on October 3, 2023.

(NOTARY SEAL)


Signature of Notary Public

Michelle Araujo
Printed Name of Notary Public