

No. 2022-7609

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

Date: 11/09/2022

Subject Considered:

Gary Michael Burk
[REDACTED]
Boerne, Texas 78015-4673

Bob White Insurance Agency LLC
PO Box 73009
Houston, Texas 77273-3009

Default Order
SOAH Docket No. 454-23-02296
TDI Enforcement File Nos. 27277 and 27278

General remarks and official action taken:

This is a default order taken against Gary Michael Burk and Bob White Insurance Agency LLC (Respondents) because they: misappropriated and converted to their own use money belonging to an insurer or insured; engaged in fraudulent or dishonest acts or practices; and willfully violated insurance laws of this state. Respondents did not respond to a Notice of Hearing filed by the Texas Department of Insurance. This order revokes the Respondents' licenses and directs Respondents to jointly and severally pay restitution totaling \$81,161.16 to eight victims of their misconduct.

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

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Commissioner's Order

Gary Michael Burk and Bob White Insurance Agency LLC

SOAH Docket No. 454-23-02296

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Findings of Fact

Failure to Respond to Notice of Hearing

1. On October 4, 2022, 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.
3. The department sent the Notice of Hearing and Original Petition to each Respondent's last known address provided in writing to the department, specifically to: Gary Michael Burk, [REDACTED], Boerne, Texas 78015-4673; and to Bob White Insurance Agency LLC, P.O. Box 73009, Houston, Texas 77273-3009. The Notice of Hearing and Original Petition were also sent by fax to Bob White Insurance Agency LLC and to an electronic mail address associated with both Respondents.
4. Both Respondents 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 under Texas law, including TEX. INS. CODE §§ 82.051–82.055, 4001.002, 4005.101, 4005.102, 4051.051, 4054.051, and TEX. GOV'T CODE §§ 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, 1.88, and 1.89.
3. The department provided proper notice of the hearing under 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 both Respondents' failure to file a written response to the Notice of Hearing, the department is entitled to disposition by default under 28 TEX. ADMIN. CODE §§ 1.88 and 1.89.

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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 under 28 TEX. ADMIN. CODE § 1.89.

Order

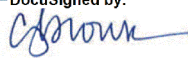
It is ordered that any licenses held by Gary Michael Burk and by Bob White Insurance Agency LLC, are revoked.

It is further ordered that Gary Michael Burk and Bob White Insurance Agency LLC must pay restitution, jointly and severally, in the amounts identified to the following victims:

- a. MLD Transport in the amount of \$26,763.73;
- b. Jose Romano in the amount of \$2,245.30;
- c. Ready Set Go Transportation in the amount of \$2,099;
- d. MM Crawford LLC in the amount of \$1,916.40;
- e. R&A Transport, Inc. in the amount of \$26,155.55;
- f. K&W Jones Transportation, LLC in the amount of \$2,042.62;
- g. Orea Trucking, LLC in the amount of \$5,836.10; and
- h. Broomfield Transport LLC in the amount of \$14,102.46.

Proof of payment of the restitution must be sent electronically to the department within 30 days of the date of this order to EnforcementReports@tdi.texas.gov.

A copy of this order will be provided to law enforcement and other appropriate administrative agencies for further investigation as may be warranted.

DocuSigned by:

FC5D7EDDFB4F8...

Cassie Brown
Commissioner of Insurance

2022-7609

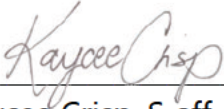
Commissioner's Order

Gary Michael Burk and Bob White Insurance Agency LLC

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Prepared and reviewed by:

A handwritten signature in cursive script that reads "Kaycee Crisp". The signature is written in black ink and is positioned above a horizontal line.

Kaycee Crisp, Staff Attorney
Enforcement

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Commissioner's Order

Gary Michael Burk and Bob White Insurance Agency LLC

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Affidavit

STATE OF TEXAS §

§

COUNTY OF TRAVIS §

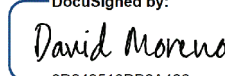
Before me, the undersigned authority, personally appeared David Moreno, who, being by me duly sworn, deposed as follows:

"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 Gary Michael Burk and Bob White Insurance Agency LLC. I have confirmed that:

- a. The last mailing address provided to the department in writing by Gary Michael Burk is [REDACTED] Boerne, Texas 78015-4673.
- b. The last mailing address provided to the department in writing by Bob White Insurance Agency LLC is PO Box 73009, Houston, Texas 77273-3009.
- c. The file maintained by Enforcement contains a Notice of Hearing dated October 4, 2022, and an Original Petition dated September 30, 2022, both of which were filed together on October 4, 2022, with the State Office of Administrative Hearings.
- d. On October 4, 2022, the Notice of Hearing and Original Petition addressed to Gary Michael Burk and Bob White Insurance Agency LLC were mailed first-class and certified, return receipt requested, to their last known addresses.

