



**DEPARTMENT OF COMMERCE & INSURANCE**

P.O. Box 690, Jefferson City, Mo. 65102-0690

*In Re:* )  
 )  
QBE INSURANCE CORPORATION ) **Market Conduct Investigation No. 317706**  
(NAIC #39217) )

**ORDER OF THE DIRECTOR**

NOW, on this 04<sup>th</sup> day of May, 2021, Director, Chlora Lindley-Myers, after consideration and review of the Stipulation of Settlement and Voluntary Forfeiture (hereinafter “Stipulation”) entered into by the Division of Insurance Market Regulation (hereinafter “Division”), and QBE Insurance Corporation (NAIC #39217) (hereinafter “QBE”), relating to the market conduct investigation no. 317706, does hereby issue the following orders:

This order, issued pursuant to §374.046.15<sup>1</sup> and §374.280 is in the public interest.

**IT IS THEREFORE ORDERED** that QBE and the Division having agreed to the Stipulation, the Director does hereby approve and agree to the Stipulation.

**IT IS FURTHER ORDERED** that QBE shall not engage in any of the violations of law and regulations set forth in the Stipulation, shall implement procedures to place it 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, and shall fully comply with all terms of the Stipulation.

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<sup>1</sup> All references, unless otherwise noted, are to Revised Statutes of Missouri 2016, as amended, or to the Code of State Regulations, 2020, as amended.

**IT IS FURTHER ORDERED** that QBE shall pay, and the Department of Commerce and Insurance, State of Missouri, shall accept, the Voluntary Forfeiture of \$500.00, 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 04<sup>th</sup> day of May, 2021.



*Chlora Lindley Myers*

Chlora Lindley-Myers  
Director

**IN THE DEPARTMENT OF COMMERCE AND INSURANCE  
STATE OF MISSOURI**

*In Re:* )  
 )  
QBE INSURANCE CORPORATION ) **Market Conduct Investigation**  
(NAIC #39217) ) **No. 317706**

**STIPULATION OF SETTLEMENT AND VOLUNTARY FORFEITURE**

It is hereby stipulated and agreed by the Division of Insurance Market Regulation (hereinafter “the Division”) and QBE Insurance Corporation (NAIC #39217) (hereinafter “QBE”), as follows:

**WHEREAS**, the Division is a unit of the Missouri Department of Commerce and Insurance (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 of Missouri;

**WHEREAS**, QBE has been granted a certificate of authority to transact the business of insurance in the State of Missouri;

**WHEREAS**, the Division conducted a market conduct investigation of QBE, investigation #317706; and

**WHEREAS**, based on the market conduct investigation of QBE, the Division alleges that:

1. QBE used unfiled rates for six private/personal casualty aircraft policies in violation of §379.321.1.<sup>1</sup>
2. QBE did not submit an Exhibit B consent to rate filing for six private/personal casualty aircraft policies in violation of §379.321.1 and 20 CSR 500-4.300 (2) (A).

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<sup>1</sup> All references, unless otherwise noted, are to Missouri Revised Statutes 2016, as amended or to the Code of State Regulations, 2020, as amended.

3. QBE rated seven commercial casualty aircraft policies applying base rate modification factors exceeding + or – 25% in violation of §379.318 (4), 379.321.6 (10) and 20 CSR 500-4.100 (7) (A).

**WHEREAS**, the Division and QBE have agreed to resolve the issues raised in the market conduct investigation as follows:

A. **Scope of Agreement.** This Stipulation of Settlement and Voluntary Forfeiture (hereinafter “Stipulation”) 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.** QBE 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 ensure that the errors noted in the market conduct investigation and in this Stipulation do not recur. Such remedial actions shall consist of the following:

1. To the extent it has not already done so, QBE agrees to file with the Director of the Department (hereinafter “Director”) all rates and rules for private/personal casualty aircraft policies on Missouri risks, and to only utilize filed rates and rate factors (which does not include rate ranges). If QBE has not already made a rate filing for its private/personal casualty aircraft policies, then QBE shall make such filing through the System for Electronic Rate and Form Filing (“SERFF”) within 30 days from the date of the Order and include a statement indicating that as a result of a Missouri market conduct investigation this filing is being made.

2. QBE agrees to file with the Department an Exhibit B consent to rate form on a monthly basis for any in force private/personal casualty aircraft policies with Missouri risks where

the rates deviate from the filed rates.

3. QBE agrees to provide a premium refund to any policyholder identified in the investigation where a base rate modification factor was applied that exceeded + 25%. Interest, in an amount determined by §374.191 must be included with the refund. In addition, a letter should be included with the refund payment indicating that “as a result of a Missouri market conduct investigation, it was found that a premium refund was owed.”

4. QBE agrees that it will not utilize individual risk premium modification (“IRPM”) or scheduled rating factors that exceed + or – 25% on commercial casualty aircraft policies with Missouri risks.

5. QBE agrees to conduct a review of all Missouri commercial casualty aircraft policies from January 1, 2019 to the date of the Order approving this Stipulation to determine if policies were rated using scheduled rating/base rate modifications exceeding +25%. If additional payments are owed, QBE agrees it will make such premium refunds to these policyholders, and will include interest as determined under §374.191. A letter will be included with the payment indicating that “as a result of a Missouri market conduct investigation, it was found that a premium refund was owed.”

C. **Compliance.** QBE agrees to file documentation with the Division, in a format acceptable to the Division, within 90 days of the entry of a final order of any remedial action taken pursuant to Paragraph B to implement compliance with the terms of this Stipulation and to document the payment of any restitution required by this Stipulation. Such documentation is provided pursuant to §374.190.

D. **Ongoing Investigation.** QBE agrees to pay any reasonable investigation fees expended by the Division in conducting its review of the documentation provided by QBE

pursuant to Paragraph C of this Stipulation.

E. **Voluntary Forfeiture.** QBE agrees, voluntarily and knowingly, to surrender and forfeit the sum of \$500.00 such sum payable to the Missouri State School Fund, in accordance with §374.049.11 and §374.280.2.

F. **Non-Admission.** Nothing in this Stipulation shall be construed as an admission by QBE, 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. **Waivers.** QBE, 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.

H. **Changes.** No changes to this Stipulation shall be effective unless made in writing and agreed to by representatives of the Division and QBE.

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

J. **Authority.** The signatories below represent, acknowledge, and warrant that they are authorized to sign this Stipulation, on behalf of the Division and QBE respectively.

K. **Counterparts.** This Stipulation may be executed in multiple counterparts, each of which shall be deemed an original and all of which taken together shall constitute a single document. Execution and delivery of this Stipulation by facsimile or by an electronically transmitted signature shall be fully and legally effective and binding.

L. **Effect of Stipulation.** This Stipulation shall become effective only upon entry of a Final Order by the Director approving this Stipulation.

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

DATED: 4-16-2021



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Stewart Freilich  
Chief Market Conduct Examiner and  
Senior Counsel  
Division of Insurance Market Regulation

DATED: 4/14/21



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Linda Lin  
SVP, General Counsel- Business Unit Support  
QBE Insurance Corporation