

No. 2018-5764

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

Date: DEC 12 2018

Subject Considered:

KELLY CHRISTOPHER FIORENTINO
1436 Whisperwood Ct
Lawrenceville, Georgia 30043

CONSENT ORDER
TDI ENFORCEMENT FILE NO. 16884

General remarks and official action taken:

The subject of this order is whether disciplinary action should be taken against Kelly Christopher Fiorentino (Fiorentino).

WAIVER

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

FINDINGS OF FACT

1. Fiorentino, individual identification number 895884, 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.

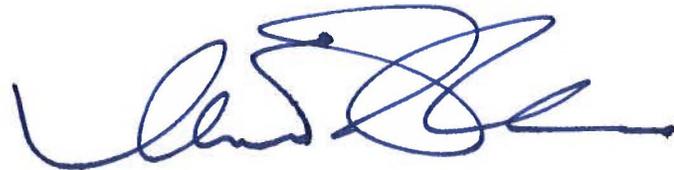
3. In 2017, Fiorentino filed surplus lines policies late.

4. The commissioner previously disciplined Fiorentino for filing 2016 surplus lines policies late and violating TEX. INS. CODE § 981.105(a),p in Official Order No. 2017-5304, entered on December 7, 2017.

CONCLUSIONS OF LAW

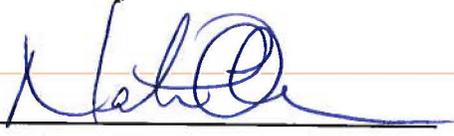
1. The commissioner of insurance has jurisdiction over this matter pursuant to TEX. INS. CODE §§ 82.051-82.055, 84.021-84.044, and 981.105.
2. The commissioner of insurance has authority to informally dispose of this matter under TEX. INS. CODE § 82.055, TEX. GOV'T CODE § 2001.056, and 28 TEX. ADMIN. CODE § 1.47.
3. Fiorentino has knowingly and voluntarily waived all procedural rights to which he 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. Fiorentino violated TEX. INS. CODE § 981.105(a) by failing to timely file new or renewal surplus lines policies and related documents.

It is ordered that Fiorentino must pay an administrative penalty of \$8,250. 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.



Kent C. Sullivan
Commissioner of Insurance

For the Department:

A handwritten signature in blue ink, appearing to read 'N. Olvera', written over a horizontal line.

Natalie Olvera, Staff Attorney

Affidavit

THE STATE OF Georgia

§

§

COUNTY OF Cobb

§

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

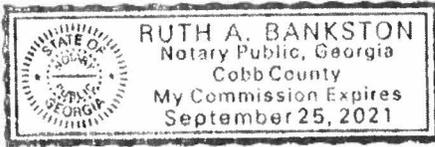
"My name is Kelly Christopher Fiorentino. I am of sound mind, capable of making this statement, and have personal knowledge of these facts which are true and correct.

I have knowingly and voluntarily entered into the foregoing consent order and agree with and consent 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 October 23, 2018.

(NOTARY STAMP)




Signature of Notary Public