

No. 2024-8997

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

Date: 12/04/2024

Subject Considered:

David Morris
Excelsior Springs, Missouri

Default Order
TDI Enforcement File No. 32840

General remarks and official action taken:

This is a default order taken against David Morris (Respondent) because he: intentionally made a material misstatement in a license application; obtained a license by fraud or misrepresentation; engaged in fraudulent or dishonest acts practices; is not actively engaged in soliciting or writing insurance; and failed to timely notify TDI of administrative actions taken by insurance regulators of other states. Respondent did not respond to a Notice of Allegations mailed by the Texas Department of Insurance. This order revokes Respondent's license.

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

Findings of Fact

Failure to Respond to Notice of Allegations

1. On October 30, 2024, the department sent a Notice of Allegations, attached as Exhibit A, to Respondent.
2. The department sent the Notice of Allegations to Respondent's last known address provided in writing to the department, [REDACTED] Excelsior Springs, Missouri 64024-2109.

2024-8997

Commissioner's Order

David Morris

Page 2 of 4

3. Respondent received and waived an opportunity for a hearing because Respondent failed to send the department a written response to the Notice of Allegations within 20 days after the date the Notice of Allegations was mailed.
4. The department's factual allegations set out in the attached Notice of Allegations are incorporated in this order as findings of fact.

Conclusions of Law

1. The commissioner has jurisdiction under Texas law, including TEX. INS. CODE §§ 82.051-82.055, 4001.002, 4005.101, 4005.102, 4005.107, and 4051.401, and TEX. GOV'T CODE §§ 2001.003(1) and 2001.051-2001.178.
2. The commissioner has authority to dispose of this case informally under TEX. GOV'T CODE § 2001.056; TEX. INS. CODE § 82.055; and 28 TEX. ADMIN. CODE § 1.47.
3. The department provided proper notice to Respondent under TEX. GOV'T CODE §§ 2001.003(1), 2001.051, 2001.052, 2001.054, and 2001.056(4), and 28 TEX. ADMIN. CODE §§ 1.28, 1.47, and 19.906.
4. Based on Respondent's failure to send the department a written response to the Notice of Allegations, the department is entitled to disposition by default under 28 TEX. ADMIN. CODE § 1.47.
5. Respondent failed to show compliance with the law.
6. The department's factual and legal allegations set out in the attached Notice of Allegations are incorporated in this order and deemed admitted as true under 28 TEX. ADMIN. CODE § 1.47.

2024-8997

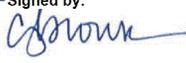
Commissioner's Order

David Morris

Page 3 of 4

Order

It is ordered that any licenses held by David Morris are revoked. A copy of this order will be provided to law enforcement or other appropriate administrative agencies for further investigation as may be warranted.

Signed by:

FC5D7EDDFB4F8...

Cassie Brown
Commissioner of Insurance

Prepared and reviewed by:



Anna Kalapach, Staff Attorney
Enforcement

Affidavit

STATE OF TEXAS §

§

COUNTY OF TRAVIS §

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

"My name is David Moreno 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 David Morris. I have confirmed that:

- a. The last mailing address provided to the department in writing by David Morris is [REDACTED], Excelsior Springs, Missouri 64024-2109.
- b. The file maintained by Enforcement contains a Notice of Allegations dated October 30, 2024, which was sent to David Morris.
- c. On October 30, 2024, the Notice of Allegations addressed to David Morris was mailed first-class and certified, return receipt requested, to his last known address.

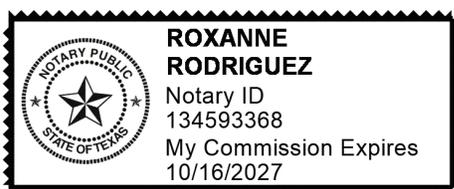
Copies of the first-class mail log and certified mail log maintained by Enforcement are attached as Exhibit B and Exhibit C, respectively."

Signed by:

 B2B901331DF0499...
 Affidavit

SWORN TO AND SUBSCRIBED before me by means of an interactive two-way audio and video communication on 11/20/2024. This notarial act was an online notarization.

Notary Seal



Digital Certificate

DocuSigned by:

 C3FD016A04434A6...
 Notary Public State of Texas

2024-8997



PO Box 12030 | Austin, TX 78711 | 800-578-4677 | tdi.texas.gov

October 30, 2024,

David Morris



Excelsior Springs, MO 64024-2109

Via First Class Mail

Via CM/RRR No. 9214 8901 9403 8385 1572 92

Via Email to:



**TDI ENFORCEMENT CASE NO. 32840
NOTICE OF ALLEGATIONS AGAINST DAVID MORRIS**

The Texas Department of Insurance (TDI) seeks to take disciplinary action against you. This Notice states the allegations against you and the relief sought by TDI.

