

**IN THE DEPARTMENT OF INSURANCE, FINANCIAL
INSTITUTIONS AND PROFESSIONAL REGISTRATION
STATE OF MISSOURI**

In Re:)
) **Market Conduct Investigation**
AMERICAN INTERSTATE INSURANCE) **Number 13071-31895-PC**
COMPANY (NAIC #0680-31895))

ORDER OF THE DIRECTOR

NOW, on this 16 day of December, 2014, Director John M. Huff, after consideration and review of the market conduct investigation of American Interstate Insurance Company (NAIC #0680-31895) (hereafter referred to as "American Interstate") investigation number 13071-31895-PC, conducted by the Division of Insurance Market Regulation pursuant to §374.190¹ and the Stipulation of Settlement ("Stipulation"), does hereby issue the following orders:

This order, issued pursuant to §374.046.15, RSMo (Cum. Supp. 2013) and §374.280 is in the public interest.

IT IS THEREFORE ORDERED that American Interstate and the Division of Insurance Market Regulation having agreed to the Stipulation, the Director does hereby approve and agree to the Stipulation.

IT IS FURTHER ORDERED that American Interstate shall not engage in any of the violations of law and regulations set forth in the Stipulation and shall implement procedures to place American Interstate in full compliance with the requirements in the Stipulation and the statutes and regulations of the State of Missouri and to maintain those corrective actions at all times.

IT IS FURTHER ORDERED that American Interstate shall pay, and the Department of Insurance, Financial Institutions and Professional Registration, State of Missouri, shall accept,

¹ All references, unless otherwise noted, are to Missouri Revised Statutes 2000, as amended.

the Voluntary Forfeiture of \$58,000, payable to the Missouri State School Fund.

IT IS SO ORDERED.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of my office in Jefferson City, Missouri, this 16TH day of DECEMBER, 2014.



John M. Huff
Director



**IN THE DEPARTMENT OF INSURANCE, FINANCIAL
INSTITUTIONS AND PROFESSIONAL REGISTRATION
STATE OF MISSOURI**

In Re:)	
)	
AMERICAN INTERSTATE)	Market Conduct Investigation
INSURANCE COMPANY)	No. 13071-31895-PC
(NAIC #0680-31895))	
)	

STIPULATION OF SETTLEMENT

It is hereby stipulated and agreed by the Division of Insurance Market Regulation (hereinafter "the Division") and American Interstate Insurance Company (NAIC #0680-31895) (hereinafter referred to as "American Interstate"), as follows:

WHEREAS, the Division is a unit of the Missouri Department of Insurance, Financial Institutions and Professional Registration (hereinafter, "the Department"), an agency of the State of Missouri, created and established for administering and enforcing all laws in relation to insurance companies doing business in the State in Missouri; and

WHEREAS, American Interstate has been granted a certificate of authority to transact the business of insurance in the State of Missouri; and

WHEREAS, the Division conducted a Market Conduct Investigation of American Interstate; and

WHEREAS, the Division alleged in the Market Conduct Investigation that:

1. In sixty six (66) instances, an audit was completed and billed more than 120 days from the expiration date of the policy in violation of § 287.955.1¹ and 20 CSR 500-6.500(2)(A); and
2. In three (3) instances, American Interstate's second injury fund calculation was in error in violation of §287.715 and §287.310;
3. In three (3) instances, American Interstate's administrative surcharge calculation was in error in violation of §287.716, §287.717 and §287.310.

WHEREAS, the Division and American Interstate have agreed to resolve the issues

¹ All references, unless otherwise noted, are to Missouri Revised Statutes 2000, as amended.

raised in the Market Conduct Investigation as follows:

A. **Scope of Agreement.** This Stipulation of Settlement embodies the entire agreement and understanding of the signatories with respect to the subject matter contained herein. The signatories hereby declare and represent that no promise, inducement or agreement not herein expressed has been made, and acknowledge that the terms and conditions of this agreement are contractual and not a mere recital.

B. **Remedial Action.** American Interstate agrees to take remedial action bringing it into compliance with the statutes and regulations of Missouri and agrees to maintain such remedial actions at all times, to reasonably assure that the errors noted in the Market Conduct Investigation do not recur. Such remedial actions shall include, but not be limited to, the following:

1. American Interstate agrees that audits on workers compensation insurance policies with Missouri premium or exposure will be completed, billed and premiums returned within 120 days of policy expiration or cancellation unless a) a delay is caused by the policyholder's failure to respond to reasonable audit requests provided that the requests are timely and adequately documented or b) a delay is by the mutual agreement of the policyholder and American Interstate provided that the agreement is adequately documented.

2. American Interstate agrees to provide payment to the Second Injury Fund for the underpayments listed below with any applicable interest and penalties together with any amended filings required by the Division of Workers Compensation.

Policy #	Amount
AVWCMO2276452014	\$40.00
AVWCMO2304242014	\$13.00

C. **Compliance.** American Interstate agrees to file documentation with the Division within 90 days of the entry of a final order of all remedial action taken to implement compliance with the terms of this stipulation.

D. **Voluntary Forfeiture.** American Interstate agrees, voluntarily and knowingly, to surrender and forfeit the sum of \$58,000, with such sum payable to the Missouri State School Fund in accordance with § 374.280.

E. **Not an Admission.** The parties hereto agree that neither this document nor the

agreements, settlements or compromises contemplated herein are to be deemed as an admission of any violation, fault, improper conduct or negligence on the part of American Interstate Insurance Company, and further, the parties agree that the Stipulation of Settlement and Voluntary Forfeiture is a compromise of disputed fact and legal allegations and that the payment of the voluntary forfeiture is merely to resolve disputes and avoid further action in this matter without conceding that the agreements, settlements and compromise contemplated herein settle any question of law by either party.

F. **Waivers.** American Interstate, after being advised by legal counsel, does hereby voluntarily and knowingly waive any and all rights for procedural requirements, including notice and an opportunity for a hearing, and review or appeal by any trial or appellate court, which may have otherwise applied to the above referenced Market Conduct Investigation.

G. **Changes.** No changes to this stipulation shall be effective unless made in writing and agreed to by all signatories to the stipulation.

H. **Governing Law.** This Stipulation of Settlement shall be governed and construed in accordance with the laws of the State of Missouri.

I. **Authority.** The signatories below represent, acknowledge and warrant that they are authorized to sign this Stipulation of Settlement.


J. **Effect of Stipulation.** This Stipulation of Settlement shall become effective only upon entry of a Final Order by the Director of the Department of Insurance, Financial Institutions and Professional Registration (hereinafter the "Director") approving this Stipulation.

K. **Request for an Order.** The signatories below request that the Director issue an Order approving this Stipulation of Settlement and ordering the relief agreed to in the Stipulation, and consent to the issuance of such Order.

DATED: 12/16/2014


Stewart Freilich
Senior Regulatory Affairs Counsel
Division of Insurance Market Regulation

DATED: 12/12/2014


President
American Interstate Insurance Company

RECEIVED
DEC 15 2014
MO. DEPT. OF INSURANCE,
FINANCIAL INSTITUTIONS &
PROFESSIONAL REGISTRATION

HAND
CARRIED