

STATE OF INDIANA )  
 ) SS:  
COUNTY OF MARION )

BEFORE THE INDIANA  
COMMISSIONER OF INSURANCE

CAUSE NO.: 18013-AG19-0701-087

IN THE MATTER OF: )

Higginbotham Insurance Agency, Inc. )  
500 West 13<sup>th</sup> Street, )  
Fort Worth, TX 76012 )

Respondent. )

Type of Agency Action: Enforcement )

License Number: 29960 )

**FILED**

AUG 23 2019

STATE OF INDIANA  
DEPT. OF INSURANCE

**FINAL ORDER**

The Indiana Department of Insurance (“Department”), by counsel, Victoria Hastings, and Higginbotham Insurance Agency, Inc. (“Respondent”), a non-resident producer organization licensed to do business in Indiana, signed an Agreed Entry which purports to resolve all issues involved in the above-captioned cause number, and which has been submitted to the Commissioner of Indiana Department of Insurance (“Commissioner”) for approval.

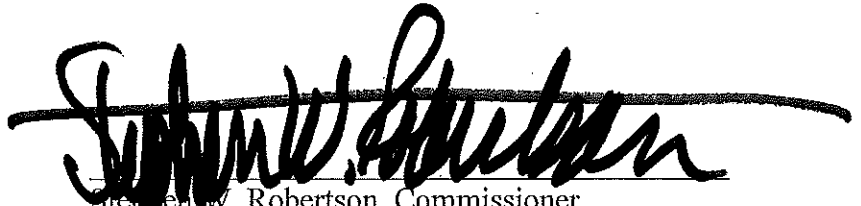
The Commissioner, after reviewing the Agreed Entry, which assess Respondent a civil penalty in the amount of five hundred dollars (\$500) for the late reporting of an administrative action taken by the Texas Department of Insurance, finds it has been entered into fairly and without fraud, duress or undue influence, and is fair and equitable between the parties. The Commissioner hereby incorporates the Agreed Entry, attached, as if fully set forth herein, and approves and adopts in full the Agreed Entry as a resolution of this matter.

IT IS THEREFORE ORDERED by the Commissioner of Insurance:

1. Respondent shall pay a civil penalty in the amount of five hundred dollars (\$500) to the Department within thirty (30) days after the Commissioner signs this Final Order.

August 23, 2019

Date Signed

  
Stephen W. Robertson, Commissioner  
Indiana Department of Insurance

Distribution:

Victoria Hastings, Attorney  
ATTN: Steven A. Embree, Investigator  
**INDIANA DEPARTMENT OF INSURANCE**  
311 West Washington Street, Suite 103  
Indianapolis, Indiana 46204-2787

Higginbotham Insurance Agency, Inc.  
500 West 13<sup>th</sup> Street  
Fort Worth, TX 29960

STATE OF INDIANA )  
 ) SS:  
 COUNTY OF MARION )  
 IN THE MATTER OF: )  
 )  
 Higginbotham Insurance Agency Inc. )  
 500 West 13<sup>th</sup> Street, )  
 Fort Worth, TX 76102 )  
 )  
 Respondent: )  
 )  
 Type of Agency Action: Enforcement )  
 )  
 License No.: 29960 )

BEFORE THE INDIANA  
 COMMISSIONER OF INSURANCE  
 CAUSE NO.: 18013-AG19-0701-087

**FILED**  
 AUG 23 2019  
 STATE OF INDIANA  
 DEPT. OF INSURANCE

**AGREED ENTRY**

This Agreed Entry is executed by and between the Enforcement Division of the Indiana Department of Insurance (“Department”), by counsel, Victoria Hastings, and Higginbotham Insurance Agency Inc. (“Respondent”), a nonresident insurance agency licensed to do business in Indiana, to resolve all issues in the above-captioned cause number. This Agreed Entry is subject to the review and approval of Stephen W. Robertson, Commissioner of the Indiana Department of Insurance (“Commissioner”).

WHEREAS, Respondent is a non-resident producer organization, holding license number 29960;

WHEREAS, on November 5, 2018, Respondent entered into a Consent Order with the Texas Department of Insurance;

WHEREAS, Respondent entered into the Consent Order with Texas Department of Insurance due Respondent not timely filing surplus lines taxes;

WHEREAS, on February 8, 2019, Respondent notified the Indiana Department of Insurance of the Texas Consent Order;

WHEREAS, Indiana Code § 27-1-15.6-12(b)(2)(A) states, in part, that the Commissioner may levy a civil penalty against an insurance producer for violating an insurance law;

WHEREAS, Indiana Code § 27-1-15.6-17(a) is an insurance law that states, in part, that a producer organization shall report to the Commissioner any administrative action taken against the producer in another jurisdiction or by another governmental agency in Indiana not more than thirty (30) days after the final disposition of the matter;

WHEREAS, Respondent failed to timely notify the Indiana Department of Insurance of the Texas Consent Order within the thirty days of the final order as required under Indiana Code § 27-1-15.6-17(a);

WHEREAS, James R. Reid, CEO and President of Higginbotham Insurance Agency, Inc., is authorized to act on behalf of Respondent and obligate it to perform in accordance with this agreement; and

WHEREAS, the Department and Respondent (collectively, the "Parties") desire to resolve this matter without the necessity of a hearing.

