

No. 2018- 5703

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

**Date:** NOV 05 2018

**Subject Considered:**

HIGGINBOTHAM INSURANCE AGENCY INC.  
500 W. 13th St.  
Ft. Worth, TX 76102

**CONSENT ORDER**  
TDI ENFORCEMENT FILE NO. 16886

**General remarks and official action taken:**

The subject of this order is whether disciplinary action should be taken against Higginbotham Insurance Agency Inc.

**WAIVER**

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

**FINDINGS OF FACT**

1. Higginbotham Insurance Agency Inc., organization identification number 5426, 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 2017, Higginbotham Insurance Agency Inc. filed surplus lines policies late.

**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. Higginbotham Insurance Agency Inc. 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. Higginbotham Insurance Agency Inc. 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 Higginbotham Insurance Agency Inc. must pay an administrative penalty of \$8,200.00. 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:

  
Amanda Atkinson Cagle  
Staff Attorney, Enforcement Section  
Texas Department of Insurance