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

DocuSigned by:

8D243510DB8A486...
Affiant

2022-7609

Commissioner's Order

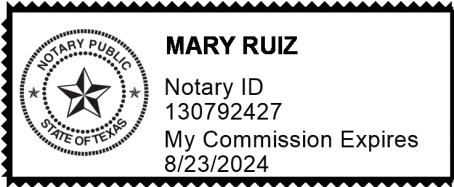
Gary Michael Burk and Bob White Insurance Agency LLC

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SWORN TO AND SUBSCRIBED before me by means of an interactive two-way audio and video communication on 10/31/2022. This notarial act was an online notarization.

Notary Seal



Digital Certificate

DocuSigned by:
Mary Ruiz
795DC4D59167489...
Notary Public State of Texas

FILED **2022-7609**
454-23-02296
10/4/2022 9:58 AM
STATE OFFICE OF
ADMINISTRATIVE HEARINGS
Pegah Nasrollahzadeh, CLERK

ACCEPTED
454-23-02296
10/4/2022 11:11:02 am
STATE OFFICE OF
ADMINISTRATIVE HEARINGS
Pegah Nasrollahzadeh, CLERK

SOAH DOCKET NO. 454-23-02296
TDI ENFORCEMENT FILE NOS. 27277 and 27278

TEXAS DEPARTMENT OF INSURANCE,

BEFORE THE STATE OFFICE

Petitioner

v.

OF

GARY MICHAEL BURK and BOB WHITE
INSURANCE AGENCY LLC,

ADMINISTRATIVE HEARINGS

Respondents

NOTICE OF HEARING

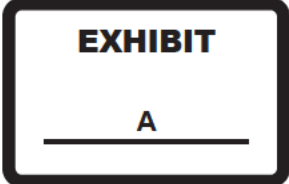
The Texas Department of Insurance seeks to take disciplinary action against you. This Notice of Hearing and the Original Petition, which is attached and incorporated for all purposes, states the allegations against you and the relief sought by the Department.

A public hearing will be held before an Administrative Law Judge on **Monday, February 27, 2022, 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 under 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 UNDER 1 TEX. ADMIN. CODE § 155.501 AND 28 TEX. ADMIN. CODE §§ 1.88 AND 1.89.



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Notice of Hearing
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Bob White Insurance Agency LLC
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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 LICENSES AND/OR PAYMENT OF RESTITUTION, 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 LICENSES AND/OR PAYMENT OF RESTITUTION, 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) *(by mail, fax, or electronically)*
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);
www.soah.texas.gov

- (2) *(by mail, fax, or email)*
Chief Clerk
Texas Department of Insurance
P.O. Box 12030, MC GC-CCO
Austin, Texas 78711-2030
(512) 490-1064 (Fax)
chiefclerk@tdi.texas.gov; and

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- (3) *(by mail, fax, or email)*
Kaycee Crisp, Staff Attorney
Texas Department of Insurance
Enforcement, MC ENF
P.O. Box 12030
Austin, Texas 78711-2030
(512) 490-1020 (Fax)
Kaycee.Crisp@tdi.texas.gov

Receiving Documents Electronically and Filing Documents with SOAH

The State Office of Administrative Hearings (SOAH) offers you the ability to electronically receive orders and other documents issued by SOAH by email instead of by mail. If you want to receive SOAH-issued documents by email, follow the instructions on SOAH's website: www.soah.texas.gov.

A request to receive SOAH-issued documents by email does not change the procedures you must follow to file documents or exhibits with SOAH. Instructions on how to file documents and exhibits are on SOAH's website. SOAH's website also includes guidance for representing yourself.

Important Security Notice (for In-Person Hearings ONLY)

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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Bob White Insurance Agency LLC
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If you have any questions, please contact me at the address or telephone number shown below.

