

No. 2016-4696

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

**Date:** OCT 07 2016

**Subject Considered:**

MARSH USA, INC.  
1166 Avenue of the Americas  
New York, New York 10036

**CONSENT ORDER**  
TDI ENFORCEMENT FILE NO. 11680

**General remarks and official action taken:**

The commissioner of insurance considers disciplinary action against Marsh USA, Inc. for failure to timely file new or renewal surplus lines insurance policies with the Surplus Lines Stamping Office of Texas.

**Waiver**

Marsh USA, Inc. acknowledges that the Texas Insurance Code and other applicable law provide certain rights. Marsh USA, 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. Marsh USA, Inc., organization identification number 17246, 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 60<sup>th</sup> day after the later of the effective date or the issue date of new or renewal surplus lines insurance.

3. In 2015, Marsh USA, Inc. filed surplus lines policies late.

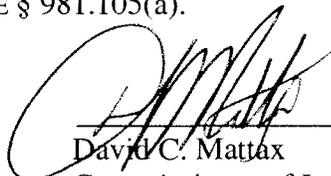
4. The commissioner previously disciplined Marsh USA, Inc. for violating TEX. INS. CODE § 981.105(a) in Official Order No. 11-0174, entered on February 24, 2011, and in Official Order No. 4419, entered on April 28, 2016.

### Conclusions of Law

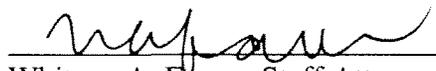
1. The commissioner of insurance has jurisdiction over this matter pursuant to TEX. INS. CODE § 981.105.
2. The commissioner of insurance has authority to informally dispose of this matter under TEX. INS. CODE § 82.055, TEX. GOV'T CODE § 2001.056, and 28 TEX. ADMIN. CODE § 1.47.
3. Marsh USA, Inc. has 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. Marsh USA, Inc. violated TEX. INS. CODE § 981.105(a) by failing to timely file new or renewal surplus lines policies and related documents.

The commissioner orders Marsh USA, Inc. to pay an administrative penalty of \$6,500. 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 Marsh USA, 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).

  
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David C. Mattax  
Commissioner of Insurance

For the Department:

  
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Whitney A. Fraser, Staff Attorney

