

No. 2020 - 6221

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

Date: JAN 30 2020

Subject Considered:

Southwest Risk LP
8144 Walnut Hill Ln Ste 1400
Dallas, Texas 75231-4367

Consent Order
TDI Enforcement File No. 22392

General remarks and official action taken:

This is a consent order with Southwest Risk LP (Southwest Risk). Southwest Risk failed to timely file surplus lines policies and related documents. Southwest Risk has agreed to pay an \$66,675 administrative penalty for these violations.

Waiver

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

Findings of Fact

1. Southwest Risk, organization identification number 20944, 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.

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 2018, Southwest Risk filed surplus lines policies late.
4. The commissioner previously disciplined Southwest Risk for violating TEX. INS. CODE § 981.105(a) in Official Order No. 12-0102, entered on February 6, 2012; Order No. 3495, entered on August 20, 2014; and Order No. 2018-5827, entered on December 28, 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. Southwest Risk 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. Southwest Risk 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 Southwest Risk must pay an administrative penalty of \$66,675. 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 Insurance, Attn: Enforcement Division, Division 60851, MC 9999, P.O. Box 149104, Austin, Texas 78714-9104.

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Kent C. Sullivan
Commissioner of Insurance

By:




Doug Slape
Chief Deputy Commissioner
Commissioner's Order No. 2018-5528

Recommended and reviewed by:



Leah Gillum, Deputy Commissioner
Enforcement Division



Natalie Olvera, Attorney
Enforcement Division

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Affidavit

THE STATE OF Texas

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COUNTY OF Dallas

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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 John L. Garner 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 CFO and am the authorized representative of Southwest Risk LP (Southwest Risk). I am duly authorized by the organization to execute this statement.

Southwest Risk 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 January 7th, 2020.

(NOTARY SEAL)



Tracy Elizabeth Pruitt
Signature of Notary Public

Tracy Elizabeth Pruitt
Printed Name of Notary Public