

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

In Re:)
)
SENTRY SELECT INSURANCE) **Market Conduct Examination**
COMPANY (NAIC #21180)) **1104-31-TGT**

ORDER OF THE DIRECTOR

NOW, on this 12 day of March, 2018, 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 Sentry Select Insurance Company (NAIC #21180) (hereinafter "Sentry Select"), relating to the market conduct examination set out in the caption above, does hereby issue the following orders:

This order, issued pursuant to §§374.205.2(5), 374.280, and 374.046.15 RSMo 2016, is in the public interest.

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

IT IS FURTHER ORDERED that Sentry Select shall not engage in any of the violations of law and regulations set forth in the Stipulation, shall implement procedures to place Sentry Select in full compliance with the requirements in the Stipulation, shall maintain those corrective actions at all times, and shall fully comply with all terms of the Stipulation.

IT IS FURTHER ORDERED that Sentry Select shall pay, and the Department of Insurance, Financial Institutions and Professional Registration, State of Missouri, shall accept, the Voluntary Forfeiture of \$15,000.00 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 12 day of March, 2018.




Chlora Lindley-Myers
Director

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In Re:)
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SENTRY SELECT INSURANCE) **Market Conduct Examination**
COMPANY (NAIC #21180)) **1104-31-TGT**

STIPULATION OF SETTLEMENT AND VOLUNTARY FORFEITURE

It is hereby stipulated and agreed by the Division of Insurance Market Regulation (hereinafter, the “Division”), and Sentry Select Insurance Company (NAIC #21180) (hereinafter “Sentry Select”), 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, Sentry Select 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 Examination of Sentry Select, examination #1104-31-TGT; and

WHEREAS, based on the Market Conduct Examination of Sentry Select, the Division alleges that:

1. In one instance, Sentry Select attached a withdrawn endorsement to a policy in violation of §287.310¹ and 20 CSR 500-6.100 (1) and (2);
2. In two instances, Sentry Select did not attach a required form to a policy in violation of §287.310 and 20 CSR 500-6.100 (1) and (2);

3. In one instance, Sentry Select did not complete and bill the audit within 120 days of policy expiration in violation of §287.955.3 and 20 CSR 500-6.500 (2) (A);

4. In 25 instances, Sentry Select did not apply the Second Injury Fund rate to correct premium in violation of §287.310.9 and §287.715.2;

5. In 17 instances, Sentry Select did not apply the Administrative Surcharge rate to correct premium in violation of §287.310.9 and 287.716.2;

6. In one instance, Sentry Select reduced a schedule modification credit without documenting a change in the risk in violation of §287.937.2 and 20 CSR 55-4.100 (7) (D) 1;

7. In one instance, Sentry Select failed to document a policy file with an application or renewal specifications in violation of §287.937.2 and 20 CSR 500-4.100 (7) (D) 1;

8. In one instance, Sentry Select failed to document a file with adequate documentation of employee payroll, overtime or officer payroll in violation of §287.937.2 and 20 CSR 500-4.100 (7) (D);

9. In one instance, Sentry Select did not file a Schedule Modification Rating Plan in violation of §287.947.1 and 20 CSR 500-6.950 (2) (I), (3) (B) 3, (5) (B) and (7);

10. In three instances, Sentry Select applied an unfiled rate factor of 125% at final audit for uncooperative insureds in violation of §287.947.1;

11. In one instance, Sentry Select utilized a Schedule Rating Plan that contained the category of Class Peculiarities in violation of §287.947.1 and 20 CSR 500-6.950 (2) (I), (3) (B) 3, (5) (B) and (7);

12. In one instance, Sentry Select utilized an unfiled Deductible Credit Rate in violation of §287.947.1 and 20 CSR 500-6.950 (2) (I), (3) (B) 3, (5) (B) and (7);

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

13. In one instance, Sentry Select utilized an unfiled Terrorism Rate in violation of §287.947.1;

14. In one instance, Sentry Select increased the Schedule Modification Factor without notice to the insured in violation of §287.950 and 20 CSR 500-4.100 (7) (D);

