


No. 2021-6728

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

Date: 03/18/2021

Subject Considered:

David Dwayne Womack


Grand Prairie, Texas 75051

Default Order
SOAH Docket No. 454-21-0995
TDI Enforcement File No. 25184

General remarks and official action taken:

This is a default order taken against David Dwayne Womack (Respondent) because he: misappropriated, converted to his own use, or illegally withheld money belonging to an insurer; engaged in fraudulent or dishonest acts or practices; willfully violated an insurance law of this state; failed to respond to the department's multiple inquiries; and, failed to notify the department on a monthly basis of a change to his mailing address. Respondent did not respond to a Notice of Hearing filed 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 Hearing

1. On January 12, 2021, the department filed a Notice of Hearing, attached as Exhibit A, and an Original Petition, attached as Exhibit B, with the State Office of Administrative Hearings.
2. The department's factual allegations set out in the attached Notice of Hearing and Original Petition are incorporated in this order as findings of fact.

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3. The department sent the Notice of Hearing and Original Petition to Respondent's last known address provided in writing to the department, [REDACTED] Grand Prairie, Texas 75051. The Notice of Hearing and Original Petition were also sent by electronic mail and to two additional addresses associated with Respondent: [REDACTED] Dallas, Texas 75237 and [REDACTED] Waxahachie, Texas 75165.
4. Respondent failed to file a written response to the Notice of Hearing within 20 days of the date the Notice of Hearing and Original Petition were mailed.

Conclusions of Law

1. The commissioner has jurisdiction pursuant to Texas law, including TEX. INS. CODE §§ 82.051-82.055, 4001.002, 4005.101, 4005.102, and 4054.051, and TEX. GOV'T CODE §§ 2001.051-2001.178.
2. The commissioner has authority to dispose of this case informally pursuant to TEX. GOV'T CODE § 2001.056; TEX. INS. CODE § 82.055; and 28 TEX. ADMIN. CODE §§ 1.47, 1.88, and 1.89.
3. The department provided proper notice of the hearing pursuant to TEX. GOV'T CODE §§ 2001.051, 2001.052, and 2001.054, and 28 TEX. ADMIN. CODE §§ 1.28, 1.88, 1.89, and 19.906.
4. Based on Respondent's failure to file a written response to the Notice of Hearing, the department is entitled to disposition by default pursuant to 28 TEX. ADMIN. CODE §§ 1.88 and 1.89.
5. The department's factual and legal allegations set out in the attached Notice of Hearing and Original Petition are incorporated in this order and deemed admitted as true pursuant to 28 TEX. ADMIN. CODE § 1.89.

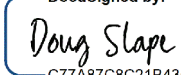
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Order

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

Commissioner of Insurance

DocuSigned by:

By: C77A87C8C21B435...
Doug Slape
Chief Deputy Commissioner
TEX. GOV'T CODE § 601.002
Commissioner's Order No. 2018-5528

Prepared and reviewed by:



Anna Kalapach, Staff Attorney
Enforcement Division

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 Dwayne Womack. I have confirmed that:

- a. The last mailing address provided to the department in writing by David Dwayne Womack is [REDACTED], Grand Prairie, Texas 75051.
- b. The file maintained by the Enforcement Division contains a Notice of Hearing and Original Petition dated January 12, 2021, which were filed with the State Office of Administrative Hearings.
- c. On January 12, 2021, the Notice of Hearing and Original Petition addressed to David Dwayne Womack were mailed certified, return receipt requested, to his last known address and two additional addresses: [REDACTED], Dallas, Texas 75237 and [REDACTED] Waxahachie, Texas 75165.

A copy of the certified mail log maintained by the Enforcement Division is attached as Exhibit C."