IT IS, THEREFORE, NOW AGREED by and between the Parties as follows:

1. The Commissioner has jurisdiction over the subject matter and the Parties to this Agreed Entry.
2. In order to avoid formal litigation in this matter, Respondent has determined that it is in their best interests to enter into this Agreed Entry. As such, Respondent acknowledges that they execute this Agreed Entry with full realization of its contents and effects.

3. This Agreed Entry is executed knowingly, voluntarily, and freely by the Parties. The Parties agree that the terms of this Agreed Entry constitute final resolution of this matter.
4. Respondent knowingly, voluntarily and freely waives the right to a public hearing on this matter, including the right to appear in person before the Commissioner, present evidence, cross-examine witnesses, and present arguments.
5. Respondent knowingly, voluntarily and freely waives the right to judicial review of this matter or otherwise appeal or challenge the validity of this Agreed Entry.
6. Respondent knowingly, voluntarily, and freely waives, releases, and forever discharges all claims or challenges, known or unknown, against the Department, its Commissioner, employees, agents, and representatives, in their individual and official capacities, that arise out of or are related to the Agreed Entry or Final Order, including but not limited to any act or omission as part of the underlying audit, investigation, negotiation, or approval process.
7. Respondent shall pay a civil penalty in the amount of five hundred dollars (\$500) to the Department within thirty (30) days after the Commissioner signs the Final Order approving this Agreed Entry.
8. Respondent has carefully read and examined this Agreed Entry and fully understands its terms.

9. Respondent has had the opportunity to have this Agreed Entry reviewed by legal counsel of their choosing, at their own expense, and is aware of the benefits gained and obligations incurred by the execution of this Agreed Entry. Respondent understands and agrees that the Department cannot give them legal advice.
10. Respondent has entered into this Agreed Entry knowingly, voluntarily, and freely, and has not been subject to duress, coercion, threat, or undue influence.
11. This Agreed Entry constitutes the entire agreement between the Parties, and no other promises or agreements, express or implied, have been made by the Department or by any employee, director, agent or other representative thereof to induce Respondent to enter into this Agreed Entry.
12. The Department agrees to accept Respondent's compliance with the terms of this Agreed Entry as full satisfaction of this matter, and warrants and represents that so long as Respondent complies with the terms of this Agreed Entry, the Department will not bring any further action against Respondent based on the facts that gave rise to this Agreed Entry.
13. In the event the Department finds there has been a breach of any of the provisions of this Agreed Entry, the Department may reopen this matter and pursue alternative action pursuant to Indiana Code § 27-1-15.6-12.
14. Respondent waives any applicable statute of limitations for purposes of any enforcement of the terms and conditions of this Agreed Entry.

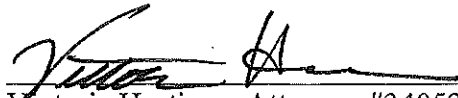
15. Respondent acknowledges that this Agreed Entry may be admitted into evidence in any judicial or administrative proceeding against Respondent to enforce the terms and conditions contained herein.
16. Respondent understands that this Agreed Entry resolves only the matter pending with the Department and does not affect any criminal prosecution or civil litigation that may be pending or hereinafter commence against Respondent.
17. This Agreed Entry does not in any way affect the Department's authority in future audits, investigations, examinations, negotiations, or other complaints involving Respondent.
18. It is expressly understood that this Agreed Entry is subject to the Commissioner's acceptance and has no force or effect until such acceptance is evidenced by the entry of a Final Order by the Commissioner.
19. Should this Agreed Entry not be accepted by the Commissioner, it is agreed that presentation to, and consideration of this Agreed Entry by the Commissioner, shall not unfairly or illegally prejudice the Commissioner or Respondent from further participation in or resolution of these proceedings.
20. If this Agreed Entry is accepted by the Commissioner, it will become part of Respondent's permanent record and may be considered in future actions brought by the Department or any other regulator against Respondent. It is further understood that, if accepted by the Commissioner, this Agreed Entry and resulting Final Order are public records pursuant to Indiana Code § 4-21.5-3-32 that may not be sealed or otherwise withheld from the public, and

may be reported to the National Association of Insurance Commissioners and published on the Department's website as required.

21. Respondent acknowledges that this is an Administrative Action that they may be required to report to other jurisdictions in which they are licensed and on future licensing applications.

8/23/19


Date Signed



Victoria Hastings, Attorney #34052-29  
Indiana Department of Insurance

8-8-19

Date Signed



James R. Reid, CEO and President  
Higginbotham Insurance Agency, Inc.



STATE OF TEXAS )  
 ) SS:  
COUNTY OF Tarrant )

Before me a Notary Public for Tarrant County, State of Texas personally appeared James R. Reid, CEO and President of Higginbotham Insurance Agency, Inc., and being first duly sworn by me upon his oath, says that the facts alleged in the foregoing instrument are true.

Signed and sealed this 8th day of August, 2019.

Katie Rogers  
Signature  
Katie Rogers  
Printed

My Commission expires: 09-21-2020  
County of Residence: Tarrant