Respectfully Submitted,



Kaycee Crisp
State Bar No. 24057368
Texas Department of Insurance
Enforcement, MC ENF
P.O. Box 12030
Austin, Texas 78711-2030
(512) 676-6327 (Direct)
(512) 490-1020 (Fax)
Kaycee.Crisp@tdi.texas.gov

ATTORNEY FOR THE PETITIONER
TEXAS DEPARTMENT OF INSURANCE

Enclosure: Original Petition

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

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CERTIFICATE OF SERVICE

I, Kaycee Crisp, certify that a true and correct copy of the *Notice of Hearing and the Original Petition* were sent by the following methods shown, on this 4th day of October, 2022 to:

Gary Michael Burk

[REDACTED]

Boerne, TX 78015-4673

Respondent Pro Se

Via CM/RRR: 9214 8901 9403 8391 6740 35

Via First Class Mail

Via Email: [REDACTED]

Bob White Insurance Agency LLC

P.O. Box 73009

Houston, TX 77273-3009

Via CM/RRR: 9214 8901 9403 8391 6743 63

Via First Class Mail

Via Fax: [REDACTED]

Via Email: [REDACTED]

Kaycee Crisp

Kaycee Crisp

2022-7609

SOAH DOCKET No. 454-23-02296

FILED
454-23-02296
9/30/2022 10:22 AM
STATE OFFICE OF
ADMINISTRATIVE HEARINGS
Carol Hale, CLERK

SOAH DOCKET NO. 454-_____
TDI ENFORCEMENT FILE NOS. 27277 and 27278

TEXAS DEPARTMENT OF INSURANCE,

Petitioner

v.

**GARY MICHAEL BURK and BOB WHITE
INSURANCE AGENCY LLC,**

Respondents

BEFORE THE STATE OFFICE

ACCEPTED
454-23-02296
9/30/2022 2:41:42 pm
STATE OFFICE OF
ADMINISTRATIVE HEARINGS
Carol Hale, CLERK

OF

ADMINISTRATIVE HEARINGS

ORIGINAL PETITION

The Texas Department of Insurance (TDI) seeks to take disciplinary action against Gary Michael Burk (Burk) and Bob White Insurance Agency LLC (BWI). In support of this petition, TDI makes the following allegations upon information and belief:

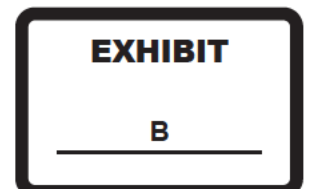
Jurisdiction

The Commissioner of Insurance has jurisdiction over this matter under TEX. INS. CODE §§ 82.051–82.055, 4001.002, 4005.101, 4005.102, 4051.051, 4054.051, and TEX. GOV'T CODE §§ 2001.051–2001.178.

Factual Allegations

Licensure

1. Burk holds a general lines agent license with a life, accident, health, and HMO qualification and a property and casualty qualification under individual identification number 904422. TDI issued the license and both qualifications on September 1, 2010.
2. BWI holds a general lines agency license with a property and casualty qualification under firm identification number 155643. TDI issued this license on April 5, 2019.
3. Burk is the sole owner, officer, director, and designated responsible licensed person for BWI.



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Misappropriation of MLD Transport's Commercial Auto Policy Premium

4. On September 22, 2020, Burk and BWI, assisted MLD Transport (MLD) in renewing its commercial auto insurance policy at a total annual premium cost of \$58,603.18, with an initial down payment cost of \$17,261.08. The coverage was bound and serviced by a managing general agency, AmWins Transportation Underwriters of Dallas (AmWins), acting on behalf of Canal Insurance Company (Canal).
5. Burk and BWI allowed MLD to pay the down payment directly to BWI in three installments.
6. On September 22, 2020, MLD paid \$5,743.69 via check to BWI.
7. On September 22, 2020, MLD also entered into a premium financing agreement with National Partners PFco, LLC (National Partners) under which MLD's monthly premium payment would be \$4,298.53.
8. On September 24, 2020, MLD made a change to the policy, adding an additional truck to the list of covered vehicles. This change increased the required down payment by an additional \$2,847.75 in premium.
9. On October 6, 2020, MLD paid \$7,177.51 via check to BWI.
10. On October 1, 2020, MLD's premium finance agreement with National Partners was amended to reflect coverage for the additional truck, which also increased MLD's monthly financed premium to \$4,989.41.
11. On October 20, 2020, MLD paid to BWI its third and final installment of the down payment in the amount of \$7,177.51 via check. MLD had paid the down payment in full.
12. Neither BWI nor Burk ever remitted the down payment funds paid by MLD to AmWins or Canal.
13. On November 25, 2020, MLD again made a change to the policy, adding another truck to the list of covered vehicles. This change increased the required down payment by an additional \$2,818.44 in premium.