YOUR WRITTEN RESPONSE IS REQUIRED WITHIN 20 DAYS

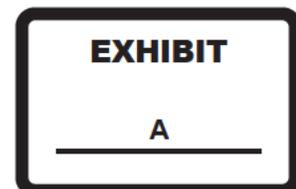
YOU HAVE THE RIGHT TO A HEARING AND ARE INVITED TO SHOW COMPLIANCE WITH THE LAW. To request a hearing, you must send a written response to TDI within 20 days of the date this Notice was mailed.

If you fail to send a written response by the deadline, *you waive your right to a hearing*, and TDI may seek disposition by default under 28 TEX. ADMIN. CODE § 1.47, TEX. INS. CODE § 82.055, and TEX. GOV'T. CODE § 2001.056.

If you fail to send a written response by the deadline, without further notice to you, the commissioner of insurance may issue a default order that admits the factual matters asserted, deems all allegations as true, and orders the relief recommended in this Notice.

You must send your written response by mail, fax, or email to:

Anna Kalapach, Staff Attorney
Texas Department of Insurance
Enforcement, MC ENF
P.O. Box 12030
Austin, Texas 78711-2030
(512) 490-1020 (Fax)
anna.kalapach@tdi.texas.gov



Jurisdiction

The commissioner of insurance has jurisdiction over this matter under TEX. INS. CODE §§ 82.051–82.055, 4001.002, 4005.101, 4005.102, 4005.107, and 4051.401, and TEX. GOV'T CODE §§ 2001.003(1) and 2001.051-2001.178.

Factual Allegations

Licensure

1. David Morris, individual identification number 2521437, holds a non-resident personal lines property and casualty agent license issued by TDI on March 8, 2022.
2. Morris has a Texas non-resident license because he is a resident of Missouri.
3. Morris' license is scheduled to expire on December 31, 2024. However, Morris may renew his license prior to and in the 90-day period after expiration.¹

Criminal History

4. On or about December 15, 2001, Morris was charged with two felony counts of Tampering with Motor Vehicle, Airplane, Motor Boat, Etc. in case number 02CR103013-01, in the 8th Judicial Circuit, Ray Circuit Division, Missouri.
5. On or about February 5, 2002, Morris pled guilty to both counts of Tampering with Motor Vehicle, Airplane, Motor Boat, Etc. in case number 02CR103013-01.
6. The Court suspended the imposition of a sentence for both counts, and placed Morris on supervised probation for 5 years, to begin February 5, 2002, and end on February 5, 2007.
7. On September 17, 2004, the Court found that Morris violated three terms of his probation in case number 02CR103013-01, by: operating a motor vehicle while under the influence of alcohol; consuming alcohol, and violating the spirit and

¹ TEX. INS. CODE § 4003.007. As contemplated in TEX. INS. CODE § 4005.107, TDI may seek to discipline Morris for conduct committed before the effective date of any automatic forfeiture or surrender of his license, and any such forfeiture or surrender does not affect his culpability for the conduct that is the subject of this proceeding.

2024-8997

Notice of Allegations

David Morris

Page 3 of 8

intent of probation. Morris was ordered to serve 30 days of shock time incarceration in the Ray County Correctional Facility, and to pay the costs.

8. Morris completed his probation on February 5, 2007.

Material Misstatement and Obtained a License by Fraud or Misrepresentation

9. On March 8, 2022, TDI received Morris' application for the above-described personal lines property and casualty agent license.
10. Question no. 2 in the application asked, in part, "Have you ever been convicted of a felony, had a judgment withheld or deferred, or are you currently charged with committing a felony?"
11. Morris falsely answered "no" to that question, failing to disclose to TDI that judgment had been withheld or deferred for two felonies in the above case number 02CR103013-01.
12. Since Morris is not a Texas resident, and already held a resident license in his home state of Missouri, he did not provide his fingerprints and criminal history records with his application, as contemplated by TEX. INS. CODE § 4056.051(b). Therefore, TDI could not and did not conduct a criminal background check of Morris, and had no knowledge of Morris' felony offenses at the time his license was granted.
13. By answering "no" to question no. 2, Morris made a material misstatement in his license application, and obtained his license by fraud or misrepresentation of his criminal history to TDI.

