

No. 2018- 5511

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

Date: MAY 23 2018

Subject Considered:

ANDERS, SMITH & ASSOCIATES, LLP
14785 Preston Road Suite 1000
Dallas, Texas 75254-7876

CONSENT ORDER
TDI ENFORCEMENT FILE NO. 15317

General remarks and official action taken:

The subject of this order is whether disciplinary action should be taken against Anders, Smith & Associates, LLP (ASA).

WAIVER

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

FINDINGS OF FACT

1. ASA, organization identification No. 8808, holds a third-party administrator certificate of authority originally issued by the Texas Department of Insurance on September 11, 1998.
2. ASA failed to timely file required annual reports concerning its organization and operations, and failed to pay the department the fees associated with those reports. ASA has since provided the department the most current, 2016 annual report information.

CONCLUSIONS OF LAW

1. The commissioner has jurisdiction over this matter pursuant to TEX. INS. CODE §§ 82.051-82.055, 4151.051, 4151.056, 4151.212, and 4151.301-4151.309; 28 TEX. ADMIN. CODE §§ 7.1601 and 7.1603; and TEX. GOV'T CODE §§ 2001.051-2001.178.

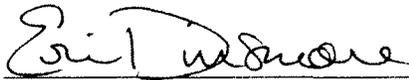
2. The commissioner has the authority to dispose of this case informally pursuant to TEX. GOV'T CODE § 2001.056, TEX. INS. CODE §§ 36.104 and 82.055, and 28 TEX. ADMIN. CODE § 1.47.
3. ASA has knowingly and voluntarily waived all procedural rights to which it may have been entitled regarding the entry 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 decisions, rehearing by the commissioner, and judicial review.
4. ASA violated TEX. INS. CODE § 4151.205 and 28 TEX. ADMIN. CODE § 7.1609 by failing to file its annual reports not later than June 30 for the preceding calendar year.
5. ASA violated TEX. INS. CODE § 4151.206 and 28 TEX. ADMIN. CODE § 7.1609 by failing to pay annual filing fees concurrent with its annual reports.

It is ordered that Anders, Smith & Associates LLP pay an administrative penalty of \$1,750 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.



Kent C. Sullivan
Commissioner of Insurance

APPROVED AS TO FORM AND CONTENT:



Erin Dinsmore
Staff Attorney, Enforcement Section
Texas Department of Insurance

Affidavit

STATE OF TEXAS
COUNTY OF DALLAS

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

"My name is LARRY KETH ANDERS. I am of sound mind, capable of making this statement, and have personal knowledge of these facts which are true and correct.

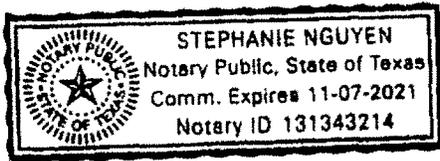
I hold the office of CHAIRMAN; CEO and am the representative of ANDERS SMITH ASSOC I am duly authorized by said organization to execute this statement.

LARRY KETH ANDERS knowingly and voluntarily enters into this consent order, and consents to the issuance and service of the consent order by the commissioner of insurance of the state of Texas."

[Signature]
Affiant

SWORN TO AND SUBSCRIBED before me on May 2nd, 2018.

(NOTARY STAMP)



[Signature]
Signature of Notary Public