

DATE: December 7, 2010
TO: All Surplus Lines Agencies
FROM: Kenneth A. Rudert, Executive Director
SUBJECT: Surplus Lines Licensee's Correcting 1609-PR Forms

When PSLA discovers through our examination process that a 1609-PR (the Writing Producer Affidavit) has errors and/or omissions, it is subsequently returned to the surplus lines licensee with a request for the writing producer to make the necessary correction(s). In many cases, it seems that in order to save time and to be of service, the surplus lines licensee takes the liberty to make the corrections on the writing producer's affidavit rather than return it to the writing producer with the request to make the corrections.

Although one may view this as a helpful act, this is an illegal act. Making changes to the information presented on an affidavit completed and signed by another individual is fraud. The 1609-PR, a legal document, states that the signee is declaring under the penalties of perjury that the information presented is true and correct. Therefore, any additions or corrections to the information contained within the affidavit can only be conducted by the signee.

Please be advised the information on the top half of the 1609-PR is the identical information required on the top half of the 1609-SLL. PSLA has had, as a convenience to surplus lines licensee for many years, a process that allows the surplus lines licensee to provide this information on both affidavit forms simultaneously. By doing this, the surplus lines licensee can provide the writing producer with the necessary completed information on the 1609-PR that the writing producer can review, complete the lower half, sign and date. This reduces the number of returns due to conflicting information between the two affidavits. The remainder of the information required on the 1609-PR is the responsibility of the writing producer to complete. However, the responsibility of the surplus lines licensee is to collect the 1609-PR from the writing producer in order for it to be uploaded in PSLA's Electronic Filing System (EFS) making the 1609-SLL filing complete.

KAR/ds