DocuSigned by:

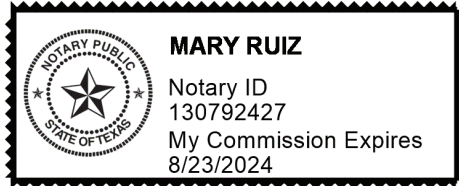
 BC11BA4C87EE44F...
 Affiant

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SWORN TO AND SUBSCRIBED before me by means of an interactive two-way audio and video communication on 2/5/2021, 2021. This notarial act was an online notarization.

Notary Seal



Digital Certificate

DocuSigned by:
Mary Ruiz
795DC4D59167489...

Notary Public State of Texas

2021-6728

FILED
454-21-0995
1/12/2021 9:42 AM
STATE OFFICE OF
ADMINISTRATIVE HEARINGS
Donnie Roland, CLERK

ACCEPTED
454-21-0995
01/12/2021 10:31 AM
STATE OFFICE OF
ADMINISTRATIVE HEARINGS
Donnie Roland, CLERK

**SOAH DOCKET NO. 454-21-0995
TDI ENFORCEMENT FILE NO. 25184**

TEXAS DEPARTMENT OF INSURANCE,

BEFORE THE STATE OFFICE

Petitioner

v.

OF

DAVID DWAYNE WOMACK,

ADMINISTRATIVE HEARINGS

Respondent

NOTICE OF HEARING

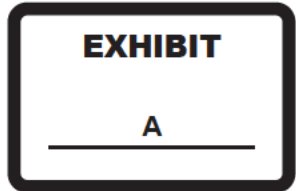
The Texas Department of Insurance seeks to take disciplinary action against you. This Notice of Hearing and the Original Petition, which is attached and incorporated for all purposes, states the allegations against you and the relief sought by the Department.

A public hearing will be held before an Administrative Law Judge on **Tuesday, June 1, 2021, at 9:00 a.m.** The hearing will take place via videoconference using a videoconference platform controlled by the State Office of Administrative Hearings, unless otherwise ordered to proceed in another manner by the Administrative Law Judge.

The hearing shall be conducted pursuant to TEX. GOV'T CODE, ch. 2001 and 1 TEX. ADMIN. CODE, ch. 155. Unless otherwise directed by the Administrative Law Judge, the hearing shall continue from day to day in the offices of the State Office of Administrative Hearings until concluded. You have the right to appear at this hearing and to be represented by an attorney.

Parties that are not represented by an attorney may obtain information regarding contested case hearings on the public website of the State Office of Administrative Hearings at www.soah.texas.gov, or in printed format upon request to SOAH.

YOU MUST FILE A WRITTEN RESPONSE TO THE NOTICE OF HEARING WITH THE STATE OFFICE OF ADMINISTRATIVE HEARINGS WITHIN 20 DAYS OF THE DATE THE NOTICE OF HEARING WAS MAILED. FAILURE TO FILE A WRITTEN RESPONSE BY THIS DEADLINE SHALL ENTITLE TDI TO SEEK DISPOSITION BY DEFAULT PURSUANT TO 1 TEX. ADMIN. CODE § 155.501 AND 28 TEX. ADMIN. CODE §§ 1.88 AND 1.89.



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David Dwayne Womack

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IF YOU FAIL TO FILE A WRITTEN RESPONSE, THE SCHEDULED HEARING CAN BE CANCELED AND WITHOUT FURTHER NOTICE TO YOU THE COMMISSIONER OF INSURANCE CAN ISSUE AN ORDER IN WHICH THE ALLEGATIONS IN THE NOTICE OF HEARING ARE DEEMED ADMITTED AS TRUE AND THE RELIEF SOUGHT IN THE NOTICE OF HEARING, INCLUDING REVOCATION OF YOUR LICENSE, IS GRANTED BY DEFAULT.