15. In four instances, Sentry Select did not apply the Schedule Modification Credit to the premium at final audit in violation of §287.950 and 20 CSR 500-4.100 (7) (D);

16. In two instances, Sentry Select used an incorrect experience modifier at final audit in violation of §287.955.1;

17. In one instance, Sentry Select used an incorrect Deductible Credit Rate at final audit in violation of §287.955.1;

18. In one instance, Sentry Select did not include officer payroll at the correct flat amount in violation of §287.955.3;

19. In 26 instances, Sentry Select incorrectly applied the Deductible Credit Rate to Subtotal on an NCCI algorithm in violation of §287.955.3;

20. In 15 instances, Sentry Select failed to apply the correct Deductible Credit Rate to premium at final audit in violation of §287.955.3;

21. In one instance, Sentry Select failed to apply short rate to payroll for a policy cancelled by the insured in violation of §287.955.3;

22. In one instance, Sentry Select incorrectly applied a 13% Schedule Modification Credit to a policy in violation of §287.955.3.

WHEREAS, Sentry Select disagrees with some of the Division's allegations.

WHEREAS, the Division and Sentry Select have agreed to resolve the issues raised in the Market Conduct Investigations 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.** Sentry Select agrees to take remedial action bringing it into compliance with the statutes and regulations of Missouri and agree to maintain those remedial actions at all times. Such remedial actions shall include, but are not limited to, the following:

1. Sentry Select agrees that audits on workers compensation insurance policies with Missouri premium or exposure shall 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 mutual agreement of the policyholder and the Company that issued the policy, provided that the agreement is adequately documented.

2. Sentry Select agrees to document the basis for the rating of each policy.

3. Sentry Select agrees that it will not change scheduled modification credits or debits without documenting a change in the risk.

4. Sentry Select agrees that it will make individual risk filings with the Director for all large deductible workers compensation insurance policies with Missouri premium or exposure. Such filings shall be made within 30 days after the effective date of the policy.

5. Sentry Select agrees that it will file with the Director all rates and rating factors utilized for rating workers' compensation insurance policies.

6. Sentry Select agrees to ensure that its procedures for determining final premium

comply with NCCI Rule 02-MO-2013.

7. Sentry Select agrees that it will not unfairly discriminate between policyholders in the payment of dividends relating to workers' compensation insurance policies.

C. **Compliance.** Sentry Select agrees to file documentation with the Division, in a format acceptable to the Division, within 120 days of the entry of a final order of any remedial action taken to implement compliance with the terms of this Stipulation and to document payment of restitution required under the terms of this Stipulation. Such documentation is provided pursuant to §374.205.

D. **Examination Fees.** Sentry Select agrees to pay any reasonable examination fees expended by the Division in conducting its review of the documentation provided by the Company pursuant to Paragraph C of this Stipulation.

E. **Voluntary Forfeiture.** Sentry Select agrees, voluntarily and knowingly, to surrender and forfeit the sum of \$15,000 such sum payable to the Missouri State School Fund, in accordance with §374.280, RSMo. Supp. 2013.

F. **Other Penalties.** The Division agrees that it will not seek penalties against Sentry Select, other than those agreed to in this Stipulation, in connection with Market Conduct Examination #1104-31-TGT.

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

H. **Waivers.** Sentry Select, 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 Market Conduct Examination #1104-31-TGT.

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

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

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

L. **Effect of Stipulation.** This Stipulation shall not become effective until entry of a Final Order by the Director of the Department (hereinafter 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: 3-7-2018



Angela L. Nelson, Director
Division of Insurance Market Regulation

DATED: 3/7/2018



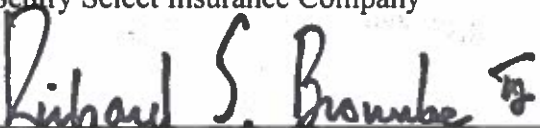
Stewart Freilich
Senior Regulatory Affairs Counsel

DATED: 3-1-18



Kip J. Kobussen, Secretary
Sentry Select Insurance Company

DATED: 3-1-18



Richard S. Brownlee III
Attorney for Sentry Select Insurance Company