

No. **2024-8863**

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

Date: 09/26/2024

Subject Considered:

Joseph Messina
Naples, Florida 34102-7405

Consent Order
TDI Enforcement File No. 35315

General remarks and official action taken:

This is a consent order with Joseph Messina. Joseph Messina failed to timely file surplus lines policies and related documents. Joseph Messina has agreed to pay an administrative penalty of \$13,475 for these violations.

Waiver

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

Findings of Fact

1. Joseph Messina, license number 1299476, 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 2023, Joseph Messina filed surplus lines policies and related documents late.
4. The commissioner previously disciplined Joseph Messina for violating TEX. INS. CODE § 981.105(a) in Official Order No. 2023-7971, entered on May 17, 2023.

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. Joseph Messina has knowingly and voluntarily waived all procedural rights to which he 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. Joseph Messina violated TEX. INS. CODE § 981.105(a) by failing to timely file new or renewal surplus lines policies and related documents.

Order

It is ordered that Joseph Messina must pay an administrative penalty of \$13,475 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.

Signed by:

FC5D7EDDFFB4F8...

Cassie Brown
Commissioner of Insurance

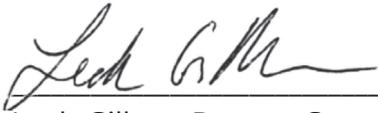
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Recommended and reviewed by:



Leah Gillum, Deputy Commissioner
Fraud and Enforcement Division



Whitney Fraser, Director
Enforcement

Affidavit

THE STATE OF Illinois

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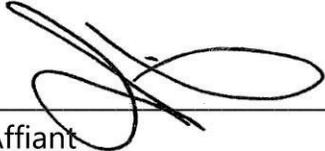
COUNTY OF Cook

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

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

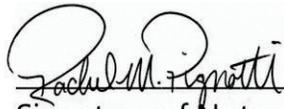
I have knowingly and voluntarily entered into the foregoing consent order and agree with and consent to the issuance and service of the same by the commissioner of insurance of the state of Texas."



Affiant

SWORN TO AND SUBSCRIBED before me on September 3, 2024.





Signature of Notary Public

Rachel M. Pignotti

Printed Name of Notary Public