IF YOU FILE A WRITTEN RESPONSE BUT THEN FAIL TO APPEAR ON THE DAY AND TIME SET FOR HEARING, WITHOUT FURTHER NOTICE TO YOU, THE COMMISSIONER OF INSURANCE CAN ISSUE AN ORDER IN WHICH THE ALLEGATIONS IN THE NOTICE OF HEARING ARE DEEMED ADMITTED AS TRUE AND THE RELIEF SOUGHT IN THE NOTICE OF HEARING, INCLUDING REVOCATION OF YOUR LICENSE, IS GRANTED BY DEFAULT.

In accord with 28 TEX. ADMIN. CODE § 1.90(e) and 1 TEX. ADMIN. CODE §§ 155.101 and 155.103, you should send copies of your written response to:

- (1) Docketing Division
State Office of Administrative Hearings
300 West 15th Street, Room 504
P.O. Box 13025
Austin, Texas 78711-3025
(512) 322-2061 (Fax);
- (2) Chief Clerk
Texas Department of Insurance
P.O. Box 149104, MC112-2A
Austin, Texas 78714-9104
(512) 490-1064 (Fax)
chiefclerk@tdi.texas.gov; and

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- (3) Anna Kalapach, Staff Attorney
Texas Department of Insurance
Enforcement Division, MC110-1A
P.O. Box 149104
Austin, Texas 78714-9104
(512) 490-1020 (Fax)
anna.kalapach@tdi.texas.gov

Receiving Documents

The State Office of Administrative Hearings (SOAH) offers you the ability to receive service of orders and other documents issued by SOAH through email instead of by mail or fax. If you want to receive SOAH-issued documents by email, go to SOAH's website, www.soah.texas.gov, click on the "E-Services" tab, then click the hyperlink "Request Service by Email (only for use by self-represented litigants)," and follow the instructions.

NOTE: A request to receive SOAH-issued documents by email does not change the procedures you must follow to file documents with SOAH. The rules for filing documents and providing copies to all other parties in the case are described in SOAH's Procedural Rules, which are available on SOAH's website. Click the "Agency" tab, then click "Administrative Rules and Laws" to view SOAH's Procedural Rules.

Important Security Notice

ALL VISITORS TO THE WILLIAM P. CLEMENTS BUILDING WITHOUT AN AGENCY OR DPS ISSUED ID CARD MUST PROVIDE THE BUILDING SECURITY OFFICER WITH THE STATE OFFICE OF ADMINISTRATIVE HEARINGS DOCKET NUMBER AND RECEIVE A VISITOR'S PASS IN ORDER TO BE ALLOWED ACCESS TO THE HEARING ROOM. INDIVIDUALS SHOULD ALLOW ADDITIONAL TIME TO GO THROUGH THE SECURITY PROCESS.

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If you have any questions, please contact me at the address or telephone number shown below.

Respectfully Submitted,



Anna Kalapach
State Bar No. 24083290
Texas Department of Insurance
Enforcement Division, MC110-1A
P.O. Box 149104
Austin, Texas 78714-9104
(512) 676-6326 (Direct)
(512) 490-1020 (Fax)
anna.kalapach@tdi.texas.gov

ATTORNEY FOR THE PETITIONER
TEXAS DEPARTMENT OF INSURANCE

Enclosure: Original Petition

cc: Leah Gillum, Deputy Commissioner, Enforcement Division, MC-110-1A
Rachel Cloyd, Litigation Director, Enforcement Division, MC-110-1A
Administrative Review, MC107-1A

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CERTIFICATE OF SERVICE

I, Anna Kalapach, certify that a true and correct copy of the *Notice of Hearing and the Original Petition* were sent by the following methods, on this 12th day of January, 2021 to:

David Dwayne Womack

[Redacted]

Grand Prairie, TX 75051

Respondent Pro Se

CM/RRR: 9214 8901 9403 8329 5224 21

Via Email to:

[Redacted]

David Dwayne Womack

[Redacted]

Dallas, TX 75237

CM/RRR: 9214 8901 9403 8329 5225 75

David Dwayne Womack

[Redacted]

Waxahachie, TX 75165

CM/RRR: 9214 8901 9403 8329 5229 88



Anna Kalapach

TEXAS DEPARTMENT OF INSURANCE,

BEFORE THE STATE OFFICE

Petitioner

v.

