

No. **2024-8875**

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

Date: 10/01/2024

Subject Considered:

Macchia General Agency, Inc.
6320 Southwest Blvd Ste 115
Benbrook, Texas 76109-6912

Consent Order
TDI Enforcement File No. 35313

General remarks and official action taken:

This is a consent order with Macchia General Agency, Inc. Macchia General Agency, Inc. failed to timely file surplus lines policies and related documents. Macchia General Agency, Inc. has agreed to pay an administrative penalty of \$4,750 for these violations.

Waiver

Macchia General Agency, Inc. acknowledges that the Texas Insurance Code and other applicable law provide certain rights. Macchia General 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. Macchia General Agency, Inc., license number 1385827, 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,

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- 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 60th day after the later of the effective date or the issue date of new or renewal surplus lines insurance.

3. In 2023, Macchia General Agency, Inc. filed surplus lines policies and related documents late.
4. The commissioner previously disciplined Macchia General Agency, Inc. for violating TEX. INS. CODE § 981.105(a) in Official Order No. 3453, entered on July 28, 2014, and Official Order No. 4606, entered on July 28, 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. Macchia General 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. Macchia General Agency, Inc. 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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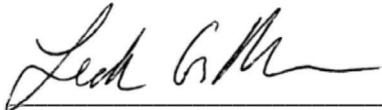
It is ordered that Macchia General Agency, Inc. must pay an administrative penalty of \$4,750 within 30 days from the date of this order. The administrative penalty must be paid as instructed in the invoice, which the department will send after entry of this order.

Signed by:

FC5D7EDDFFBB4F8...

Cassie Brown
Commissioner of Insurance

Recommended and reviewed by:



Leah Gillum, Deputy Commissioner
Fraud and Enforcement Division



Sydney Moore, Attorney
Enforcement

Affidavit

THE STATE OF Texas §

COUNTY OF Tarrant §

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

"My name is David Macchia. 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 Owner and am the authorized representative of Macchia General Agency, Inc. I am duly authorized by the organization to execute this statement.

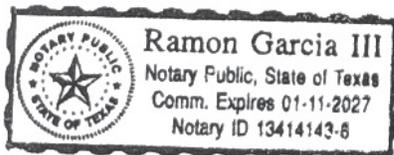
Macchia General Agency, Inc. has knowingly and voluntarily entered into the foregoing consent order and agrees with and consents to the issuance and service of the same by the commissioner of insurance of the state of Texas."



Affiant

SWORN TO AND SUBSCRIBED before me on 9/10/2024, 2024.

(NOTARY SEAL)



Signature of Notary Public

Ramon Garcia III

Printed Name of Notary Public