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14. MLD paid BWI an additional \$2,815.49 for the coverage of this additional truck.
15. On December 2, 2020, MLD's premium finance agreement with National Partners was again amended to reflect an increased monthly payment of \$5,830.30.
16. Then, before its first monthly payment was due to National Partners, MLD made another change to its policy to remove a truck from the list of covered vehicles.
17. MLD contacted BWI to ask whether this removal would change the monthly payment amount due. During this conversation, BWI and Burk requested that MLD pay its first monthly payment amount of \$3,839.41 directly to BWI, instead of National Partners. BWI and Burk assured and represented to MLD that they would ensure that the payment amount was sent to National Partners.
18. Accordingly, on October 29, 2020, MLD paid BWI \$3,839.41 via check.
19. Neither BWI nor Burk ever remitted this first monthly payment to National Partners.
20. On December 14, 2020, MLD was contacted by an AmWins representative who informed MLD that its policy was being canceled on December 19, 2020, because no funds were remitted to AmWins. MLD never had the insurance coverage it paid for.
21. In total, BWI and Burk kept and withheld \$26,763.73 for their own use and purposes, instead of remitting MLD's money to the insurer or its agent.
22. To date, neither Burk nor BWI has refunded or returned any of the money to MLD.

Misappropriation of Jose Romano's Commercial Auto Insurance Policy

23. On September 26, 2020, Burk and BWI assisted Jose Romano (Romano) with renewing his commercial auto insurance policy. The coverage was bound and serviced by a managing general agency, CRC Insurance Services, Inc. (CRC) acting on behalf of Southern County Mutual Insurance Company (SCMI) and reinsured by Northland Insurance Company (Northland).

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24. On September 19, 2020, Romano paid \$2,245.30 via check to BWI for the down payment on the policy.
25. Subsequently, Burk and BWI assisted Romano in financing the policy premium with National Partners.
26. On September 19, 2020, Romano entered into a premium finance agreement with National Partners under which a monthly payment of \$685.76 would be due.
27. From October 2020 through January 2021, Romano continued to make monthly payments of \$685.76 directly to National Partners.
28. On December 31, 2020, Romano received notification from the Texas Department of Motor Vehicles that his commercial auto insurance was being canceled on February 5, 2021.
29. Confused, Romano contacted National Partners who informed him he was current on all installment payments with their company.
30. Upon further investigation, Romano discovered that Burk and BWI never remitted the initial down-payment funds to CRC, Northland, and/or SCMI. Even though Romano had timely paid installments to National Partners, those payments were insufficient to bring the policy current on the overall premium due because the down payment had never been remitted.
31. Romano attempted to contact Burk and BWI but was unsuccessful in getting a response.
32. Romano eventually was left with no alternative but to purchase a new policy through a different agency.
33. BWI and Burk kept and withheld \$2,245.30 for their own use and purposes, instead of remitting Romano's money to the insurer or its agent.
34. To date, neither Burk nor BWI has refunded or returned the money to Romano.

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Misappropriation of Ready Set Go Transportation's Commercial Auto Policy Premium

35. In December of 2020, Burk and BWI assisted Ready Set Go Transportation (Ready Set) with renewing its commercial auto insurance policy. The coverage was bound and serviced by Northland, on behalf of SCMI.
36. At the time of renewal, Burk and BWI provided Ready Set with a renewal quote requiring a \$2,599 down payment. The policy was to be financed through an agreement with IPFS Corporation (IPFS).
37. Burk and BWI offered what they represented was an additional "incentive" whereby Burk and BWI would pay \$500 to IPFS directly if Ready Set decided to renew the policy. Ready Set agreed to this arrangement and proceeded with the understanding that it was only obligated to pay \$2,099 as the down payment.
38. On December 11, 2020, Ready Set entered into a premium financing agreement with IPFS under which a monthly payment of \$5,858.24 would be due.
39. Ready Set and BWI reached an agreement to pay the down-payment in two installments of \$1,049.50, debited from Ready Set's bank account.
40. On December 21, 2020, BWI debited \$1,049.50 from Ready Set's bank account as the first installment of the down payment.
41. On January 11, 2021, BWI debited \$1,049.50 from Ready Set's bank account as the second installment of the down payment.
42. Subsequently, Ready Set continued to make all monthly payments towards the policy's premium directly to IPFS.
43. On February 11, 2021, Ready Set received notification from Northland that its policy would be canceled on March 19, 2021, due to non-payment of premium.
44. Ready Set attempted to contact Burk and BWI but was unsuccessful in getting any response.