OF

DAVID DWAYNE WOMACK,

ADMINISTRATIVE HEARINGS

Respondent

ORIGINAL PETITION

The Texas Department of Insurance seeks to take disciplinary action against David Dwayne Womack. In support of this petition, the department makes the following allegations upon information and belief:

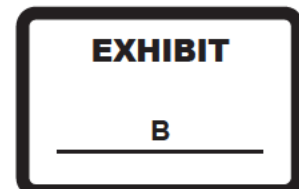
Jurisdiction

The Commissioner of Insurance has jurisdiction over this matter pursuant to TEX. INS. CODE §§ 82.051-82.055, 912.25 4001.002, 4005.101, 4005.102, and 4054.051, and TEX. GOV'T CODE §§ 2001.051-2001.178.

Factual Allegations

Licensure

1. David Dwayne Womack (Womack), individual identification number 108073, previously held a limited lines agent license which became inactive on August 17, 1994.
2. Womack previously held a county mutual agent license with the department, which expired on June 30, 2020. Womack failed to renew in accordance with TEX. INS. CODE § 4003.007.
3. Presently, Womack holds an active general lines agent license with a life, accident, health, and HMO qualification, issued by the department on October 4, 2018.



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Misappropriation, Conversion, or Illegal Withholding of Money Belonging to Insurer

4. Since August 21, 2018, Womack held an appointment with Reliable Life Insurance Company (Reliable) to perform the acts of an agent on Reliable's behalf. On August 27, 2019, Reliable cancelled Womack's appointment for cause.
5. An audit conducted by Reliable after that cancellation identified \$2,433.26 in customer premiums that Womack collected, but failed to pay Reliable between July 2019 and August 2019. These funds were due and owing to Reliable.
6. The amount of Womack's cash bond with Reliable, \$876.96, did not cover the entire amount of premiums due to Reliable.
7. Reliable maintains that \$1,556.30 in customer premiums is still owed to Reliable, along with \$43.62 in postage used in order to collect that debt. In total, Reliable maintains that \$1,599.92 is the remaining balance owed to Reliable.
8. Womack misappropriated, converted, or illegally withheld \$2,433.26 from Reliable, and continues to owe Reliable \$1,599.92.

Failure to Respond to an Inquiry

9. On July 15, 2020, the department mailed a request for information to Womack about the above matters, informing him that he must respond no later than 15 days after receipt of the inquiry. Womack received the request for information on July 20, 2020, at one of Womack's address of record with the department. Womack did not respond to the department's inquiry.
10. On September 9, 2020, the department mailed another request for information to Womack, informing him that he must respond no later than 15 days after receipt of the inquiry. Womack received the request for information on September 14, 2020, at one of Womack's addresses of record with the department. Womack did not respond to the department's inquiry.
11. On September 30, 2020, the department mailed another request for information to Womack informing him that he must respond no later than 15 days after receipt of the inquiry. Womack received the request for information on October 5, 2020,

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at an address Womack provided to the department by telephone. Womack did not respond to the department's inquiry.

Failure to Notify Department of Change in Mailing Address

12. During a September 30, 2020, phone conversation with department staff, Womack provided information indicating that his mailing address of record with the department was no longer current. Womack was instructed to update his mailing address.
13. As of January 7, 2021, Womack failed to timely update his mailing address of record with the department.

Legal Allegations

1. Womack has willfully violated an insurance law of this state, in violation of TEX. INS. CODE § 4005.101(b)(1).
2. Womack has misappropriated, converted to his own use, or illegally withheld money belonging to an insurer, in violation of TEX. INS. CODE § 4005.101(b)(4).
3. Womack has engaged in fraudulent or dishonest acts or practices, in violation of TEX. INS. CODE § 4005.101(b)(5).
4. Womack failed to respond to the department's multiple written inquiries not later than the 15th day after the date of each inquiry, in violation of TEX. INS. CODE § 38.001.
5. Womack failed to notify the department on a monthly basis of a change to his mailing address, in violation of TEX. INS. CODE § 4001.252(a)(1).