Administrative Actions in Five States and Failure to Notify TDI of Each Action

Florida License Application Denied

14. On September 9, 2022, only six months after Morris was licensed by TDI, the Florida Department of Financial Services, Agent and Agency Services (Florida), notified Morris that Florida intended to deny his application for insurance licensure as non-resident personal lines agent.

2024-8997

Notice of Allegations

David Morris

Page 4 of 8

15. Florida denied Morris' license application because he failed to disclose his criminal history, specifically the felony offenses in case number 02CR103013-01, in the application he submitted to Florida.
16. Morris failed to notify TDI of Florida's license denial, an administrative action taken by Florida's insurance regulator.

Louisiana License Revocation

17. On June 13, 2023, the Louisiana Department of Insurance (LDI) revoked Morris' non-resident insurance producer license, effective 10 days from the issuance of the Notice of Revocation, which found that:
 - a. Florida denied Morris' non-resident producer license application due to his criminal history and provision of inaccurate information in his application;
 - b. Morris did not disclose Florida's administrative action to LDI within 30 days;
 - c. Morris failed to disclose his criminal history to LDI in his non-resident producer application on March 8, 2022; and,
 - d. Morris did not respond to LDI's Notice of Proposed Regulatory Action sent on April 4, 2023.
18. LDI's website shows that Morris' license was inactive as of June 26, 2023.
19. Morris failed to notify TDI of LDI's revocation of his license, an administrative action taken by Louisiana's insurance regulator.

California License Revocation

20. On June 29, 2023, the California Commissioner of Insurance issued an order in file No. PLBS 15463-A revoking Morris' insurance license and licensing rights, effective 30 days from the date of the order.
21. Morris failed to notify TDI of California's revocation of his insurance license, an administrative action taken by California's insurance regulator.

Virginia License Revocation

22. On December 1, 2023, the Commonwealth of Virginia State Corporation Commission (Virginia SCC), revoked Morris' license to transact the business of insurance in Virginia in an Order Revoking License (Order), in case number INS-2023-00066.
23. In the Order, the Virginia SCC found that Morris:
 - a. failed to report to the Virginia SCC within 30 calendar days of the final disposition of the matter of any administrative action taken against Morris in another state; and
 - b. provided a materially incorrect, misleading, incomplete, or untrue information in the license application filed with the Virginia SCC.
24. Morris failed to notify TDI of Virginia's revocation of his insurance license, an administrative action taken by Virginia's insurance regulator.

Wyoming License Expiration and Civil Penalty

25. On December 22, 2023, the Wyoming Department of Insurance (Wyoming) issued a Petition for Notice and Order to Show Cause (Wyoming Petition), in docket number 23-55, against Morris stating, in part, that:
 - a. Morris filed a non-resident insurance producer license application with Wyoming on March 8, 2022;
 - b. When asked, "Have you ever been convicted of a felony, had a judgment withheld or deferred, or are you currently charged with committing a felony?" Morris answered "no;"
 - c. Information available to Wyoming indicates that on or about February 4, 2002, Morris pled guilty to a felony in the 8th Judicial Circuit of Ray County, Missouri; and,
 - d. California, Louisiana, and Florida have entered administrative action to deny or revoke Morris' producer licenses in those states and Morris did not timely report this to Wyoming.

2024-8997

Notice of Allegations

David Morris

Page 6 of 8

26. The Wyoming Petition requested that the Wyoming Insurance Commissioner revoke Morris' license and order Morris to pay a civil penalty for each violation.
27. On January 19, 2024, Wyoming then issued a Petition for Default Order. Wyoming stated that Morris' license expired as of December 31, 2023, and therefore, no determination regarding the status of his license needed to be made.
28. In the Petition for Default Order, Wyoming requested that the Wyoming Insurance Commissioner enter a civil penalty against Morris for each of the following violations of the Wyoming Insurance Code:
 - a. providing incorrect, misleading, incomplete or materially untrue information in the license application;
 - b. violating any insurance laws, or violating any regulation, subpoena or order of the commissioner or of another state's insurance commissioner;
 - c. obtaining or attempting to obtain a license through misrepresentation or fraud; and,
 - d. having an insurance producer license, or its equivalent denied, suspended or revoked in any other state, providence, district or territory.
29. On January 22, 2024, the Wyoming Insurance Commissioner issued a default order ordering Morris to pay a civil penalty in the amount of \$1,500. The order deemed the facts alleged in the Petition as true and sufficient to establish grounds for the revocation or denial of Morris' non-resident insurance producer license.
30. Morris failed to notify TDI of Wyoming's order and penalty, an administrative action taken by Wyoming's insurance regulator.