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45. Ready Set then contacted Northland which confirmed it had never received Ready Set's down payment from Burk and/or BWI, which was the reason for the notice of policy cancellation.
46. To prevent the cancellation, Ready Set was forced to pay an additional \$1,404.40 to Northland, acting on behalf of SCMI.
47. BWI and Burk kept and withheld \$2,099 for their own use and purposes, instead of remitting Ready Set's money to the insurer or its agent.
48. To date, neither Burk nor BWI has refunded or returned the money to Ready Set.

Misappropriation of MM Crawford LLC's Commercial Auto Policy Premium

49. In November of 2020, Burk and BWI assisted MM Crawford LLC (MMC) in renewing its commercial auto insurance policy. The coverage was bound and serviced by Northland on behalf of SCMI.
50. The policy renewal required a down payment of \$1,916.40.
51. On November 6, 2020, MMC paid BWI \$958.20 via check to be put towards the down payment.
52. On November 20, 2020, MMC paid BWI \$958.20 via check for the remainder of the down payment.
53. Subsequently, Burk and BWI assisted MMC in entering into a premium financing agreement with IPFS.
54. On November 4, 2020, MMC entered into a premium financing agreement with IPFS under which a monthly payment of \$756.07 would be due.
55. On February 25, 2021, MMC received a cancellation notice from Northland informing MMC that its policy would cancel on April 2, 2021, due to non-payment of premium.

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56. MMC contacted IPFS to inquire about the notice, and IPFS indicated it had remitted all payments it received from MMC to Northland.
57. MMC subsequently discovered that the policy was canceling due to nonpayment of the initial down payment, which neither Burk nor BWI ever remitted to Northland.
58. MMC attempted to contact Burk and BWI but was unsuccessful in getting a response.
59. BWI and Burk kept and withheld \$1,916.40 for their own use and purposes, instead of remitting MMC's money to the insurer or its agent.
60. To date, neither Burk nor BWI has refunded or returned the money to MMC.

Misappropriation of R&A Transport, Inc.'s Commercial Auto Policy Premium

61. In early 2021, Burk and BWI assisted R&A Transport, Inc. (R&A) in renewing its commercial auto insurance policy with CRC Insurance Services, Inc. on behalf of Southern County Mutual Insurance Company (SCMI).
62. On February 25, 2021, R&A paid \$13,155.55 and \$13,000 to BWI via separate checks to comprise its total policy down payment of \$26,155.55.
63. On February 25, 2021, R&A also entered into a premium financing agreement with IPFS under which a monthly payment of \$7,659.89 would be due.
64. Neither Burk nor BWI ever remitted R&A's down payment to SCMI or its agent.
65. On March 22, 2021, R&A received a cancellation notice from SCMI indicating its policy would be canceled on April 27, 2021, for nonpayment of premium.
66. BWI and Burk kept and withheld \$26,155.55 for their own use and purposes, instead of remitting R&A's money to the insurer or its agent.
67. To date, neither Burk nor BWI has refunded or returned the money to R&A.

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Misappropriation of K&W Jones Transportation, LLC's Commercial Auto Policy Premium

68. On November 4, 2020, Burk and BWI provided K&W Jones Transportation, LLC (K&W) with a renewal quote of \$9,964 for its commercial auto insurance policy. The coverage was bound and serviced by Northland acting on behalf of SCMI.
69. K&W authorized BWI to debit payments of \$1,021.31 on both November 13 and 20, 2020, from its bank account for a total of \$2,042.62 for the policy's down payment.
70. On November 16, 2020, K&W entered into a premium financing agreement with IPFS with a monthly payment amount of \$915.41.
71. In early March 2021, K&W received a cancellation notice for nonpayment of the policy from Northland acting on behalf of SCMI.
72. K&W attempted to contact BWI about the notice but was unsuccessful in getting a response.
73. Subsequently, K&W discovered that the policy was being canceled because Burk and BWI had not remitted the full down payment to Northland.
74. To prevent cancellation of its policy, K&W represented that it was forced to pay an additional \$882.26 to have the policy reinstated.
75. BWI and Burk kept and withheld \$2,042.62 for their own use and purposes, instead of remitting K&W's money to the insurer or its agent.
76. To date, neither Burk nor BWI has refunded or returned the money to K&W.

