

No. 2016-4807

**OFFICIAL ORDER
of the
TEXAS COMMISSIONER OF INSURANCE**

Date: NOV 22 2016

Subject Considered:

CARROLL JOHN KEANE JR.
135 W. Adams Ave.
Kirkwood, MO 63122

CONSENT ORDER
TDI ENFORCEMENT FILE NO. 12012

General remarks and official action taken:

The commissioner of insurance considers disciplinary action against Carroll John Keane Jr. for failure to timely file new or renewal surplus lines insurance policies with the Surplus Lines Stamping Office of Texas.

Waiver

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

Findings of Fact

1. Keane, individual identification number 312180, 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 2015, Keane filed a surplus lines policy late.

4. On June 15, 2016, TDI assessed fees against Keane because the late-filed surplus lines policies met at least one of the conditions in TEX. INS. CODE § 981.105(d-e).
5. Keane did not timely pay the fees assessed pursuant to TEX. INS. CODE § 981.105(c-e).

Conclusions of Law

1. The commissioner of insurance has jurisdiction over this matter pursuant to TEX. INS. CODE § 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. Keane has knowingly and voluntarily waived all procedural rights to which he 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. Keane violated TEX. INS. CODE § 981.105(a) by failing to timely file new or renewal surplus lines policies and related documents.

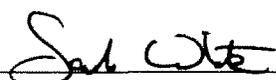
The commissioner orders Carroll John Keane Jr. to pay an administrative penalty of \$550. The administrative penalty must be paid within 30 days from the date of this order. The administrative penalty must be paid by cashier's check or money order made payable to the "State of Texas." Mail the administrative penalty to the Texas Department of Insurance, Attn: Enforcement Section, Division 40111, MC 9999, P.O. Box 149104, Austin, Texas 78714-9104.

The commissioner further orders Carroll John Keane Jr. to implement internal policies, procedures, and other safeguards designed to ensure future surplus lines policies and related documents are timely filed in compliance with TEX. INS. CODE § 981.105(a).



David C. Mattax
Commissioner of Insurance

For the Department:



Sarah White, Staff Attorney

2016-4807

COMMISSIONER'S ORDER

Carroll John Keane Jr.

Page 3 of 3

Affidavit

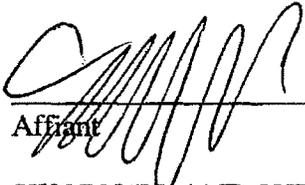
THE STATE OF MO §

COUNTY OF Jefferson §

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

"My name is Carroll John Keane Jr. I am of sound mind, capable of making this statement, and have personal knowledge of these facts which are true and correct.

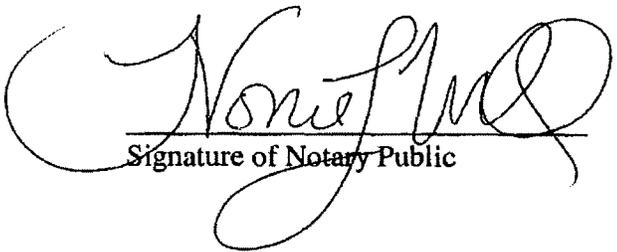
I have knowingly and voluntarily entered into the foregoing consent order and agree with and consent to the issuance and service of the same by the commissioner of insurance of the state of Texas."



Affiant

SWORN TO AND SUBSCRIBED before me on November 16th, 2016.

(NOTARY STAMP)



Signature of Notary Public

NONIE L WHITESELL
Notary Public - Notary Seal
State of Missouri, Jefferson County
Commission # 16297987
My Commission Expires Mar. 30, 2020