

No. 2017- 5237

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

Date: OCT 0 2 2017

Subject Considered:

O'DONOVAN & ASSOCIATES
3881 Ten Oaks Rd., No. 25
Glenelg, Maryland 21737

CONSENT ORDER
TDI ENFORCEMENT FILE NO. 14090

General remarks and official action taken:

This order is in consideration of whether disciplinary action should be taken against O'Donovan & Associates for failure to timely file new or renewal surplus lines insurance policies with the Surplus Lines Stamping Office of Texas.

WAIVER

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

FINDINGS OF FACT

1. O'Donovan & Associates, organization identification number 37920, 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, O'Donovan & Associates filed surplus lines policies late.

- 4. The commissioner previously disciplined O'Donovan & Associates for violating TEX. INS. CODE § 981.105(a) in Official Order No. 2017-4898, entered on January 10, 2017.

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. O'Donovan & Associates 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. O'Donovan & Associates violated TEX. INS. CODE § 981.105(a) by failing to timely file new or renewal surplus lines policies and related documents.

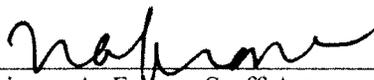
O'Donovan & Associates is ordered to pay an administrative penalty of \$14,050. The administrative penalty must be paid within 180 days from the date of this order. The administrative penalty must be paid by cashier's check or money order made payable to the "State of Texas." Mail the administrative 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 O'Donovan & Associates 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:



 Whitney A. Fraser, Staff Attorney

2017- 5237

COMMISSIONER'S ORDER
O'Donovan & Associates
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Affidavit

THE STATE OF Maryland

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COUNTY OF Howard

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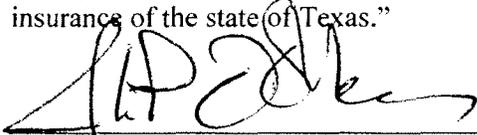
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Before me, the undersigned authority, personally appeared the affiant, who being by me duly sworn, deposed as follows:

"My name is Jeremiah O'Donovan. 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 President and am the authorized representative of O'Donovan & Associates. I am duly authorized by the organization to execute this statement.

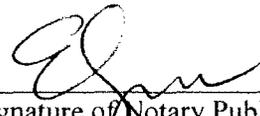
O'Donovan & Associates has knowingly and voluntarily entered into the foregoing consent order and agrees with and consents to the issuance and service of the same by the commissioner of insurance of the state of Texas."



Affiant

SWORN TO AND SUBSCRIBED before me on September 28th, 2017.

(NOTARY STAMP)


Signature of Notary Public

ELIZABETH REDCAY
Notary Public-Maryland
Howard County
My Commission Expires
May 18, 2018