

No. 2017- 5234

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

Date: OCT 02 2017

Subject Considered:

COCHRANE AGENCY, INC.
PO Box 19150
Spokane, WA 99219

CONSENT ORDER
TDI ENFORCEMENT FILE NO. 14081

General remarks and official action taken:

This order is in consideration of whether disciplinary action should be taken against Cochrane Agency, Inc. for failure to timely file new or renewal surplus lines insurance policies with the Surplus Lines Stamping Office of Texas.

WAIVER

Cochrane Agency, Inc. acknowledges that the Texas Insurance Code and other applicable law provide certain rights. Cochrane Agency, 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. Cochrane Agency, Inc., organization identification number 64290, 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.

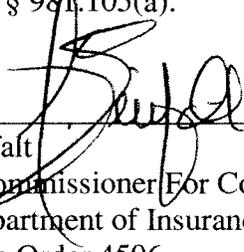
3. In 2016, Cochrane Agency, Inc. filed surplus lines policies late.

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. Cochrane Agency, 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. Cochrane Agency, Inc. violated TEX. INS. CODE § 981.105(a) by failing to timely file new or renewal surplus lines policies and related documents.

Cochrane Agency, Inc. is ordered to pay an administrative penalty of \$4,325. 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 60851, MC 9999, P.O. Box 149104, Austin, Texas 78714-9104.

The commissioner further orders Cochrane Agency, Inc. 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).



Mark Einfalt
Deputy Commissioner For Compliance
Texas Department of Insurance
Delegation Order 4506

For the Department:



Natalie Olvera, Staff Attorney

COMMISSIONER'S ORDER
COCHRANE AGENCY, INC.
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Affidavit

THE STATE OF WASHINGTON §

§

COUNTY OF SPOKANE §

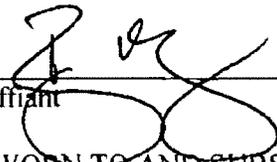
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Before me, the undersigned authority, personally appeared the affiant, who being by me duly sworn, deposed as follows:

"My name is BRIAN CARNEY. 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 EXECUTIVE V.P. and am the authorized representative of Cochrane Agency, Inc. I am duly authorized by the organization to execute this statement.

Cochrane Agency, 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."

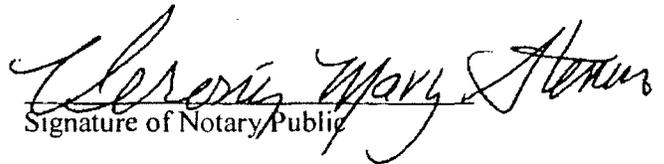


Affiant

SWORN TO AND SUBSCRIBED before me on 9-21-17, 2017.

(NOTARY STAMP)

Notary Public
State of Washington
Veronica Mary Stevens
Commission Expires 08-15-18



Signature of Notary Public