

MARGARET ALSOBROOK
OPERATIONS MANAGER

2028 E. BEN WHITE BLVD. • SUITE 400 • AUSTIN, TX 78741-7197
P.O. BOX 149144 • AUSTIN, TX 78714-9144
TELEPHONE 512/444-5999
FAX 512/444-4562

February 14, 1995

TAIPA Bulletin No. 15

To All Member Companies:

Glen M. Barling
D/B/A Barling & Associates, and
D/B/A A-Family Insurance Agency

This bulletin provides additional follow-up information to that provided under TAIPA Bulletin No. 9, mailed to all member companies in January 1995.

On February 13, 1995, this office received a FAX transmission confirming that Mr. Glen M. Barling obtained a Temporary Restraining Order against the Commissioner of Insurance, and the Texas Department of Insurance on February 9, 1995. This injunction orders that Mr. Barling's license be reinstated and that his ability to solicit and write insurance be recognized. A copy of the court order is attached.

A court hearing on this matter has been scheduled for February 28, 1995 at 2 p.m. at the District Court in Austin TX. The order does not enjoin the department from proceeding with administrative action concerning Mr. Barling's license. We have been advised that a hearing to revoke Mr. Barling's license will be conducted at the State Office of Administrative Hearing starting at 2 p.m. on February 16.

In view of this information, the Texas Automobile Insurance Plan Association will accept applications submitted to this office by Glen M. Barling, D/B/A Barling & Associates and D/B/A A-Family Insurance Agency, until this matter is resolved.

Very truly yours,



(Ms.) Margaret Alsobrook
Operations Manager

MDA:se

COPY

CAUSE NO. 95-01786

GLEN M. BARLING,

Plaintiff

vs.

ELTON BOMER, COMMISSIONER OF
INSURANCE OF THE STATE OF TEXAS,
and TEXAS DEPARTMENT OF INSURANCE,

Defendants.

§
§
§
§
§
§
§
§
§
§

IN THE DISTRICT COURT OF

TRAVIS COUNTY, TEXAS

261ST JUDICIAL DISTRICT

TEMPORARY RESTRAINING ORDER

GLEM M. BARLING, Plaintiff in this cause, has filed a verified petition for a temporary injunction and writ of mandamus and, in connection therewith, has presented a request for a temporary restraining order and writ of mandamus, as set forth in his application. It clearly appears from the facts set forth in Plaintiff's Petition and the verification attached thereto, that unless ELTON BOMER, COMMISSIONER OF INSURANCE, and the TEXAS DEPARTMENT OF INSURANCE, Defendants herein, are immediately directed to recognize the ability of the Plaintiff to solicit and write insurance under his Motor vehicle insurance only license; and consider same to be in full force and effect, this Plaintiff will suffer irreparable injury before notice can be given and a hearing is had on Plaintiff's Application for a Temporary Injunction and Writ of Mandamus; and that if the relief requested is not granted immediately, Plaintiff will suffer irreparable injury because he will be unable to conduct business as an insurance agent and will lose control of his business, as well as the good will of his business which loss cannot be redressed by monetary damages.

FILED

FILED

IT IS, THEREFORE ORDERED that ELTON BOMER, COMMISSIONER OF INSURANCE OF THE STATE OF TEXAS, and the TEXAS DEPARTMENT OF

DISTRICT CLERK
TRAVIS COUNTY, TEXAS

DISTRICT CLERK
TRAVIS COUNTY, TEXAS

INSURANCE, Defendants in this cause, be, and are hereby commanded forthwith to recognize the ability of the Plaintiff to solicit and write insurance under the Motor vehicle insurance only license issued on July 6, 1993; and to reinstate said license from the date of entry of this order until and to the fourteenth day after entry or until further order of this Court.

IT IS FURTHER ORDERED that the relief granted herein becomes null and void if Plaintiff does not file by 5:00 P.M., February 9, 1995, a request for hearing under the provisions of Art. 1.10 A Tex. Ins. Code contesting the Cease and Desist Order No. 95-0045

It is the further ORDER of this Court that this Order not interfere or restrain any administrative proceedings relating to the Plaintiff now in effect or hereinafter commenced.

IT IS FURTHER ORDERED that the petition of Glen M. Barling, Plaintiff, for temporary injunction be heard on the 28th day of February, 1995, at 2:00 o'clock P.M. in the courtroom of the District Court in the Travis County Courthouse, 1000 Guadalupe Street, Austin, Travis County, Texas.

The clerk of the above-entitled Court shall forthwith, on the filing by Plaintiff of the bond hereinafter required, and on approving the same according to the law, issue a Temporary Restraining Order in conformity with the law and the terms of this Order.

This Order shall not be effective unless and until Plaintiff executes and files with the clerk a bond, in conformity with the law, in the amount of One Hundred Fifty and No/100 dollars (\$150.00).

SIGNED this 9th day of February, 1995, at 4:26 o'clock, P..M.

(S) Margaret A. Cooper
MARGARET A. COOPER,
JUDGE PRESIDING