No. 2026-9976

Official Order
of the
Texas Commissioner of Insurance

Date: 06/17/2026

Subject Considered:

Kimberley Stallings
Richardson, Texas

Heritage Risk Advisors, LLC
375 Municipal Dr. Ste. 132
Richardson, Texas 75080

TDI Enforcement File Nos. 34252 and 38392

Nunc Pro Tunc Order

On May 22, 2026, the Texas Department of Insurance (TDI) issued Commissioner's Order No. 2026-9945, granting a motion for reconsideration filed by TDI Enforcement staff regarding a previously issued commissioner's order.

Order No. 2026-9945 contains clerical errors: it includes the word "agreed" in its "General Remarks" statement, and it refers to an unrelated order in its final sentence. These were inadvertently copied from the draft of a separate order addressing a previous motion for reconsideration on a different matter.

The commissioner of insurance has plenary power to correct an order that contains a clerical error due to inadvertence or mistake at any time by the entry of a nunc pro tunc order. Correction of a clerical error is not a substantive change in the order. *In re Ward*, 137 SW.3d 910, 913 (Tex. App.—Texarkana 2004, no pet.).

Other than the correction of the errors, the text of the original order remains the same and reads as follows:

Order on Motion for Reconsideration

General Remarks and Official Action Taken:

The subject of this order is TDI Enforcement staff's motion for reconsideration, asking that the commissioner reconsider and rescind Commissioner's Order No. 2026-9875.[1] This order grants the motion and rescinds Order No. 2026-9875.

Background

On April 8, 2026, Commissioner's Order No. 2026-9875 was issued, revoking any licenses held by Kimberley Stallings and Heritage Risk Advisors, LLC (the respondents).

Action was brought against the respondents because they failed to remit required policy downpayments to Specialty Insurance Managers Inc., an agency the respondents had entered into a broker agreement with, resulting in a loss of $2,939.17 by the agency. The respondents also failed to respond to a notice of allegations sent to them by Enforcement staff, resulting in Order No. 2026-9875 being issued by default under Texas Government Code § 2001.056; Texas Insurance Code § 82.055; and 28 Tex. Admin. Code § 1.47.

Following issuance of Order No. 2026-9875, TDI Enforcement staff filed a motion for reconsideration of the order. In the motion, Enforcement staff asked that the commissioner reconsider and rescind Order No. 2026-9875 and issue a new order in its place, because Order No. 2026-9875 does not require the respondents to pay restitution.

In the motion, Enforcement staff said that Order No. 2026-9875 inadvertently failed to include some of the relief requested in the notice of allegations that had been sent to the respondents—specifically, that the order did not include the requested relief that the respondents be required to jointly and severally pay restitution under Texas Insurance Code § 82.053 to Specialty Insurance Managers Inc. in the amount of $2,939.17. Enforcement staff asserted that 28 Tex. Admin. Code § 1.47(c)(5) allows for this relief to be imposed.

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[1] Due to a typographical error, Order No. 2026-9875 is identified as "2029-9875" on its first page. Subsequent pages of the order bear the correct number "2026-9875."

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Enforcement staff said that attempts were made to discuss the motion for reconsideration with the respondents via email, but the respondents did not reply. The respondents also did not submit a response to the motion for reconsideration after Enforcement staff filed it.

Discussion

Under 28 Tex. Admin. Code § 1.90(c)(4), any party at interest, if dissatisfied with any ruling, action, decision, regulation, order, rate, rule, form, act, or administrative ruling by TDI staff adopted by the commissioner, may file a motion for reconsideration, and the commissioner will handle the matter in an appropriate manner consistent with the type of case.

Because the respondents failed to respond to the notice of allegations, the facts alleged in it are deemed true, including those that support an order for restitution. Because the respondent's victim suffered a monetary loss, it would be reasonable for the commissioner to issue an order that provides for their restitution. And under 28 Tex. Admin. Code § 1.90(c)(4), the commissioner has authority to reconsider and issue an order rescinding Order No. 2026-9875, and issue the new order requested by Enforcement staff.

Order

It is ordered that TDI Enforcement staff's motion for reconsideration is granted and Commissioner's Order No. 2026-9875 is rescinded.

Signed by:
Amanda Crawford
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Amanda Crawford
Commissioner of Insurance

Recommended and reviewed by:

Signed by:
Jessica Barta
5DAC5618BBC74D4...

Jessica Barta, General Counsel

Signed by:
Justin Beam
27ADF3DA5BAF4B7...

Justin Beam, Chief Clerk