

No. 2025-9201

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

Date: 3/12/2025

Subject Considered:

Lamon Duvell Kirksey
Oklahoma City, Oklahoma

Default Order
TDI Enforcement File No. 30342

General Remarks and Official Action Taken:

The subject of this default order is whether a general lines agent license with a property and casualty qualification should be issued to Lamon Duvell Kirksey (Respondent). Respondent did not respond to a Notice of Allegations mailed by the Texas Department of Insurance. This order denies Respondent's license application.

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

Findings of Fact

Failure to Respond to Notice of Allegations

1. On January 17, 2025, 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], Oklahoma City, Oklahoma 73120.
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.

2025-9201

Commissioner's Order

Lamon Duvell Kirksey

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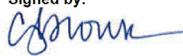
4. The department's factual allegations set out in the attached Notice of Allegations are incorporated in this order as findings of fact.

Conclusions of Law

1. The commissioner has jurisdiction under Texas law, including TEX. INS. CODE §§ 82.051-82.055, 4001.002, 4001.102, 4001.105, 4005.101-4005.105, 4051.051; TEX. OCC. CODE §§ 53.021-53.023; 28 TEX. ADMIN. CODE § 1.502; 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.
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.

Order

It is ordered that Lamon Duvell Kirksey's application is denied. 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:

FC5D7EDDFFB4F8...

Cassie Brown
Commissioner of Insurance

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Commissioner's Order

Lamon Duvell Kirksey

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Prepared and reviewed by:

Victor Moya III

Victor Moya III, Staff Attorney
Enforcement

Affidavit

STATE OF TEXAS §

§

COUNTY OF TRAVIS §

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

"My name is Roxanne Rodriguez 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 Lamon Duvell Kirksey. I have confirmed that:

- a. The last mailing address provided to the department in writing by Lamon Duvell Kirksey is [REDACTED], Oklahoma City, Oklahoma 73120.
- b. The file maintained by Enforcement contains a Notice of Allegations dated January 17, 2025, which was sent to Lamon Duvell Kirksey.
- c. On January 17, 2025, the Notice of Allegations addressed to Lamon Duvell Kirksey was mailed first-class and certified, return receipt requested, to his last known address and one additional address: Lamon Duvell Kirksey's Attorney, Blair Hollaway, P.O. Box 22305 Oklahoma City, Oklahoma 73123.

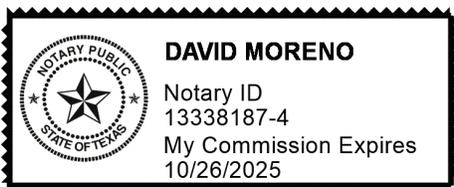
Copies of the first-class mail log and certified mail log maintained by Enforcement are attached as Exhibit B and Exhibit C, respectively."

Signed by:

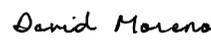
 DB53B8C5B39E4F6...
 Affiant

SWORN TO AND SUBSCRIBED before me by means of an interactive two-way audio and video communication on 2/21/2025. This notarial act was an online notarization.

Notary Seal



Digital Certificate

DocuSigned by:

 455E4109E15D4CD...
 Notary Public State of Texas

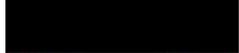
2025-9201



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

January 17, 2025

Lamon Duvell Kirksey



Oklahoma City, Oklahoma 73120

Via CM/RRR No.

9214 8901 9403 8397 1516 77

**TDI ENFORCEMENT CASE NO. 30342
NOTICE OF ALLEGATIONS AGAINST LAMON DUVELL KIRKSEY**

The Texas Department of Insurance (TDI) seeks to deny your license application. 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:

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

EXHIBIT

Exhibit A

Jurisdiction

The commissioner of insurance has jurisdiction over this matter under TEX. INS. CODE §§ 82.051–82.055, 4001.002, 4005.101, 4005.102, 4056.051, and 4051.051, TEX. OCC. CODE §§ 53.021-53.023, and TEX. GOV'T CODE §§ 2001.003(1) and 2001.051–2001.178.

Factual Allegations

License Application

1. On May 18, 2022, Lamon Duvell Kirksey (Kirksey), individual identification no. 2557553, submitted an application to TDI for a non-resident general lines agent license with a property and casualty qualification.
2. On July 1, 2022, TDI proposed to deny Kirksey's license application based on his agent misconduct and prior disciplinary action by another state. Kirksey appealed that decision and made a written request for hearing.

Agent Misconduct

3. Kirksey is licensed as an insurance producer by the Oklahoma Department of Insurance in his resident state of Oklahoma.
4. On or about April 2, 2019, Farmers Insurance Company (Farmers) initiated an investigation into allegations of misconduct by Kirksey. Farmers' investigation found:

Falsified Prior Insurance Documents

- a) Kirksey directly or indirectly, through his employee, Kwala Whitaker (Whitaker), falsified 37 prior insurance documents in order to qualify insureds for auto coverage.
- b) After reviewing all 37 policies issued based on falsified prior insurance documents, Farmers found that Kirksey's user ID was used on 15 of the policies and Whitaker's on two of the policies. Farmers found that despite a former employee's user ID having been used on the remaining 20 policies, they were actually written by Kirksey and/or Whitaker.

Fictitious Payments

- c) Kirksey, directly or indirectly, also submitted at least 12 fictitious payments to issue or reinstate 12 policies without collecting the premiums due. Farmers found Kirksey and Whitaker entered receipts into the carrier's system which allowed for an immediate policy credit to be generated and either a new policy to be issued or a canceled policy to be reinstated. This circumvented the system and allowed these policies to be written or reinstated without actually collecting any money.

