

No. **2016-4697**

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

Date: OCT 07 2016

Subject Considered:

APOLLO GENERAL INSURANCE AGENCY INC.
P.O. Box 1508
Sonoma, California 95476

CONSENT ORDER
TDI ENFORCEMENT FILE NO. 11661

General remarks and official action taken:

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

Waiver

Apollo General Insurance Agency Inc. acknowledges that the Texas Insurance Code and other applicable law provide certain rights. Apollo General Insurance 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. Apollo General Insurance Agency Inc., organization identification number 28385, 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, Apollo General Insurance 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. Apollo General Insurance 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. Apollo General Insurance Agency Inc. violated TEX. INS. CODE § 981.105(a) by failing to timely file new or renewal surplus lines policies and related documents.

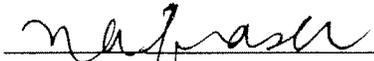
The commissioner orders Apollo General Insurance Agency Inc. to pay an administrative penalty of \$3,500. The administrative penalty must be paid within 30 days from the date of this order. The administrative penalty must be paid by cashier's check or money order made payable to the "State of Texas." 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 Apollo General Insurance 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).



David C. Mattax
Commissioner of Insurance

For the Department:



Whitney A. Fraser, Staff Attorney

2016-4697

COMMISSIONER'S ORDER
APOLLO GENERAL INSURANCE AGENCY INC.
Page 3 of 3

Affidavit

THE STATE OF California §

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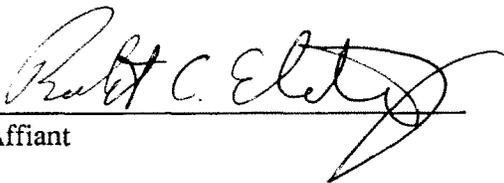
COUNTY OF Sonoma §

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

"My name is Robert C. Elster, Jr.. 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 Apollo General Insurance Agency Inc. I am duly authorized by the organization to execute this statement.

Apollo General Insurance 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 August 31, 2016.

See California Jurat with Affiant Statement attached

(NOTARY STAMP)

Signature of Notary Public

