

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

*In Re:* )  
)  
CHURCH MUTUAL INSURANCE ) Market Conduct Investigation  
COMPANY (NAIC #18767) ) No. 13081-18767-PC

**ORDER OF THE DIRECTOR**

NOW, on this 14<sup>th</sup> day of October, 2016, Director, John M. Huff, after consideration and review of the market conduct investigation of Church Mutual Insurance Company (NAIC #18767) (hereafter referred to as "Church Mutual") investigation number 13081-18767-PC, conducted by the Division of Insurance Market Regulation pursuant to §374.190<sup>1</sup> 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 (Cum. Supp. 2013) is in the public interest.

**IT IS THEREFORE ORDERED** that Church Mutual 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 Church Mutual shall not engage in any of the violations of law and regulations set forth in the Stipulation and shall implement procedures to place Church Mutual 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 Church Mutual shall pay, and the Department of Insurance, Financial Institutions and Professional Registration, State of Missouri, shall accept, the Voluntary Forfeiture of \$40,500, 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 14<sup>th</sup> day of October, 2016.



John M. Huff  
Director

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

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

<b>In Re:</b>	)	
	)	
<b>CHURCH MUTUAL INSURANCE</b>	)	<b>Market Conduct Investigation</b>
<b>COMPANY (NAIC #18767)</b>	)	<b>No. 13081-18767-PC</b>
	)	
	)	

**STIPULATION OF SETTLEMENT**

It is hereby stipulated and agreed by the Division of Insurance Market Regulation (hereinafter “the Division”) and Church Mutual Insurance Company (NAIC #18767) (hereinafter referred to as “Church Mutual”), 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, Church Mutual 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 Church Mutual; and

WHEREAS, based on the Market Conduct Investigation the Division alleges that:

1. In 81 instances, an audit was completed and billed more than 120 days from the expiration date of the policy in violation of § 287.955.1<sup>1</sup> and 20 CSR 500-6.500(2)(A);

WHEREAS, the Division and Church Mutual have agreed to resolve the issues 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.

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

B. **Remedial Action.** Church Mutual 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. Church Mutual 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 Church Mutual provided that the agreement is adequately documented.

C. **Voluntary Forfeiture.** Church Mutual agrees, voluntarily and knowingly, to surrender and forfeit the sum of \$40,500, with such sum payable to the Missouri State School Fund in accordance with § 374.280.

D. **Waivers.** Church Mutual, 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.

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

F. **Non-Admission.** Nothing in this Stipulation shall be construed as an admission by Church Mutual, this Stipulation being part of a compromise settlement to resolve disputed factual and legal allegations arising out of the above referenced market conduct investigation.

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

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

I. **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.

J. **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: 10/3/2016



Angela Nelson  
Director  
Division of Insurance Market Regulation

DATED: 10/3/16



Stewart Freilich  
Senior Regulatory Affairs Counsel  
Division of Insurance Market Regulation

DATED: 9/21/16



Dawn Lemke  
Asst. Vice President-Chief Compliance Officer  
Church Mutual Insurance Company

DATED: 9/26/16



Richard S. Brownlee III  
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121 Madison Street  
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Attorney for Church Mutual  
Insurance Company