

FILED

2020 FEB 18 A 9:25

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

In Re: AMALGAMATED CASUALTY INSURANCE COMPANY (NAIC #13293)
ADMINISTRATIVE PROCEEDING NO. 19-AP-FINCON-02007

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, Amalgamated Casualty Insurance Company ("ACI"), a District of Columbia insurance company, is licensed to transact the business of property and casualty insurance 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, ACI 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 ACI 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 ACI 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;

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

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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. ACI 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. ACI 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. ACI 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 18, 2019 in violation of W.Va. Code §§33-44-1 through 13.

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 West Virginia 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 ACI as well as all other provisions of regulation that ACI 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. ACI violated W.Va. Code §33-3-1 and W.Va. Code §33-44-4 by failing to renew its Certificate of Authority 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 ACI have agreed to enter into this Consent Order. The Parties have further agreed to the imposition of an administrative penalty against ACI as set forth below.

It is accordingly AGREED and ORDERED as follows:

1. It is AGREED and ORDERED that ACI 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.

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

3. It is AGREED and ORDERED that ACI 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 ACI.

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

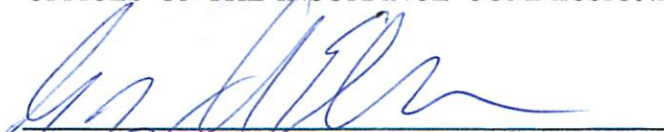
ENTERED this 13th day of Feb., 2020 ~~November 2019.~~



James A. Dodrill
Insurance Commissioner
State of West Virginia

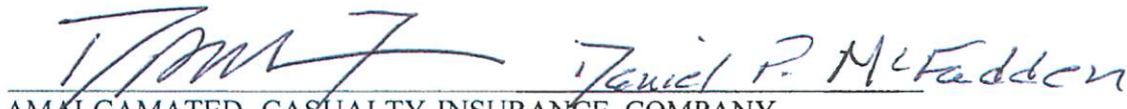
Prepared by:

OFFICES OF THE INSURANCE COMMISSIONER



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

Agreed to by:



AMALGAMATED CASUALTY INSURANCE COMPANY

TITLE: Controller