Relief Sought

If one or more of the above allegations is found to be true, the department asks the Administrative Law Judge to enter a Proposal for Decision recommending that the Commissioner of Insurance issue an order:

1. revoking David Dwayne Womack's license; and

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2. imposing any other just and appropriate relief to which the department may be entitled to by law, including any combination of the above actions.

Respectfully Submitted,



Anna Kalapach
State Bar No. 24083290
Texas Department of Insurance
Enforcement Division, MC110-1A
P.O. Box 149104
Austin, Texas 78714-9104
(512) 676-6326 (Direct)
(512) 490-1020 (Fax)
anna.kalapach@tdi.texas.gov
ATTORNEY FOR THE PETITIONER
TEXAS DEPARTMENT OF INSURANCE



Name and Address of Sender
MC 110-1A D Moreno
Texas Department of Insurance
333 Guadalupe St
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.

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

USPS Tracking/Article Number	Addressee (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	RD Fee	RR Fee	SC Fee	SCRD Fee	SH Fee	
1. 9214 8901 9403 8329 5224 21	DAVID DWAYNE WOMACK TX 75051 GRAND PRAIRIE,	1.20	3.55	Handling Charge - if Registered and over \$50,000 in value							1.70				
2. 9214 8901 9403 8329 5225 75	DAVID DWAYNE WOMACK 75237 DALLAS, TX	1.20	3.55									1.70			
3. 9214 8901 9403 8329 5229 88	DAVID DWAYNE WOMACK WAVAHACHE, TX 75165	1.20	3.55									1.70			
2021-6728								Adult Signature Required	Adult Signature Restricted Delivery	Restricted Delivery	Return Receipt	Signature Confirmation	Signature Confirmation Restricted Delivery	Special Handling	
Total Number of Pieces Listed by Sender	Total Number of Pieces Received at Post Office	Postmaster: Per (Name of receiving employee)													
3	3														

EXHIBIT
C

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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: 01/12/2021

Shipped From:

Name: MC 110-1A D MORENO

Address: 333 GUADALUPE ST

City: AUSTIN

State: TX ZIP+4® 78701

Type of Mail	Volume
Priority Mail Express®*	
Priority Mail®	0
First-Class Package Service®	
Returns	
International*	
Other	3
Total	3

*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 0026 2659 56

kalapach/25184

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Tracking #: 9214890194038329522988

Recipient: DAVID DWAYNE WOMACK
[REDACTED]
WAXAHACHIE, TX 75165

Date & Time	Event Type	Event	Event Location
01/12/2021 09:36		PRE-SHIPMENT INFO SENT USPS AWAITS ITEM	AUSTIN,TX, 78701
01/13/2021 22:15		ORIGIN ACCEPTANCE	AUSTIN,TX, 78701
01/13/2021 23:30		PROCESSED THROUGH USPS FACILITY	AUSTIN,TX, 78710
01/14/2021 09:20		DEPART USPS FACILITY	AUSTIN,TX, 78710
01/14/2021 12:56		PROCESSED THROUGH USPS FACILITY	DALLAS,TX, 75260
01/15/2021 00:47		PROCESSED THROUGH USPS FACILITY	DALLAS,TX, 75260
01/15/2021 04:55		DEPART USPS FACILITY	DALLAS,TX, 75260
01/15/2021 07:19		ARRIVAL AT UNIT	WAXAHACHIE,TX, 75165
01/15/2021 07:30		OUT FOR DELIVERY	WAXAHACHIE,TX, 75165
01/15/2021 11:45		DELIVERED LEFT WITH INDIVIDUAL	WAXAHACHIE,TX, 75165