

No. **2022-7133**

**Official Order
of the
Texas Commissioner of Insurance**

Date: 01/03/2022

Subject Considered:

McAnally Wilkins, Inc.
PO Box 60810
Midland, TX 79711-0810

Consent Order
TDI Enforcement File No. 28764

General remarks and official action taken:

This is a consent order with McAnally Wilkins, Inc (McAnally Wilkins). McAnally Wilkins failed to timely file surplus lines policies and related documents. McAnally Wilkins has agreed to pay an \$2,225 administrative penalty for these violations.

Waiver

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

Findings of Fact

1. McAnally Wilkins, organization identification number 37412, 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.

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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 2020, McAnally Wilkins filed surplus lines policies late.
4. In March 2021, TDI assessed fees against McAnally Wilkins because the late-filed surplus lines policies met at least one of the conditions in TEX. INS. CODE § 981.105(d-e).
5. McAnally Wilkins 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. McAnally Wilkins 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. McAnally Wilkins violated TEX. INS. CODE § 981.105(a) by failing to timely file new or renewal surplus lines policies and related documents.

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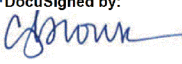
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Order

It is ordered that McAnally Wilkins, Inc. must pay an administrative penalty of \$2,225. The administrative penalty must be paid within 30 days from the date of this order. The administrative penalty must be paid as instructed in the invoice, which the department will send after entry of this order.

DocuSigned by:

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Cassie Brown
Commissioner of Insurance

Recommended and reviewed by:



Leah Gillum, Deputy Commissioner
Enforcement Division



Sydney Moore, Attorney
Enforcement Division

Affidavit

THE STATE OF Texas §
§
COUNTY OF Howard §

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

"My name is John W. Wilkins, Jr I am of sound mind, capable of making this statement, and have personal knowledge of these facts which are true and correct.

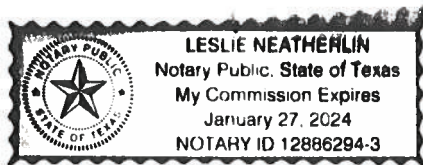
I hold the office of President and am the authorized representative of McAnally Wilkins, Inc. I am duly authorized by the organization to execute this statement.

McAnally Wilkins, 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."

[Signature]
Affiant

SWORN TO AND SUBSCRIBED before me on December 9th, 2021.

(NOTARY SEAL)



[Signature]
Signature of Notary Public
Leslie Neatherlin
Printed Name of Notary Public