

ORDER NO. 2024-006a

IN THE MATTER OF:

LOIS WASHINGTON D/B/A LEWIS  
FUNERAL HOME

PREPAID FUNERAL SELLER PERMIT  
NO. 802

SAN ANTONIO, TEXAS

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BEFORE THE

BANKING COMMISSIONER  
OF THE STATE OF TEXAS

AUSTIN, TRAVIS COUNTY, TEXAS

**AMENDED EMERGENCY ORDER TO SEIZE PREPAID FUNERAL ACCOUNTS AND  
RECORDS**

On this day, the matter of Lois Washington, doing business as Lewis Funeral Home (Respondent), located in San Antonio, Texas, was submitted to the Banking Commissioner of the State of Texas (Commissioner) for consideration and action.

**I. Findings of Fact**

1. Respondent has been doing business as a seller of prepaid funeral benefits under permit number 802, issued by the Texas Department of Banking (Department) pursuant to *Texas Finance Code* Chapter 154.

2. Respondent conducts its business at her funeral home located at 811 South W.W. White Road, San Antonio, Texas 78220. Records that relate to the sale of Respondent's prepaid funeral benefits are located at the funeral home.

3. Respondent is a sole proprietor doing business as Lewis Funeral Home.

4. Respondent holds a restricted permit to maintain prepaid funeral benefits per *Texas Finance Code* § 154.107 issued by the Department pursuant to *Texas Finance Code* § 154.103. Such a permit is issued for a one-year period. *Texas Finance Code* § 154.104.

5. Since May 30, 2012, Respondent's permit has been restricted pursuant to *Texas Finance Code* § 154.107, thereby prohibiting Respondent from sales of new prepaid benefits.

6. Pursuant to *Texas Finance Code* § 154.107, a permit holder who has outstanding prepaid funeral benefits contracts (PFBCs) is required to renew its permit until all contracts are fully discharged.

7. On January 22, 2024, the Department commenced its examination of Respondent's business pursuant to *Texas Finance Code* § 154.053. Through this examination, the Department determined that Respondent violated *Texas Finance Code* subchapter F and § 154.402 by making unauthorized withdrawals from restricted bank PFC accounts in the approximate amount of \$42,692. Respondent has admitted that she has withdrawn funds to pay for general operating expenses of her business, which is not permitted under *Texas Finance Code* §§ 154.261 through 154.263.

8. Respondent's December 31, 2022 annual report indicated that it had twenty-four outstanding trust-funded PFBCs subject to *Texas Finance Code* subchapter F.

9. Respondent has represented to the Department that pursuant to *Texas Finance Code* § 154.253, money collected on account of PFBCs that Respondent has assumed responsibility for has been deposited with the following banks:

- a. Comerica Bank, which has a principal place of business at 1717 Main Street, Dallas, Texas, 75201 and which can be served via its registered agent at Corporate Creations Network Inc., 5444 Westheimer #1000, Houston, Texas 77056; and
- b. Broadway National Bank, which has a principal place of business at 1177 N.E. Loop 410, San Antonio, Texas 78209 and which can be served via its registered agent Shannon M. Savary, 1177 N.E. Loop 410, San Antonio, Texas 78209.

## **II. Conclusions**

1. The Commissioner is authorized by *Texas Finance Code* § 154.412(a) to issue an order seizing accounts in which prepaid funeral funds, including earnings, may be held and issue an order to seize the records that relate to the sale of prepaid funeral benefits if the Commissioner finds by examination or other credible evidence that the Respondent misappropriated or converted money entrusted to Respondent that belongs to the beneficiary under a PFBC.

2. The Commissioner finds by credible evidence that Respondent misappropriated or converted money entrusted to Respondent that belongs to the beneficiary under a PFBC.

3. The Commissioner finds this violation constitutes sufficient cause for issuance of an order to seize prepaid funeral accounts and records under *Texas Finance Code* § 154.412.

4. The Commissioner finds that immediate and irreparable harm is threatened to the public or a beneficiary under a PFBC by Respondent misappropriating or converting money entrusted to Respondent that belongs to the beneficiary under a PFBC.

## **III. Order**

In accordance with *Texas Finance Code* § 154.412(a), it is hereby ORDERED that the Texas Department of Banking is authorized to immediately seize and take possession of the contracts and other records of Respondent that relate to the sale of prepaid funeral benefits, wherever they may be located, held, or found, including the funeral home location.

In accordance with *Texas Finance Code* § 154.412(a), it is hereby further ORDERED that all accounts of Respondent at the aforementioned banks are hereby seized.

In accordance with *Texas Finance Code* § 154.412(a), it is hereby further ORDERED that Comerica Bank and Broadway Bank are to freeze all of Respondent's accounts and stop all

withdrawals from those accounts pending further orders under chapter 154 of the *Texas Finance Code* or other valid process of law.

Nothing in this *Amended Emergency Order to Seize Prepaid Funeral Accounts and Records* affects any other rights, claims, or remedies available to the Department, the Commissioner, or any third-parties, including but not limited to any administrative claims for ancillary relief under *Texas Finance Code* § 154.412(f).

#### **IV. Effective Date and Notice of Right to Hearing**

This Order supersedes the prior *Emergency Order to Seize Prepaid Funeral Accounts and Records*, which was entered on January 30, 2024 and served on February 1, 2024 (Prior Order). The subsequent amendment to the first paragraph of part III of the Prior Order removing the address listed in that paragraph for the funeral home, and other resulting changes, are not material.

Pursuant to *Texas Finance Code* § 154.412(c), this *Amended Emergency Order to Seize Prepaid Funeral Accounts and Records* is effective immediately. Pursuant to *Texas Finance Code* § 154.412(c-1), Respondent may request in writing an opportunity for a hearing to show that this Order should be stayed by filing that request with the Commissioner no later than March 1, 2024, which is the 30th day after the date on which the Prior Order was mailed to Respondent.

#### **V. Service**

The Prior Order was served on Respondent via first class mail and certified mail, return receipt requested to the following address on February 1, 2024:

Lois Washington d/b/a Lewis Funeral Home  
811 South W.W. White Road  
San Antonio, TX 78220

The Prior Order was served on Respondent at the following address on February 1, 2024:

Lois Washington d/b/a Lewis Funeral Home  
215 Center St. #803

San Antonio, Texas 78202

The Prior Order was served via first class mail and certified mail, return receipt requested to the following bank on February 1, 2024:

Comerica Bank  
1717 Main Street  
Dallas, TX, 75201

The Prior Order was served via first class mail and certified mail, return receipt requested to the following registered agent on February 1, 2024:

Comerica Bank  
c/o Corporate Creations Network Inc., Registered Agent  
5444 Westheimer #1000  
Houston, TX 77056

The Prior Order was served via first class mail and certified mail, return receipt requested to the following bank on February 1, 2024:

Broadway National Bank  
1177 N.E. Loop 410  
San Antonio, TX 78209

The Prior Order was served via first class mail and certified mail, return receipt requested to the following registered agent on February 1, 2024:

Broadway National Bank  
c/o Shannon M. Savary, Registered Agent  
1177 N.E. Loop 410  
San Antonio, TX 78209

Signed and effective on this 9th day of February, 2024.

/s/ Charles G. Cooper  
Charles G. Cooper  
Texas Banking Commissioner