TDI InsurED

Enforcement Uncovered: Process, Patterns & Performance

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Associate Commissioner
Enforcement

TDI | Who we are



Attorneys



Investigators



Data analysts



Project managers



Litigation researchers



Operations support

TDI | What we do



Investigate misconduct



Enforce compliance



Partner with other regulators



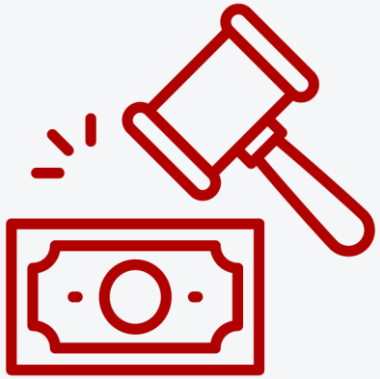
Analyze data

TDI | Enforcement statistics

Average 500-700 pending cases. Over the past five fiscal years:



$24.9 M
Administrative penalties



$109 M
Restitution for victims

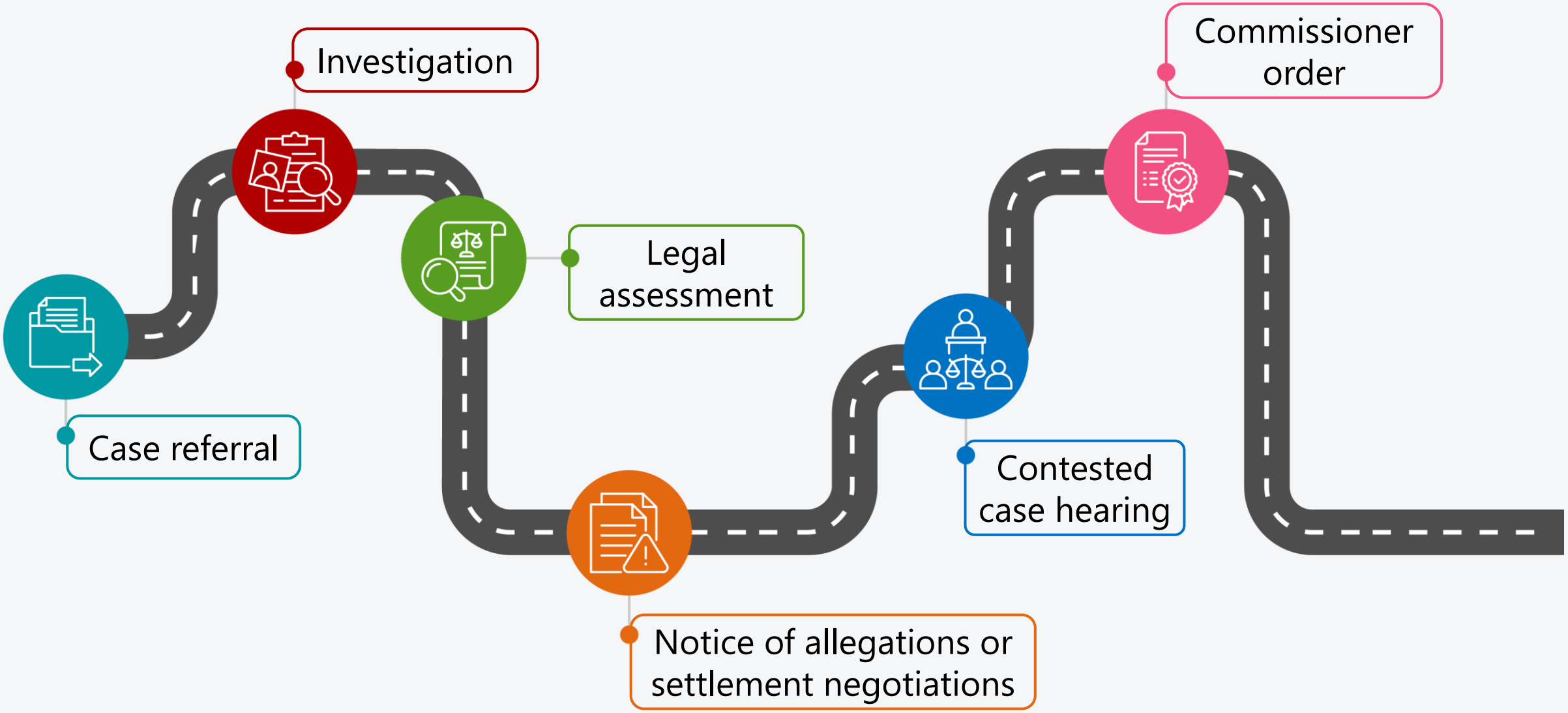


4,127
Cases resolved

TDI | Case types

- Applications.
- Licensee misconduct:
  - Third party administrators.
  - Title companies, title agents, and escrow officers.
  - State Fire Marshal Office licensees.
  - Windstorm inspectors.
- Unlicensed individuals and entities.
- Property and casualty: insurers and managing general agents.
- Health: insurers and HMOs.
- Life and annuity insurers.