Misappropriation of Orea Trucking's Commercial Auto Policy Premium

77. On November 13, 2020, Burk and BWI assisted Orea Trucking, LLC (Orea) with renewing its commercial auto insurance policy with AmWins acting on behalf of National Casualty Company (NCC).

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78. On November 13, 2020, Orea paid BWI \$2,918.05 via check to be put towards a down payment for the policy renewal.
79. On November 13, 2020, Orea also entered into a premium financing agreement with IPFS under which a monthly payment of \$2,740.18 would be due.
80. On November 18, 2020, Orea paid BWI an additional \$2,918.05 via check to be put towards the down payment.
81. In early January, Orea received a notification from the Federal Motor Carrier Safety Administration indicating Orea's authority to operate trucks would be revoked because its insurance was being canceled on February 10, 2021.
82. Orea contacted AmWins and NCC who informed Orea that the down payment for the policy had never been received causing the imminent cancellation of the policy.
83. Orea attempted to contact BWI but was unsuccessful in getting a response.
84. On February 11, 2021, Orea's policy was canceled.
85. BWI and Burk kept and withheld \$5,836.10 for their own use and purposes, instead of remitting Orea's money to the insurer or its agent.
86. To date, neither Burk nor BWI has refunded or returned the money to Orea.

Misappropriation of Broomfield Transport, LLC's Commercial Auto Policy Premium

87. In the fall of 2020, Burk and BWI assisted Broomfield Transport LLC (Broomfield) in renewing its commercial auto insurance policy with AmWins acting on behalf of Canal.
88. On November 9, 2020, Broomfield paid \$4,700.82 to BWI via check for the down payment on the policy.
89. On November 9, 2020, Broomfield also entered into a premium financing agreement with National Partners under which monthly payments of \$6,474.02 would be due.

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Original Petition
Gary Michael Burk
Bob White Insurance Agency LLC
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90. On November 23, 2020, Broomfield paid an additional \$4,700.82 to BWI via check for the down payment.
91. On December 7, 2020, Broomfield paid a third payment of \$4,700.82 to BWI via check for the down payment.
92. Neither Burk nor BWI ever remitted these payments to AmWins or Canal.
93. On February 23, 2021, Broomfield received a notice of cancellation from AmWins on behalf of Canal indicating that its policy would cancel on March 31, 2021, due to nonpayment of premium.
94. BWI and Burk kept and withheld \$14,102.46 for their own use and purposes, instead of remitting Broomfield's money to the insurer or its agent.
95. To date, neither Burk nor BWI has refunded or returned the money to Broomfield.

Legal Allegations

1. Burk and BWI have committed acts for which a license holder may be disciplined under TEX. INS. CODE §§ 4005.101 and 4005.102, because they:
 - a. willfully violated insurance laws of this state, as contemplated by TEX. INS. CODE § 4005.101(b)(1);
 - b. misappropriated and converted to their own use money belonging to an insurer or insured in violation of TEX. INS. CODE § 4005.101(b)(4); and
 - c. engaged in fraudulent or dishonest acts or practices in violation of TEX. INS. CODE § 4005.101(b)(5).
2. Burk and BWI violated TEX. INS. CODE § 4005.053(c)(1) by offering to pay, permit, or give, directly or indirectly to a person who is not a licensed agent, specifically Ready Set, a rebate of premiums payable or other valuable consideration or inducement that is not specified in the insurance policy or contract for or on account of the solicitation or negotiation of the insurance contract.

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 Burk's license;
2. revoking BWI's license;
3. directing Burk and BWI to make restitution under TEX. INS. CODE § 82.053 to:
 - a. MLD Transport in the amount of \$26,763.73;
 - b. Jose Romano in the amount of \$2,245.30;
 - c. Ready Set Go Transportation in the amount of at least \$1,404.40 and as much as \$2,099;
 - d. MM Crawford LLC in the amount of \$1,916.40;
 - e. R&A Transport, Inc. in the amount of \$26,155.55;
 - f. K&W Jones Transportation, LLC in the amount of at least \$882.26 and as much as \$2,042.62;
 - g. Orea Trucking, LLC in the amount of \$5,836.10;
 - h. Broomfield Transport LLC in the amount of \$14,102.46; and
4. 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,



Kaycee Crisp
State Bar No. 24057368
Texas Department of Insurance
Enforcement, MC ENF
P.O. Box 12030
Austin, Texas 78711-2030
(512) 676-6327 (Direct)
(512) 490-1020 (Fax)
Kaycee.Crisp@tdi.texas.gov

