

No. 2023-8255

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

Date: 10/3/2023

Subject Considered:

Higginbotham Insurance Agency, Inc
500 W. 13th Street
Fort Worth, TX, 76102

Consent Order
TDI Enforcement File No. 32799

General remarks and official action taken:

This is a consent order with Higginbotham Insurance Agency, Inc (Higginbotham). Higginbotham failed to timely file surplus lines policies and related documents. Higginbotham has agreed to pay an administrative penalty of \$4,125 for these violations.

Waiver

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

Findings of Fact

1. Higginbotham Insurance Agency, Inc., organization identification number 5426, 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.

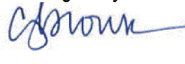
3. In 2022, Higginbotham filed surplus lines policies and related documents late.
4. The commissioner previously disciplined Higginbotham for violating TEX. INS. CODE § 981.105(a) in Official Order No. 5703, entered on November 5, 2018.

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. Higginbotham 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. Higginbotham 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 Higginbotham must pay an administrative penalty of \$4,125 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.

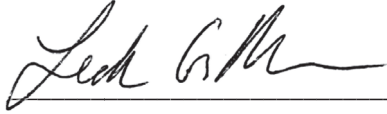
DocuSigned by:

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Cassie Brown
Commissioner of Insurance

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Recommended and reviewed by:



Leah Gillum, Deputy Commissioner
Fraud and Enforcement Division



William Odofoin, 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 Andrea M. Palmer. 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 VP - Legal & Compliance and am the authorized representative of Higginbotham Insurance Agency, Inc. (Higginbotham). I am duly authorized by the organization to execute this statement.

Higginbotham 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."

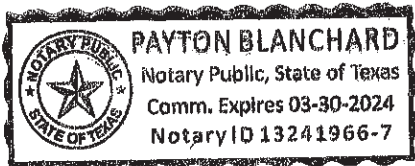
Andrea M. Palmer

Andrea M. Palmer

Affiant

SWORN TO AND SUBSCRIBED before me on September 13, 2023.

(NOTARY SEAL)



Payton Blanchard
Signature of Notary Public

Payton Blanchard
Printed Name of Notary Public