

No. 2020 - 6264

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

Date: FEB 26 2020

Subject Considered:

Marsh & McLennan Agency LLC
1166 Avenue of the Americas
New York, New York 10036

Consent Order
TDI Enforcement File No. 22524

General remarks and official action taken:

This is a consent order with Marsh & McLennan Agency LLC. Marsh & McLennan Agency LLC failed to timely file surplus lines policies and related documents. Marsh & McLennan Agency LLC has agreed to pay a \$6,350 administrative penalty for these violations.

Waiver

Marsh & McLennan Agency LLC acknowledges that the Texas Insurance Code and other applicable law provide certain rights. Marsh & McLennan Agency LLC waives all of these rights, and any other applicable procedural rights, in consideration of the entry of this consent order.

Findings of Fact

1. Marsh & McLennan Agency LLC, organization identification number 36626, holds a surplus lines license issued by the Texas Department of Insurance.

2. Pursuant to TEX. INS. CODE § 981.105(a), a surplus lines insurance agent must file with the Surplus Lines Stamping Office of Texas either:
 - a. a copy of the policy issued, or
 - b. if the policy has not yet been issued, a copy of the certificate, cover note, or other confirmation of insurance delivered to the insured.

This information is due not later than the 60th day after the later of the effective date or the issue date of new or renewal surplus lines insurance.

3. In 2018, Marsh & McLennan Agency LLC filed surplus lines policies late.
4. The commissioner previously disciplined Marsh & McLennan Agency LLC for violating TEX. INS. CODE § 981.105(a) in Official Order No. 2017-5233, entered on October 2, 2017; and in Official Order No. 2018-5773, entered on December 12, 2018.

Conclusions of Law

1. The commissioner of insurance has jurisdiction over this matter pursuant to TEX. INS. CODE §§ 82.051-82.055, 84.021-84.044, and 981.105.
2. The commissioner of insurance has authority to informally dispose of this matter under TEX. INS. CODE § 82.055, TEX. GOV'T CODE § 2001.056, and 28 TEX. ADMIN. CODE § 1.47.
3. Marsh & McLennan Agency LLC has knowingly and voluntarily waived all procedural rights to which it may have been entitled regarding the entry of this order, including, but not limited to, issuance and service of notice of intention to institute disciplinary action, notice of hearing, a public hearing, a proposal for decision, rehearing by the commissioner, and judicial review.
4. Marsh & McLennan Agency LLC violated TEX. INS. CODE § 981.105(a) by failing to timely file new or renewal surplus lines policies and related documents.

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It is ordered that Marsh & McLennan Agency LLC must pay an administrative penalty of \$6,350. The administrative penalty must be paid within 30 days from the date of this order. The administrative penalty must be paid by cashier's check or money order made payable to the "State of Texas." Mail the administrative penalty to the Texas Department of Insurance, Attn: Enforcement Division, Division 60851, MC 9999, P.O. Box 149104, Austin, Texas 78714-9104.

Kent C. Sullivan
Commissioner of Insurance

By:



Doug Slape
Chief Deputy Commissioner
Commissioner's Order No. 2018-5528

Recommended and reviewed by:



Leah Gillum, Deputy Commissioner
Enforcement Division



Allison J. Anglin, Staff Attorney
Enforcement Division

Affidavit

THE STATE OF Michigan §

§

COUNTY OF Kent §

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

"My name is Diane Rosen. I am of sound mind, capable of making this statement, and have personal knowledge of these facts which are true and correct.

I hold the office of Chief Compliance Officer and am the authorized representative of Marsh & McLennan Agency LLC. I am duly authorized by the organization to execute this statement.

Marsh & McLennan Agency LLC has knowingly and voluntarily entered into the foregoing consent order and agrees with and consents to the issuance and service of the same by the commissioner of insurance of the state of Texas."

Diane Rosen
Affiant

SWORN TO AND SUBSCRIBED before me on December 3, 2019.

(NOTARY SEAL)

Julie Denman
Signature of Notary Public

Julie Denman
Printed Name of Notary Public

