

No. **2023-8264**

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

Date: 10/3/2023

Subject Considered:

Cover Whale Insurance Solutions Inc.
30211 Avenida De Las Bandera Ste 200
Rancho Santa Margarita, California 92688-2159

Consent Order
TDI Enforcement File No. 32783

General remarks and official action taken:

This is a consent order with Cover Whale Insurance Solutions Inc. Cover Whale Insurance Solutions Inc. failed to timely file surplus lines policies and related documents. Cover Whale Insurance Solutions Inc. has agreed to pay an administrative penalty of \$28,000 for these violations.

Waiver

Cover Whale Insurance Solutions Inc. acknowledges that the Texas Insurance Code and other applicable law provide certain rights. Cover Whale Insurance Solutions 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. Cover Whale Insurance Solutions Inc., license number 163723, holds a surplus lines license issued by the Texas Department of Insurance.

2023-8264

Commissioner's Order

Cover Whale Insurance Solutions Inc.

Page 2 of 4

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 2022, Cover Whale Insurance Solutions Inc. filed surplus lines policies and related documents late.

Conclusions of Law

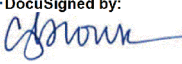
1. The commissioner of insurance has jurisdiction over this matter pursuant to TEX. INS. CODE §§ 82.051-82.055, 84.021-84.044, and 981.105.
2. The commissioner of insurance has authority to informally dispose of this matter under TEX. INS. CODE § 82.055, TEX. GOV'T CODE § 2001.056, and 28 TEX. ADMIN. CODE § 1.47.
3. Cover Whale Insurance Solutions 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. Cover Whale Insurance Solutions Inc. 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 Cover Whale Insurance Solutions Inc. must pay an administrative penalty of \$28,000 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.

2023-8264

Commissioner's Order
Cover Whale Insurance Solutions Inc.
Page 3 of 4

DocuSigned by:

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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 New Jersey §
§
COUNTY OF Monmouth §

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

"My name is EUGENE BEBOUT. 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 Cover Whale Insurance Solutions Inc. I am duly authorized by the organization to execute this statement.

Cover Whale Insurance Solutions 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."

Eugene Bebout
Affiant

SWORN TO AND SUBSCRIBED before me on September 15th, 2023.

(NOTARY SEAL)

Kenneth W. Steinitz
Signature of Notary Public

Kenneth W Steinitz 5-8-27
Printed Name of Notary Public

