

No. 2018-5767

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

---

**Date:** DEC 12 2018

**Subject Considered:**

---

USI SOUTHWEST, INC.  
PO Box 218060  
Houston, Texas 77218

**CONSENT ORDER**  
TDI ENFORCEMENT FILE NO. 17238

**General remarks and official action taken:**

The subject of this order is whether disciplinary action should be taken against USI Southwest, INC. (USI Southwest).

**WAIVER**

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

**FINDINGS OF FACT**

1. USI Southwest, organization identification number 4776, 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, USI Southwest filed surplus lines policies late.

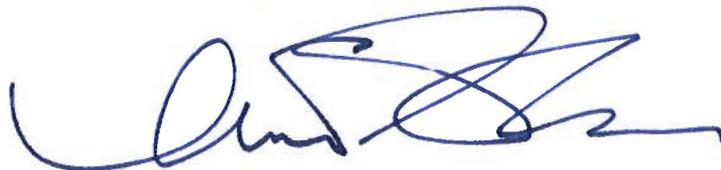
---

4. The commissioner previously disciplined USI Southwest for violating TEX. INS. CODE § 981.105(a) in Official Order No. 2016-4701, entered on October 7, 2016.

**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. USI Southwest 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. USI Southwest 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 USI Southwest, INC. must pay an administrative penalty of \$14,200. 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

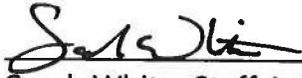
2018-5767

COMMISSIONER'S ORDER

USI Southwest, INC.

Page 3 of 4

For the Department:



---

Sarah White, Staff Attorney

**Affidavit**

THE STATE OF Washington §

COUNTY OF King §

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

"My name is Todd C. McMahon. 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 USI Southwest, INC. I am duly authorized by the organization to execute this statement.

USI Southwest, INC. 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."

Todd C. McMahon

Affiant

SWORN TO AND SUBSCRIBED before me on October 16, 2018.

(NOTARY STAMP)

Heather L. Roberts  
Signature of Notary Public

