

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

In the Matter of:

WELLFLEET INSURANCE COMPANY (NAIC #32280)

Administrative Proceeding: 20-AP-FINCON-02031

ORDER ASSESSING CIVIL PENALTIES

The undersigned, James A. Dodrill, 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*. Wellfleet Insurance Company (“WIC”), an Indiana domiciled insurance company, is licensed to transact the business of property and casualty insurance in the State of West Virginia, pursuant to *West Virginia Code* §§33-3-1 through 33b, under a Certificate of Authority issued by the Insurance Commissioner. WIC 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.

WIC failed to submit a complete renewal application with supporting documents prior to the Certificate of Authority’s expiration as required by *West Virginia Code* §33-3-8. The application does not include:

- Signed Jurat, *West Virginia Code* §33-4-14.
- Certificate of Compliance issued by state of domicile, *West Virginia Code* §33-3-2.
- Certificate of Deposit issued by state of domicile or jurisdiction where their statutory deposit is held, *West Virginia Code* §33-3-6.
- Certificate of Advertising Compliance, *West Virginia CSR* §§114-10-17.2 and 114-11-9.3.

The aforementioned fee(s) and required documentation were required to be submitted to the WVOIC no later than March 1, 2020. The filings were to be submitted to the WVOIC via the System for Electronic Rates and Forms Filing (SERFF). Notices were sent to all licensed insurers regarding this requirement on December 18, 2019 and February 3, 2020.

West Virginia Code §33-3-8 requires all insurers to submit a complete renewal application with supporting documents prior to the Certificate of Authority's expiration **by May 31 of each year**. To date, WIC has not filed its complete renewal application which was heretofore due by May 31, 2020.

WIC operated as an unlicensed insurer in the State of West Virginia from the expiration of its Certificate of Authority on May 31, 2020, until the renewal date in violation of *West Virginia Code* §§33-44-1 through 13.

The WVOIC emailed WIC on March 16, 2020, and April 6, 2020, informing the company of its failure to file the required documentation to renew its Certificate of Authority ("COA").

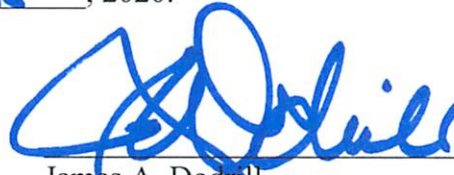
West Virginia Code §33-3-11 provides that the Commissioner may, after notice and hearing, refuse to renew, or may revoke or suspend the license of an insurer, if the insurer violates any provision of Chapter 33 other than those as to which refusal, suspension or revocation is mandatory or fails to comply with any lawful rule, regulation or order of the Commissioner. However, *West Virginia Code* §33-3-11(b) provides that, in lieu of taking action under *West Virginia Code* §33-3-11(a), in any case except where such action is mandatory, the Commissioner may, by order, require the insurer to pay a penalty in a sum not exceeding Ten Thousand Dollars (\$10,000.00).

The Commissioner hereby finds and concludes that WIC violated *West Virginia Code* §33-3-8 by failing to renew its Certificate of Authority, by not filing a complete application and by continuing to transact insurance in the State of West Virginia as an unlicensed insurer.

It is, therefore, **ORDERED** that a civil penalty in the amount of Three Thousand Dollars (\$3,000.00) be, and it is, hereby, assessed against WIC, for its violations as aforesaid. It is further **ORDERED** that the civil penalty, totaling Three Thousand Dollars (\$3,000.00), shall be paid within 30 days after notice of this Order.

Pursuant to *West Virginia Code* §33-3-11(b), if WIC fails to pay such penalties within 30 days after notice of this Order, the company's license may be subject to revocation or suspension. Further, pursuant to *West Virginia Code* §33-2-13, should WIC feel aggrieved by this Order, it may make a written demand to the Commissioner for hearing in this matter. Such demand shall specify the grounds to be relied upon as a basis for the relief to be requested at the hearing.

ENTERED this 25th day of June, 2020.



James A. Dodrill
Insurance Commissioner