

No. 2018-5341

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

Date: JAN 10 2018

**Subject Considered:**

KRAUTER & COMPANY LLC  
1350 Avenue of the Americas, FL 18  
New York, NY 10019

**CONSENT ORDER**  
TDI ENFORCEMENT FILE NO. 14850

**General remarks and official action taken:**

The subject of this order is whether disciplinary action should be taken against Krauter & Company LLC for failure to timely file new or renewal surplus lines insurance policies with the Surplus Lines Stamping Office of Texas.

**WAIVER**

Krauter & Company LLC acknowledges that the Texas Insurance Code and other applicable law provide certain rights. Krauter & Company 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. Krauter & Company LLC, organization/individual identification number 22995, 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 60<sup>th</sup> day after the later of the effective date or the issue date of new or renewal surplus lines insurance.

3. In 2016, Krauter & Company LLC filed surplus lines policies late.

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

**CONCLUSIONS OF LAW**

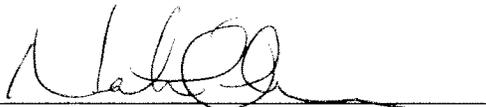
1. The commissioner of insurance has jurisdiction over this matter pursuant to TEX. INS. CODE §§ 82.051-82.055, 84.021-84.044, and 981.105.
2. The commissioner of insurance has authority to informally dispose of this matter under TEX. INS. CODE § 82.055, TEX. GOV'T CODE § 2001.056, and 28 TEX. ADMIN. CODE § 1.47.
3. Krauter & Company 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. Krauter & Company LLC violated TEX. INS. CODE § 981.105(a) by failing to timely file new or renewal surplus lines policies and related documents.

It is ordered that Krauter & Company LLC 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

