

No. 2020-6519

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

Date: 10/27/2020

Subject Considered:

USI Southwest Inc
PO Box 218060
Houston, Texas 77218

Consent Order
TDI Enforcement File No. 25976

General remarks and official action taken:

This is a consent order with USI Southwest Inc. USI Southwest Inc failed to timely file surplus lines policies and related documents. USI Southwest Inc has agreed to pay an \$4,650 administrative penalty for these violations.

Waiver

USI Southwest Inc acknowledges that the Texas Insurance Code and other applicable law provide certain rights. USI Southwest 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. USI Southwest Inc, organization identification number 1332535, holds a surplus lines license issued by the Texas Department of Insurance.

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

3. In 2019, USI Southwest Inc filed surplus lines policies late.
4. The commissioner previously disciplined USI Southwest Inc for violating TEX. INS. CODE § 981.105(a) in Official Order No. 2016-4701, entered on October 7, 2016; Official Order No. 2018-5767, entered on December 12, 2018; and Official Order No. 2020-6263, entered on February 26, 2020.

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 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. USI Southwest 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 USI Southwest Inc must pay an administrative penalty of \$4,650. 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

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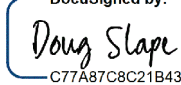
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Insurance, Attn: Enforcement Division, Division 60851, MC 9999, P.O. Box 149104, Austin, Texas 78714-9104.

Commissioner of Insurance

DocuSigned by:

By: C77A87C8C21B435...
Doug Slape
Chief Deputy Commissioner
TEX. GOV'T CODE § 601.002
Commissioner's Order No. 2018-5528

Recommended and reviewed by:



Leah Gillum, Deputy Commissioner
Enforcement Division



Mandy Meesey, Associate Commissioner
Enforcement Division

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Affidavit

THE STATE OF Washington

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COUNTY OF King

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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 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 Senior Vice President, CCO 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 Oct. 19, 2020.

(NOTARY SEAL)



Heather L. Roberts

Signature of Notary Public

Printed Name of Notary Public