

No. 10-0719

**OFFICIAL ORDER**  
*of the*  
**COMMISSIONER OF INSURANCE**  
*of the*  
**STATE OF TEXAS**  
**AUSTIN, TEXAS**

Date: AUG 09 2010

**Subject Considered:**

SAFELITE GLASS CORP.  
2400 Farmers Drive  
Columbus, Ohio 43235

**CONSENT ORDER**  
**DISCIPLINARY ACTION**  
TDI ENFORCEMENT CASE NO. 55958  
SOAH DOCKET NO. 454-10-4578.C

**General remarks and official action taken:**

On this date came on for consideration by the Commissioner of Insurance, the matter of whether disciplinary action should be taken against the Continuing Education Provider Registration held by Safelite Glass Corp. ("Safelite") of Columbus, Ohio. The Texas Department of Insurance ("TDI/Department") alleges that Safelite violated the insurance laws of the State of Texas by providing a course to students after the provider's registration and course certifications had expired. TDI further alleges that such conduct constitutes grounds for imposition of sanctions as authorized by TEX. INS. CODE ANN. §§ 82.001-82.056, 4005.101-4005.102 and 28 TEX. ADMIN. CODE §§ 19.1015 and 19.1016(b)(4).

The parties, TDI and Safelite, by their respective signatures hereto, announce that they have compromised and settled all claims and agree to the entry of this Consent Order. The parties request the Commissioner of Insurance informally dispose of this case pursuant to the provisions of TEX. GOV'T CODE ANN. § 2001.056, TEX. INS. CODE ANN. § 82.055, and 28 TEX. ADMIN. CODE § 1.47.

JURISDICTION

The Commissioner of Insurance has jurisdiction over this matter pursuant to TEX. GOV'T CODE ANN. §§ 2001.051-2001.178; TEX. INS. CODE ANN. §§ 82.051-82.056, 4001.002 4004.001, 4004.103, 4005.101, 4005.102, and 4005.109 and 28 TEX. ADMIN. CODE § 19.1001 *et seq.*

## WAIVER

Safelite acknowledges the existence of certain rights provided by the Texas Insurance Code and other applicable law, including the right to the issuance and service of a notice of hearing, a public hearing, a proposal for decision, rehearing by the Commissioner, and judicial review of the Order as provided for in TEX. GOV'T CODE ANN. §§ 2001.051–2001.178. Safelite hereby expressly waives each and every one of said rights, as well as any other procedural rights that might otherwise apply and acknowledges the jurisdiction of the Commissioner of Insurance over Safelite.

## FINDINGS OF FACT

The Commissioner of Insurance, after review and due consideration, adopts the following findings of fact and conclusions of law:

1. According to TDI records, Safelite Glass Corporation's registration as a Texas Continuing Education Provider began on or about 05/06/1993. It was registered as Sircon Provider No. 32545 from 09/03/2007 through 09/03/2009. Safelite Glass Corporation's registration with TDI as a Texas Continuing Education Provider expired on 09/03/2009 and was re-registered on 12/16/2009 as Provider No. 36651.
2. TDI performed an audit of Safelite's compliance with continuing education. TDI's records indicate that the following courses had expired and had not been re-certified at the times they were given.
  - The Future is Now
  - Controlling Auto Glass Losses
  - Windshield Repair
  - Insurance Fraud and How to Prevent It
3. On April 2, 2009, TDI received from Safelite class rosters that list seventy-eight (78) licensees who completed the above mentioned courses. The rosters detail the following information:

<b>Course Name</b>	<b>Course No.</b>	<b>Expiration Date</b>	<b>Dates Taught</b>	<b>Date Re-registered</b>
The Future is Now	23049	3/26/2007	2/26/2009	3/31/2009
Controlling Auto Losses	23043	4/28/2007	10/23/2007 5/7/2008 5/20/2008 11/20/2008 1/30/2009	3/31/2009
Windshield Repair	23045	4/28/2007	10/29/2007 5/7/2008 5/20/2008 2/26/2009	3/31/2009
Insurance Fraud and How to Prevent It	23053	7/26/2008	11/20/2008 1/30/2009	3/31/2009







AGREED TO AND ACCEPTED by:

Brian DiMasi  
AUTHORIZED REPRESENTATIVE OF  
SAFELITE GLASS CORP.

THE STATE OF OHIO                   §  
  §  
COUNTY OF FRANKLIN           §

BEFORE ME, Cynthia L. Elliott, a notary public in and for the State of Ohio on this day personally appeared Brian DiMasi, known to me or proved to me by N/A to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed, who being by me duly sworn, deposed as follows:

1. "My name is Brian DiMasi. I am of sound mind, capable of making this statement, and personally acquainted with the facts herein stated.
2. I hold the position of Senior Corporate Counsel and am the authorized representative of Safelite Glass Corp., which is currently licensed by the Texas Department of Insurance, and I am duly authorized by said Company to execute this statement.
3. Safelite Glass Corp. has knowingly and voluntarily entered into this Consent Order and agrees with and consents to the issuance and service of the foregoing Consent Order by the Commissioner of Insurance of the State of Texas."

Sworn to and subscribed before me on this 22<sup>nd</sup> day of July, 2010.

Cynthia L. Elliott  
Signature of Notary Public

Cynthia L. Elliott  
Printed Name of Notary Public

NOTARY PUBLIC IN AND FOR THE STATE OF OHIO

My Commission Expires: N/A



CYNTHIA L. ELLIOTT, ATTORNEY AT LAW  
NOTARY PUBLIC, STATE OF OHIO  
My commission has no expiration date.  
Section 147.03 R.C.