

No. 2020-6551

**Official Order
of the
Texas Commissioner of Insurance**

Date: 11/09/2020

Subject Considered:

Kevin Nicholas Kelsey

Franklin, TN 37067-4633

Consent Order
TDI Enforcement File No. 25960

General remarks and official action taken:

This is a consent order with Kevin Nicholas Kelsey. Kevin Nicholas Kelsey failed to timely file surplus lines policies and related documents. Kevin Nicholas Kelsey has agreed to pay a \$14,450.00 administrative penalty for these violations.

Waiver

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

Findings of Fact

1. Kevin Nicholas Kelsey, individual identification number 738434, held a surplus lines license issued by the Texas Department of Insurance that was surrendered voluntarily on September 21, 2020. Kevin Nicholas Kelsey, individual identification number 738434, currently holds a general lines license with property and casualty qualification 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:

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- 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 2019, Kevin Nicholas Kelsey filed surplus lines policies late.
4. In March 2020, TDI assessed fees against Kevin Nicholas Kelsey because the late-filed surplus lines policies met at least one of the conditions in TEX. INS. CODE § 981.105(d-e).
5. Kevin Nicholas Kelsey did not timely pay the fees assessed pursuant to TEX. INS. CODE § 981.105(c-e).

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. Kevin Nicholas Kelsey 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. Kevin Nicholas Kelsey violated TEX. INS. CODE § 981.105(a) by failing to timely file new or renewal surplus lines policies and related documents.

Order

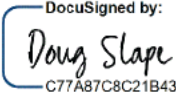
It is ordered that Kevin Nicholas Kelsey must pay an administrative penalty of \$14,450.00. The administrative penalty must be paid within 30 days from the date of this order. The administrative penalty must be paid by cashier's check or money order made payable to the "State of Texas." Mail the administrative penalty to the Texas Department of

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Insurance, Attn: Enforcement Division, Division 60851, MC 9999, P.O. Box 149104, Austin,
Texas 78714-9104.

Commissioner of Insurance

DocuSigned by:

By: C77A87C8C21B435...
Doug Slape
Chief Deputy Commissioner
TEX. GOV'T CODE § 601.002
Commissioner's Order No. 2018-5528

Recommended and reviewed by:



Leah Gillum, Deputy Commissioner
Enforcement Division



Sydney Moore, Attorney
Enforcement Division

Affidavit

THE STATE OF Texas

§

COUNTY OF Collin

§

§

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

"My name is Kevin Nicholas Kelsey. 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."

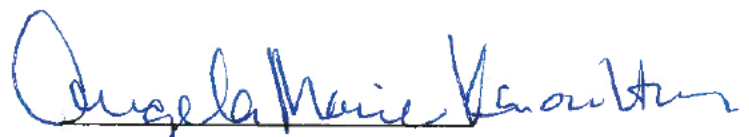


Affiant

SWORN TO AND SUBSCRIBED before me on October 13th, 2020.

(NOTARY SEAL)





Signature of Notary Public

Angela Marie Knowlton

Printed Name of Notary Public