Premium Conversion

- d) Farmers also found that Kirksey was not able to account for 13 cash payments of customer premiums, totaling \$2,759.17. Investigators believed that this amount was receipted but not deposited in a Farmers-owned bank account.

Prior Regulatory Action

5. On February 9, 2022, the Oklahoma Insurance Department issued an order suspending Kirksey's insurance producer license for a period of 16 months, from September 18, 2020, until January 18, 2022. Kirksey was also ordered to pay the costs of the proceeding in the amount of \$352.76 and fined an administrative penalty of \$5,000.

Legal Allegations

1. Kirksey committed acts for which a license may be denied pursuant to TEX. INS. CODE § 4005.101, as contemplated by TEX. INS. CODE § 4005.102.
2. Kirksey willfully violated an insurance law of this state, in violation of TEX. INS. CODE § 4005.101(b)(1).
3. Kirksey misappropriated, converted to his own use, or illegally withheld money belonging to an insurer, in violation of TEX. INS. CODE § 4005.101(b)(4).
4. Kirksey engaged in fraudulent or dishonest acts or practices, in violation of TEX. INS. CODE § 4005.101(b)(5).

Relief Sought

TDI seeks the following relief:

1. denial of your license application; 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.

Respectfully,



Victor Moya III
State Bar No. 24104330
Texas Department of Insurance
Enforcement, MC ENF
P.O. Box 12030
Austin, Texas 78711-2030
(512) 676-6332 (Direct)
(512) 490-1020 (Fax)
Victor.moya@tdi.texas.gov

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

CERTIFICATE OF SERVICE

I, Victor Moya III, certify that a true and correct copy of this *Notice of Allegations Against Lamon Duvell Kirksey* was sent by the following methods on this 17th day of January, 2025 to:

Blair Hollaway
P.O. Box 22305
Oklahoma City, Oklahoma 73123
Counsel for Respondent

Via CM/RRR No.: 9214890194038397151875
Via First Class Mail
Via Email: Blairlawokc@gmail.com

Lamon Duvell Kirksey
[REDACTED]
Oklahoma City, Oklahoma 73120

Via CM/RRR No.: 9214890194038397151677
Via First Class Mail
Via Email: [REDACTED]

Victor Moya III

Victor Moya III

Name and Address of sender
 Texas Dept of Insurance
 Mail Code ENF
 1601 Congress Avenue, Suite 6.900
 Austin TX 78701
 Roxanne Rodriguez
 January 17, 2025

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
 First-Class Mail
 Priority Mail Express
 Registered Mail
 Return Receipt for Merchandise
 Signature Confirmation
 Signature Confirmation Restricted Delivery

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	Address (Name, Street, City, State, & Zip Code)	Postage	(Extra Service) Fee	Handling Charge	Actual Value if Registered	Insured Value	Due Sender if COD	ASR Fee	ASRD Fee	RO Fee	RR Fee	SC Fee	SCRD Fee	SH Fee
Moya/ 30342	Blair Hollaway P.O. Box 22305 Oklahoma City, Oklahoma 73123	1.69												
	Lamon Duvell Kirksey Oklahoma City, Oklahoma 73120	1.69												

20259201
 Form 3877, June 2015

Postmaster: Per Name of receiving employee
 Completed in Ink

RECEIVED
 JAN 22 2025
TDI - ENFORCEMENT

CAPitol STATION
 JAN 20 2025
 AUSTIN, TX
 78711

Handling Charge-if Registered and over \$50,000 in value

quadrant
MAIL CORRECTION
\$004.00
 01/17/2025 ZIP 78701
 0436M32206996

EXHIBIT
 Exhibit B

Privacy Note: For more information on USPS privacy policies, visit usps.com/privacy policy.

Firm Mailing Book For Accountable Mail

2025-9201



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: 01/17/2025

Shipped From:

Name: ENF R RODRIGUEZ

Address: 1601 CONGRESS AVE

City: AUSTIN

State: TX ZIP+4® 78701

Type of Mail	Volume
Priority Mail Express®	
Priority Mail®	
First-Class Package Service®	
Returns	
International*	
Other	2
Total	2

*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:

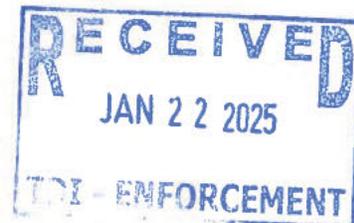
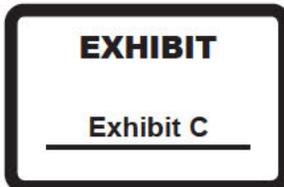
1. Home screen > Mailing/Shipping > More
2. Select Shipment Confirm
3. Scan or enter the barcode/label number from PS Form 5630
4. Confirm the volume count message by selecting Yes or No
5. Select Pay and End Visit to complete transaction

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 0058 4176 06



Moya/30342



Name and Address of Sender
ENF R. RODRIGUEZ
1601 CONGRESS AVE
STE 6,900
AUSTIN TX 78701

- 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

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

USPS Tracking/Article Number

1. 9214 8901 9403 8397 1516 77

Moya/30342

LAMON DUVELL KIRKSEY
██████████
OKLAHOMA CITY, OKLAHOMA 73120

2. 9214 8901 9403 8397 1516 75

BLAIR HOLLAWAY
P.O. BOX 22305
OKLAHOMA CITY, OKLAHOMA 73123

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
0.69	4.85								2.62			
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

2025-9201



Total Number of Pieces Listed by Sender: 2
Total Number of Pieces Received at Post Office: 2
Postmaster, Per (Name of receiving employee):
Complete in Ink