BEFORE ALLAN L. MCVEY, INSURANCE COMMISSIONER
OF THE STATE OF WEST VIRGINIA

In the Matter of:

TRUSPIRE RETIREMENT INSURANCE COMPANY (NAIC # 82252)

Administrative Proceeding No. 24-IC-172584

ORDER RESCINDING CIVIL PENALTIES

The undersigned, Allan L. McVey, is the Insurance Commissioner ("Commissioner") of the State of West Virginia, Offices of the Insurance Commissioner ("OIC") and is charged with enforcing Chapter 33 of the *West Virginia Code*. TruSpire Retirement Insurance Company ("TRIC"), a Texas domiciled insurance company, is licensed to transact the business of life insurance in the State of West Virginia, pursuant to *West Virginia Code* §§33-3-1 through 33b, under a Certificate of Authority ("COA") issued by the Insurance Commissioner. TRIC is subject to licensing under Article 3, Chapter 33 of the *West Virginia Code*, related legislative rules and the authority of the Commissioner, as a foreign insurance company.

TRIC submitted its annual renewal documents to the OIC in a timely manner, but improperly submitted the supporting documents for its annual renewal to the incorrect filing instance in the System for Electronic Rates and Forms Filing (SERFF). Notices were sent to all licensed insurers regarding the proper filing procedure with instructions on January 11, 2024, and February 9, 2024. The aforementioned items were required to be submitted via SERFF to the OIC Financial Conditions Division no later than March 1, 2024, in the "West Virginia FC" instance. However, the company's filings were made via SERFF using another West Virgnia instance; one generally used for rates and form filings. Due to this submission error, the OIC's Financial Conditions Division did not receive notice that the company's annual renewal documents had been timely filed.

Upon further review, the OIC has determined the filings were timely made, albeit in an incorrect SERFF instance resulting in the filing going to the wrong division of the OIC and not being properly noted by the Financial Conditions Division. As such, the OIC will rescind the late filing penalties for the 2024 filing period. However, the company is to correct its filing errors to ensure the filings are made correctly in the future.

It is, therefore, **ORDERED** that the civil penalty in the amount of Three Thousand Five Hundred Dollars ($3,500.00) be, and it is, hereby, rescinded against TRIC, for the aforesaid violations. The Order entered on 15th day of April 2024 assessing the Three Thousand Five Hundred Dollars ($3,500.00) penalty is hereby **VACATED**. If the company has already paid the penalty, the company should contact the OIC to seek a refund.

Pursuant to the *West Virginia Code* §33-2-13, should TRIC feel aggrieved by this Order, it may make a written demand to the Commissioner for a hearing in this matter. Such a demand shall specify the grounds to be relied upon as a basis for the relief to be requested at the hearing.

ENTERED this 9th day of July 2024.

Allan L. McVey

Allan L. McVey
CPCU, ARM, AAI, AAM, AIS
Insurance Commissioner