

**PROCEEDING BEFORE JAMES A. DODRILL
INSURANCE COMMISSIONER OF THE STATE OF WEST VIRGINIA**

**In Re: PACIFIC SPECIALTY INSURANCE COMPANY. (NAIC #37850)
ADMINISTRATIVE PROCEEDING NO. 19-AP-FINCON-02010**

CONSENT ORDER

WHEREAS, James A. Dodrill is the Insurance Commissioner of the State of West Virginia (“Commissioner”) and is charged with enforcing the provisions of Chapter 33 of the West Virginia Code;

WHEREAS, Pacific Specialty Insurance Company (“PSI”), a California domiciled insurance company, is licensed to transact the business of property and casualty in the State of West Virginia, pursuant to W.Va. Code §§33-3-1 through 33b, under a Certificate of Authority issued by the Insurance Commissioner;

WHEREAS, PSI is subject to licensing under Article 3, Chapter 33 of the West Virginia Code and related legislative rules and the authority of the Commissioner, as a foreign insurance company;

WHEREAS, the Commissioner notified PSI that it is the intent of the Insurance Commissioner to proceed, pursuant to W.Va. Code §33-3-11, with an administrative process to determine whether PSI has violated any provision of Chapter Thirty-Three of the West Virginia Code, in that PSI failed to comply with any lawful rule, regulation or order of the Commissioner, or is transacting insurance in an illegal, improper or unjust manner;

WHEREAS, the Commissioner is authorized by W.Va. Code §33-3-11 to refuse to renew, or may revoke or suspend the license of an insurer, or require the insurer to pay to the State of West Virginia a penalty in a sum not exceeding ten thousand dollars, if an insurer has violated any

provision of Chapter Thirty-Three of the West Virginia Code, failed to comply with any lawful rule, regulation or order of the commissioner, or is transacting insurance in an illegal, improper or unjust manner;

FINDINGS OF FACT

1. PSI failed to file the required complete application for renewal of its Certificate of Authority prior to the May 31, 2019 expiration date. The application failed to include required supporting documents: a signed Jurat, a Certificate of Compliance issued by the state of domicile, a Certificate of Deposit, and a Certificate of Advertising Compliance.

2. PSI failed to submit a complete renewal application with supporting documents prior to the Certificate of Authority's expiration as required by W.Va. Code §33-3-7

3. PSI operated as an unlicensed insurer in the State of West Virginia from the expiration of its Certificate of Authority on May 31, 2019 until the renewal date of September 24, 2019 in violation of W.Va. Code §§33-44-1 through 13.

4. PSI had FOUR (4) licensed individual producers appointed in the State of West Virginia during the 2019 calendar year.

5. The West Virginia Offices of the Insurance Commissioner (WVOIC) sent notices to PSI advising PSI of the required filings on December 13, 2018 and on January 3, 2019.

6. The WVOIC emailed PSI on July 9, 2019 informing the company of its failure to file the required documentation to renew its Certificate of Authority (COA).

7. The WVOIC sent PSI a certified letter on September 12, 2019 informing PSI of its failure to file the required documentation to renew its COA.

8. On September 13, 2019 PSI filed the required documentation for the renewal of its COA.

9. PSI's COA was renewed on September 24, 2019.

CONCLUSIONS OF LAW

1. The Insurance Commissioner has jurisdiction over the subject matter and the parties to this proceeding.

2. This proceeding is pursuant to and in accordance with W.Va. Code §§33-3-8, 33-3-1, 33-44-4 and 33-3-11.

3. The Insurance Commissioner is charged with the responsibility of verifying continued compliance with West Virginia Code and the West Virginia Code of State Rules by PSI as well as all other provisions of regulation that PSI is subjected to, by virtue of its Certificate of Authority to operate in the State of West Virginia.

4. Under W.Va. Code §33-3-7 each insurer must submit an application and supporting documents to the Insurance Commissioner to obtain an initial Certificate of Authority or to renew an existing Certificate of Authority.

5. PSI violated W.Va. Code §33-3-1 and W.Va. Code §33-44-4 by failing to renew its Certificate of Authority, by not filing a complete application and continuing to transact insurance in the State of West Virginia.

6. Any Conclusion of Law that is more properly a Finding of Fact is hereby incorporated as such.

ORDER

The Insurance Commissioner and PSI have agreed to enter into this Consent Order. The Parties have further agreed to the imposition of an administrative penalty against PSI as set forth below.

It is accordingly AGREED and ORDERED as follows:

1. It is AGREED and ORDERED that PSI will CEASE AND DESIST from failing to timely renew its Certificate of Authority in the State of West Virginia and provide timely and complete required filings and fees.

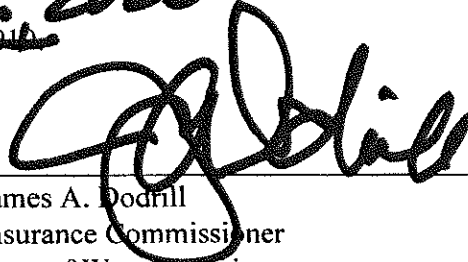
2. It is further AGREED and ORDERED that PSI shall ensure compliance with the West Virginia Code and the Code of State Rules.

3. It is AGREED and ORDERED that PSI shall pay an administrative penalty to the State of West Virginia in the amount of Three Thousand Dollars (\$3,000.00) for non-compliance with the West Virginia Code and West Virginia Rules as described herein. The payment of this administrative penalty is in lieu of any other regulatory penalty or remedy and is due upon execution of this Consent Order.

4. It is AGREED and ORDERED that all such statutory notices, administrative hearings and appellate rights are herein waived concerning this Consent Order. All such rights are preserved by the Parties regarding implementation or further action taken on such Order by the Commissioner against PSI.

5. Upon the failure of PSI to pay the penalty set forth above to the Commissioner as set forth in this Consent Order, the Commissioner may take other action against PSI, pursuant to W.Va. Code §33-3-11 or otherwise available provisions.

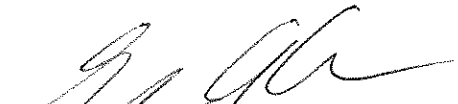
ENTERED this 12th day of ~~November 2014~~ Feb. 2020



James A. Dodrill
Insurance Commissioner
State of West Virginia

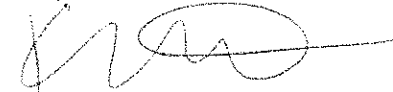
Prepared by:

OFFICES OF THE INSURANCE COMMISSIONER



Gregory A. Elam, Associate General Counsel
W.Va. State Bar No. 6026

Agreed to by:



PACIFIC SPECIALTY INSURANCE COMPANY
TITLE General Counsel