TDI | Enforcement case process



TDI | Case origins

Complaints



- Consumers
- Agents
- Regulated entities
- Companies
- Anonymous

Internal discovery



- Audits
- Examinations
- Failure to file
- Failure to respond

Other regulators



- Texas agencies
- Federal government
- Other state insurance departments
- FINRA

Law enforcement

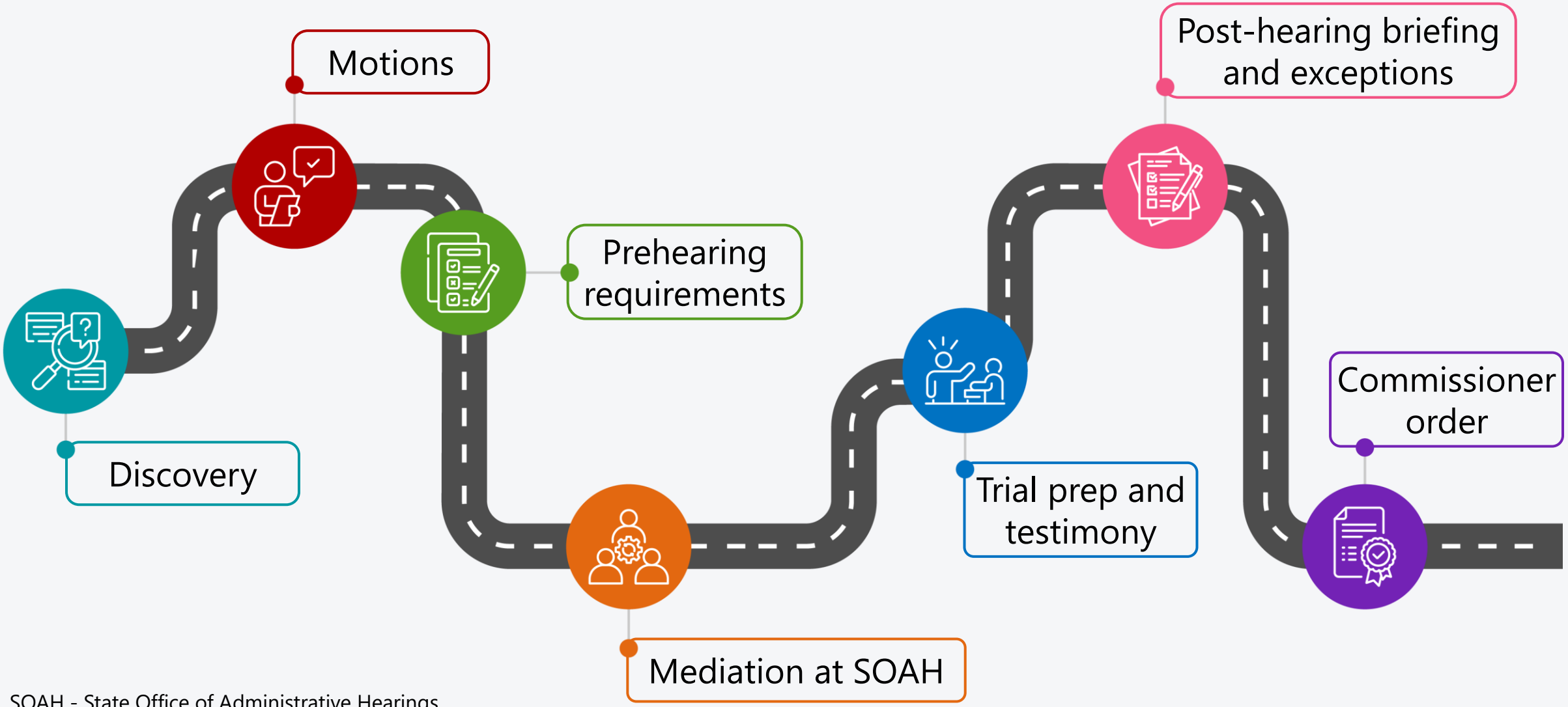


- TDI Fraud Unit
- FBI
- County prosecutors

TDI | Information requests and confidentiality

- Information requests under Texas Insurance Code 38.001.
- Subpoenas.
- You can be disciplined for failure to respond.
- Clearly label confidential information in your responses.

TDI | SOAH hearing process



SOAH - State Office of Administrative Hearings

TDI | Possible case outcomes



No violation



Compliance



Warning letter



Commissioner order

- Consent
- Default
- Contested

TDI | Sanctions



Cancel, suspend, or revoke license



Deny application for original license



Probated license suspension



Cease and desist



Administrative penalty



Restitution

TDI | Communicating with Enforcement



Fully respond to requests for information.



Don’t hide the ball.



If you mess up, fess up.



Get out the band-aids.



Contact us, not TDI program areas.



Keep up with legal changes that may impact your license.

TDI | Keys for productivity



Meet with purpose.



Do your homework, come prepared.



Provide evidence.



Provide a substantive counter-offer.



Propose a compliance plan if you need to fix it.



Provide proposed revisions in redline format.



Agree to disagree and move on.



Compromise.

TDI | Trends



Claims handling



Unauthorized insurance



Identity theft

Questions