

No. 2017 - 5285

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

**Date: NOV 14 2017**

**Subject Considered:**

BURNS & WILCOX LTD.  
30833 Northwestern Hills Ste 220  
Farmington Hills, MI 48334

**CONSENT ORDER**  
TDI ENFORCEMENT FILE NO. 14079

**General remarks and official action taken:**

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

**WAIVER**

Burns & Wilcox Ltd. acknowledges that the Texas Insurance Code and other applicable law provide certain rights. Burns & Wilcox Ltd. waives all of these rights, and any other applicable procedural rights, in consideration of the entry of this consent order. Pursuant to TEX. INS. CODE § 82.055(b), Burns & Wilcox Ltd. agrees to this consent order with the express reservation that it does not admit to a violation of the code or of a rule and that the existence of a violation is in dispute.

**FINDINGS OF FACT**

1. Burns & Wilcox Ltd., organization identification number 23108, 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 2016, Burns & Wilcox Ltd. 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. Burns & Wilcox Ltd. 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. Burns & Wilcox Ltd. violated TEX. INS. CODE § 981.105(a) by failing to timely file new or renewal surplus lines policies and related documents.

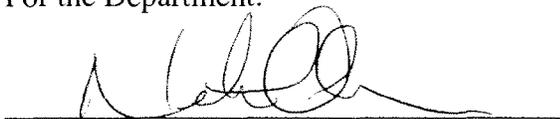
Burns & Wilcox Ltd. is ordered to pay an administrative penalty of \$6,550. The administrative penalty must be paid within 30 days from the date of this order. The administrative penalty must be paid by cashier's check or money order made payable to the "State of Texas." Mail the administrative penalty 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 Burns & Wilcox Ltd. 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).



Kent C. Sullivan  
Commissioner of Insurance

For the Department:



Natalie Olvera, Staff Attorney

