

No. 2017- 5300

**OFFICIAL ORDER
of the
TEXAS COMMISSIONER OF INSURANCE**

Date: DEC 07 2017

Subject Considered:

HERITAGE SPECIALTY INSURANCE AGENCY, LP
3840 Corporate Center Drive
Bryan, TX 77803

CONSENT ORDER
TDI ENFORCEMENT FILE NO. 14846

General remarks and official action taken:

The commissioner of insurance considers whether disciplinary action should be taken against Heritage Specialty Insurance Agency, LP for failure to timely file new or renewal surplus lines insurance policies with the Surplus Lines Stamping Office of Texas.

WAIVER

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

FINDINGS OF FACT

1. Heritage Specialty Insurance Agency, LP, organization identification number 37810, 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 2016, Heritage Specialty Insurance Agency, LP filed surplus lines policies late.

- 4. In March 2017, TDI assessed fees against Heritage Specialty Insurance Agency, LP because the late-filed surplus lines policies met at least one of the conditions in TEX. INS. CODE § 981.105(d-e).
- 5. Heritage Specialty Insurance Agency, LP did not timely pay the fees assessed pursuant to TEX. INS. CODE § 981.105(c-e).

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. Heritage Specialty Insurance Agency, LP 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. Heritage Specialty Insurance Agency, LP violated TEX. INS. CODE § 981.105(a) by failing to timely file new or renewal surplus lines policies and related documents.

The commissioner orders Heritage Specialty Insurance Agency, LP to pay an administrative penalty of \$4,925. 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 Section, Division 60851, MC 9999, P.O. Box 149104, Austin, Texas 78714-9104.



Kent C. Sullivan
Commissioner of Insurance

For the Department:



Natalie Olvera, Staff Attorney

Affidavit

THE STATE OF Texas §

COUNTY OF Brazos §

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

"My name is Rodney Hurt. 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 Member and am the authorized representative of Heritage Specialty Insurance Agency, LP. I am duly authorized by the organization to execute this statement.

Heritage Specialty Insurance Agency, LP 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."

[Signature]
Affiant

SWORN TO AND SUBSCRIBED before me on 21st November, 2017.

(NOTARY STAMP)

[Signature]
Signature of Notary Public