Lack of Appointments

31. TDI records show that Morris has only ever held two appointments with affiliated insurers which appointments were canceled on November 29, 2022.
32. For nearly two years, Morris has had no appointment with any insurer in Texas.

2024-8997

Notice of Allegations

David Morris

Page 7 of 8

33. Morris is not actively engaged in soliciting or writing insurance for the public generally, and therefore is not qualified to maintain his license.

Legal Allegations

1. Morris committed acts for which a license holder may be disciplined under TEX. INS. CODE §§ 4005.101 and 4005.102 because he has:
 - a. intentionally made a material misstatement in his license application, in violation of TEX. INS. CODE § 4005.101(b)(2);
 - b. obtained a license by fraud or misrepresentation, in violation of TEX. INS. CODE § 4005.101(b)(3);
 - c. engaged in fraudulent or dishonest acts or practices in violation of TEX. INS. CODE § 4005.101(b)(5); and
 - d. is not actively engaged in soliciting or writing insurance for the public generally as required by TEX. INS. CODE § 4001.104(a), and in violation of TEX. INS. CODE § 4005.101(b)(10).
2. Morris failed to notify TDI on a monthly basis of administrative actions taken against him by insurance regulators of other states, specifically Florida, Louisiana, California, Virginia, and Wyoming, in violation of TEX. INS. CODE § 4001.252(a)(3).

Relief Sought

TDI seeks the following relief:

1. revocation of David Morris' license; and
2. imposition of any other just and appropriate relief to which the department may be entitled to by law, including any combination of the above actions.

2024-8997

Notice of Allegations

David Morris

Page 8 of 8

Respectfully,



Anna Kalapach
State Bar No. 24083290
Texas Department of Insurance
Enforcement, MC ENF
P.O. Box 12030
Austin, Texas 78711-2030
(512) 676-6326 (Direct)
(512) 490-1020 (Fax)
anna.kalapach@tdi.texas.gov

cc: Leah Gillum, Deputy Commissioner, Fraud and Enforcement Division, MC: ENF
Rachel Cloyd, Litigation Director, Enforcement, MC: ENF
Administrative Review, MC: CO-AAL

CERTIFICATE OF SERVICE

I, Anna Kalapach, certify that a true and correct copy of this *Notice of Allegations Against David Morris* was sent by the following methods on this 30th day of October, 2024 to:

David Morris
[REDACTED]
Excelsior Springs, MO 64024-2109

Via First Class Mail
Via CM/RRR No.
9214 8901 9403 8385 1572 92
Via Email to:
[REDACTED]



Anna Kalapach

Firm Mailing Book For Accountable Mail



Name and Address of Sender
 ENF M RUIZ
 1601 CONGRESS AVENUE
 STE 6.900
 AUSTIN TX 78701

Affix Stamp Here
 (for additional copies of this receipt).
 Postmark with Date of Receipt.

- Check type of mail or service
- Adult Signature Required
 - Adult Signature Restricted Delivery
 - Certified Mail
 - Certified Mail Restricted Delivery
 - Collect on Delivery (COD)
 - Insured Mail
 - Priority Mail
 - Priority Mail Express
 - Registered Mail
 - Return Receipt for Merchandise
 - Signature Confirmation
 - Signature Confirmation Restricted Delivery

Addressee (Name, Street, City, State, & ZIP Code™)

DAVID MORRIS
 [REDACTED]
 EXCELSIOR SPRINGS, MO 64024-2109

USPS Tracking/Article Number

1. 9214 8901 9403 8385 1572 92
 ANNA/32840

Postage	(Extra Service) Fee	Handling Charge	Actual Value if Registered	Insured Value	Due Sender if COD	ASR Fee	ASRD Fee	RD Fee	RR Fee	SC Fee	SCRD Fee	SH Fee
0.97	4.85	Handling Charge - if Registered and over \$50,000 in value				Adult Signature Required	Adult Signature Restricted Delivery	Restricted Delivery	Return Receipt	Signature Confirmation	Signature Confirmation Restricted Delivery	Special Handling



EXHIBIT
 C

Total Number of Pieces Listed by Sender: 1
 Total Number of Pieces Received at Post Office: 1
 Signature: [Signature]

2024-8997

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: 10/30/2024

Shipped From:

Name: ENF M RUIZ

Address: 1601 CONGRESS AVENUE

City: AUSTIN

State: TX ZIP+4® 78701

Type of Mail	Volume
Priority Mail Express®	
Priority Mail®	
First-Class Package Service®	
Returns	
International*	
Other	1
Total	1

*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 0056 6913 81

ANNA/32840