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Original Petition

Gary Michael Burk

Bob White Insurance Agency LLC

Page 12 of 12

ATTORNEY FOR THE PETITIONER
TEXAS DEPARTMENT OF INSURANCE

2022-7609

Automated Certificate of eService

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Mary Ruiz on behalf of Kaycee Crisp

Bar No. 24057368

Enforcementgeneral@tdi.texas.gov

Envelope ID: 68774118

Status as of 9/30/2022 3:07 PM CST

Associated Case Party: Chief Clerk

Name	BarNumber	Email	TimestampSubmitted	Status
Chief Clerk		ChiefClerk@tdi.texas.gov	9/30/2022 10:22:06 AM	SENT

2022-7609

Automated Certificate of eService

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Mary Ruiz on behalf of Kaycee Crisp

Bar No. 24057368

Enforcementgeneral@tdi.texas.gov

Envelope ID: 68774118

Status as of 9/30/2022 3:07 PM CST

Associated Case Party: Texas Department of Insurance

Name	BarNumber	Email	TimestampSubmitted	Status
Kaycee Crisp		Kaycee.Crisp@tdi.texas.gov	9/30/2022 10:22:06 AM	SENT
Rachel Cloyd		Rachel.Cloyd@tdi.texas.gov	9/30/2022 10:22:06 AM	SENT
Texas Department of Insurance		Enforcementgeneral@tdi.texas.gov	9/30/2022 10:22:06 AM	SENT

2022-7609

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Mary Ruiz on behalf of Kaycee Crisp

Bar No. 24057368

Enforcementgeneral@tdi.texas.gov

Envelope ID: 68774118

Status as of 9/30/2022 3:07 PM CST

Associated Case Party: GARY MICHAEL BURK

Name	BarNumber	Email	TimestampSubmitted	Status
GARY MICHAEL BURK		[REDACTED]	9/30/2022 10:22:06 AM	SENT

2022-7609

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Mary Ruiz on behalf of Kaycee Crisp

Bar No. 24057368

Enforcementgeneral@tdi.texas.gov

Envelope ID: 68867761

Status as of 10/4/2022 11:11 AM CST

Associated Case Party: Texas Department of Insurance

Name	BarNumber	Email	TimestampSubmitted	Status
Rachel Cloyd		Rachel.Cloyd@tdi.texas.gov	10/4/2022 9:58:19 AM	SENT
Texas Department of Insurance		Enforcementgeneral@tdi.texas.gov	10/4/2022 9:58:19 AM	SENT
Kaycee Crisp		Kaycee.Crisp@tdi.texas.gov	10/4/2022 9:58:19 AM	SENT
Leah Gillum		Leah.Gillum@tdi.texas.gov	10/4/2022 9:58:19 AM	SENT
Catarina Tapia		Catarina.Tapia@tdi.texas.gov	10/4/2022 9:58:19 AM	SENT

2022-7609

Automated Certificate of eService

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Mary Ruiz on behalf of Kaycee Crisp

Bar No. 24057368

Enforcementgeneral@tdi.texas.gov

Envelope ID: 68867761

Status as of 10/4/2022 11:11 AM CST

Associated Case Party: Chief Clerk

Name	BarNumber	Email	TimestampSubmitted	Status
Chief Clerk		ChiefClerk@tdi.texas.gov	10/4/2022 9:58:19 AM	SENT

2022-7609

Automated Certificate of eService

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Mary Ruiz on behalf of Kaycee Crisp

Bar No. 24057368

Enforcementgeneral@tdi.texas.gov

Envelope ID: 68867761

Status as of 10/4/2022 11:11 AM CST

Associated Case Party: GARY MICHAEL BURK

Name	BarNumber	Email	TimestampSubmitted	Status
GARY MICHAEL BURK		[REDACTED]	10/4/2022 9:58:19 AM	SENT

**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: 10/04/2022
 Shipped From:
 Name: MC ENF M RUIZ
 Address: 1601 CONGRESS AVENUE SUITE 6 900
 City: AUSTIN
 State: TX ZIP+4® 78711

Type of Mail	Volume
Priority Mail Express®	
Priority Mail®	0
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 0039 6976 69



