

No. **2025-9428**

**Official Order
of the
Texas Commissioner of Workers' Compensation**

Date: 7/28/2025

Subject Considered:

Sunz Insurance Company
22 Sarasota Center Boulevard
Sarasota, Florida 34240-9770

Consent Order
DWC Enforcement File No. 36470

General remarks and official action taken:

This is a consent order with Sunz Insurance Company (Respondent). The commissioner of the Texas Department of Insurance, Division of Workers' Compensation (DWC) considers whether DWC should take disciplinary action against Respondent.

Waiver

Respondent acknowledges that the Texas Labor Code and other applicable laws provide certain rights. Respondent waives all of these rights, and any other procedural rights that apply, in consideration of the entry of this consent order.

Findings of Fact

1. Respondent holds a certificate of authority issued by the Texas Department of Insurance to transact the business of insurance pursuant to Tex. Ins. Code §§ 801.051-801.053 and is licensed to write multiple lines of insurance in Texas, including workers' compensation/employers' liability insurance.
2. Respondent was classified as "average" tier in the 2024 Performance Based Oversight (PBO) assessment. Respondent was not selected to be tiered in 2020, or 2022 PBO assessments.

Failure to Timely Comply with a Benefit Dispute Agreement (BDA)

3. On [REDACTED], and [REDACTED], the parties executed a BDA regarding an injured employee's average weekly wage (AWW), date of maximum medical improvement (MMI), and impairment rating (IR). The parties agreed that the injured employee's AWW was \$ [REDACTED], and the date of MMI was [REDACTED], with a [REDACTED] % IR.
4. Respondent received the DWC-approved BDA on [REDACTED].
5. Respondent paid temporary income benefits (TIBs) from [REDACTED], through [REDACTED], and again from [REDACTED], through [REDACTED], at a lower AWW. This resulted in an underpayment of TIBs.
6. From [REDACTED], through [REDACTED], Respondent also paid IIBs at the lower AWW, resulting in an underpayment of IIBs.
7. Respondent was required to correct the underpayments within five days of executing the BDA. In this case, the deadline to pay was [REDACTED].
8. Respondent partially complied by paying \$ [REDACTED] in TIBs and IIBs on [REDACTED].
9. Respondent did not come into full compliance until [REDACTED], when it paid the remaining balance of \$ [REDACTED] in TIBs and IIBs seven days late.

Assessment of Sanction

1. Failure to timely comply with a benefit dispute agreement that is executed in good faith by the parties and approved by DWC increases the likelihood of disputes, and is harmful to injured employees and the Texas workers' compensation system because it damages system participants' faith in the dispute resolution process. And failure to provide income benefits in a timely and cost-effective manner is harmful to injured employees and the Texas workers' compensation system.
2. In assessing the sanction for this case, DWC fully considered the following factors in Tex. Lab. Code § 415.021(c) and 28 Tex. Admin. Code § 180.26(e):
 - the seriousness of the violation, including the nature, circumstances, consequences, extent, and gravity of the prohibited act;
 - the history and extent of previous administrative violations;

- the violator's demonstration of good faith, including actions it took to rectify the consequences of the prohibited act;
 - the penalty necessary to deter future violations;
 - whether the administrative violation had a negative impact on the delivery of benefits to an injured employee;
 - the history of compliance with electronic data interchange requirements;
 - to the extent reasonable, the economic benefit resulting from the prohibited act; and
 - other matters that justice may require, including, but not limited to:
 - PBO assessments;
 - prompt and earnest actions to prevent future violations;
 - self-report of the violation;
 - the size of the company or practice;
 - the effect of a sanction on the availability of health care; and
 - evidence of heightened awareness of the legal duty to comply with the Texas Workers' Compensation Act and DWC rules.
1. DWC found the following factors in Tex. Lab. Code § 415.021(c) and 28 Tex. Admin. Code § 180.26(e) to be aggravating:
 - a. the seriousness of the violation, including \$ [REDACTED] in benefits delivered up to seven days late;
 - b. Respondent's history of administrative violations, including one recent consent order and one warning letter involving late payment of benefits;
 - c. the penalty necessary to deter future violations; and
 - d. the negative impact on the delivery of \$ [REDACTED] in benefits to an injured employee.
 2. DWC is aware of no mitigating factors pursuant to Tex. Lab. Code § 415.021(c) and 28 Tex. Admin. Code § 180.26(e).
 3. Respondent acknowledges communicating with DWC about the relevant statute and rule violations alleged; that the facts establish that the administrative violation(s) occurred; and that the proposed sanction is appropriate, including the factors DWC considered under Tex. Lab. Code § 415.021(c) and 28 Tex. Admin. Code § 180.26(e).
 4. Respondent acknowledges that, in assessing the sanction, DWC considered the factors in Tex. Lab. Code § 415.021(c) and 28 Tex. Admin. Code § 180.26(e).

Conclusions of Law

1. The commissioner has jurisdiction over this matter pursuant to Tex. Lab. Code §§ 402.001, 402.00114, 402.00116, 402.00128, 414.002, and 414.003.
2. The commissioner has the authority to dispose of this case informally pursuant to Tex. Gov't Code § 2001.056, Tex. Lab. Code §§ 401.021 and 402.00128(b)(6)-(7), and 28 Tex. Admin. Code § 180.26(h) and (i).
3. Respondent 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 intent to institute disciplinary action, notice of hearing, a public hearing, a proposal for decision, a rehearing by the commissioner, and judicial review.
4. Pursuant to Tex. Lab. Code § 415.021, the commissioner may assess an administrative penalty against a person who commits an administrative violation.
5. Pursuant to Tex. Lab. Code § 415.002(a)(22), an insurance carrier or its representative commits an administrative violation each time it fails to comply with the DWC rules or a provision of the Texas Workers' Compensation Act.
6. Pursuant to Tex. Lab. Code § 415.010, a person commits a violation by breaching a provision of an agreement that DWC approved.
7. Respondent violated Tex. Lab. Code §§ 415.002(a)(22) and 415.010 by failing to timely comply with a BDA.

Order

It is ordered that Sunz Insurance Company must pay an administrative penalty of \$1,500 within 30 days from the date the Commissioner signs the order.

After receiving an invoice, Sunz Insurance Company must pay the administrative penalty by electronic transfer using the State Invoice Payment Service, company check, cashier's check, or money order and make it payable to the "State of Texas." Mail the administrative penalty to the Texas Department of Insurance, Attn: DWC Enforcement Section, MC AO-9999, P.O. Box 12030, Austin, Texas 78711-2030.



Jeff Nelson
Commissioner
TDI, Division of Workers' Compensation

Approved Form and Content:



Connor Ambrosini
Staff Attorney, Enforcement
Compliance and Investigations
TDI, Division of Workers' Compensation

Unsworn Declaration

STATE OF Florida §
§
COUNTY OF Manatee §

Pursuant to the Tex. Civ. Prac. and Rem. Code § 132.001(a), (b), and (d), my name is April Fullford. I hold the position of Claims Audit Manager and am the authorized representative of Sunz Insurance Company. My business address is:
P. O. Box 1061, Bradenton, Manatee, FL, 34206.
(Street) (City) (County) (State) (ZIP Code)

I am executing this declaration as part of my assigned duties and responsibilities. I declare under penalty of perjury that the facts stated in this document are true and correct.

April Fullford
Declarant

Executed on June 25, 2025.