CRISP/27277 and 27278

EXHIBIT

C



Firm Mailing Book For Accountable Mail

2022-7609

Name and Address of Sender
 MC ENF M RUIZ
 TEXAS DEPARTMENT OF INSURANCE
 1601 CONGRESS AVENUE, SUITE 6.900
 AUSTIN TX 78711

- 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	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 8391 6740 35 CRISP/27277 and 27278	1.68	4.00								2.00			
2. 9214 8901 9403 8391 6743 63	1.68	4.00								2.00			
			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



Postmark Per (Name of receiving employee)

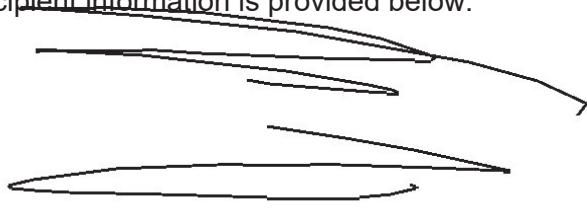
Total Number of Pieces Listed by Sender: 2
 Total Number of Pieces Received at Post Office: 2

Date Produced: 10/17/2022

ConnectSuite Inc.:

The following is the delivery information for Certified Mail™/RRE item number 9214 8901 9403 8391 6743 63. Our records indicate that this item was delivered on 10/14/2022 at 09:12 a.m. in AUSTIN, TX 78701. The scanned image of the recipient information is provided below.

Signature of Recipient :

A redacted signature consisting of several horizontal black scribbles of varying lengths and thicknesses, completely obscuring the original text.

Address of Recipient :

A redacted address consisting of a single horizontal black scribble that completely obscures the original text.

Thank you for selecting the Postal Service for your mailing needs. If you require additional assistance, please contact your local post office or Postal Service representative.

Sincerely,
United States Postal Service

The customer reference number shown below is not validated or endorsed by the United States Postal Service. It is solely for customer use.

This USPS proof of delivery is linked to the customers mail piece information on file as shown below:

BOB WHITE INSURANCE AGENCY LLC
P.O. BOX 73009
HOUSTON, TX 77273-3009

Customer Reference Number: C3722246.22130194

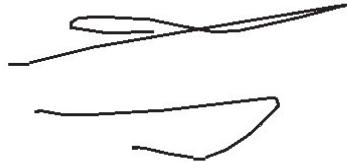
Return Reference Number CRISP/27277 and 27278

Date Produced: 10/10/2022

ConnectSuite Inc.:

The following is the delivery information for Certified Mail™/RRE item number 9214 8901 9403 8391 6740 35. Our records indicate that this item was delivered on 10/06/2022 at 12:57 p.m. in BOERNE, TX 78015. The scanned image of the recipient information is provided below.

Signature of Recipient :



Address of Recipient :



Thank you for selecting the Postal Service for your mailing needs. If you require additional assistance, please contact your local post office or Postal Service representative.

Sincerely,
United States Postal Service

The customer reference number shown below is not validated or endorsed by the United States Postal Service. It is solely for customer use.

This USPS proof of delivery is linked to the customers mail piece information on file as shown below:

URK
BOERNE, TX 78015-4673

Customer Reference Number: C3722246.22130193

Return Reference Number CRISP/27277 and 27278

Firm Mailing Book For Accountable Mail

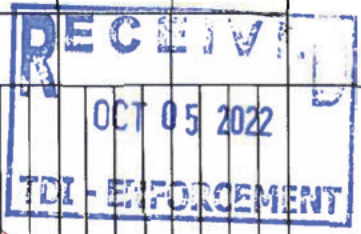
Name and Address of Sender
 Texas Dept of Insurance
 Mail Code ENF
 1601 Congress Avenue, Suite 6.900
 Austin TX 78711
Mary Ruiz
 October 4, 2022

- 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
 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	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
CRISP/27277	GARY MICHAEL BURK [REDACTED] BOERNE, TX 78015-4673	\$9.10											
AND 27278	BOB WHITE INSURANCE AGENCY LLC P.O. BOX 73009 HOUSTON, TX 77273-3009	\$9.10											

US POSTAGE \$003.509
 10/04/2022
 neopost
 OFFICIAL BUSINESS
 STATE OF TEXAS
 PENALTY FOR PRIVATE USE
 ZIP 78701
 04-1M12352405



[Handwritten signature]

Adult Signature Required
 Adult Signature Restricted Delivery
 Restricted Delivery
 Return Receipt
 Signature Confirmation
 Signature Confirmation Restricted Delivery
 Special Handling

EXHIBIT

 D