

COMMONWEALTH OF VIRGINIA
STATE CORPORATION COMMISSION

AT RICHMOND, JULY 22, 2011

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JUDGMENT CONTROL

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COMMONWEALTH OF VIRGINIA

At the relation of the

STATE CORPORATION COMMISSION

v.

CASE NO. INS-2011-00157

AMERICAN AUTOMOBILE INSURANCE
COMPANY,
ASSOCIATED INDEMNITY CORPORATION,
FIREMAN'S FUND INSURANCE COMPANY,
NATIONAL SURETY CORPORATION,
and
THE AMERICAN INSURANCE COMPANY,

Defendants

SETTLEMENT ORDER

Based on an investigation conducted by the Bureau of Insurance, it is alleged that the Defendants, duly licensed by the State Corporation Commission ("Commission") to transact the business of insurance in the Commonwealth of Virginia, violated § 38.2-1906 D of the Code of Virginia by making or issuing insurance contracts or policies not in accordance with the rate and supplementary rate information filings in effect for the Defendants.

The Commission is authorized by §§ 38.2-218, 38.2-219, and 38.2-1040 of the Code of Virginia to impose certain monetary penalties, issue cease and desist orders, and suspend or revoke the Defendants' licenses upon a finding by the Commission, after notice and opportunity to be heard, that the Defendants have committed the aforesaid alleged violations.

The Defendants have been advised of their right to a hearing in this matter, whereupon the Defendants, without admitting any violation of Virginia law, have made an offer of settlement to the Commission wherein the Defendants have tendered to the Commonwealth of

Virginia the sum of One Thousand Dollars (\$1,000) per company for an amount totaling Five Thousand Dollars (\$5,000), waived their right to a hearing, agreed to comply with the Corrective Action Plan set forth in their letter to the Bureau of Insurance dated June 2, 2011, and confirmed that restitution was made to 6 consumers in the amount of Five Thousand Nine Hundred Seventy-three Dollars (\$5,973).

The Bureau of Insurance has recommended that the Commission accept the offer of settlement of the *Defendants* pursuant to the authority granted the Commission in § 12.1-15 of the Code of Virginia.

NOW THE COMMISSION, having considered the record herein, the offer of settlement of the *Defendants*, and the recommendation of the Bureau of Insurance, is of the opinion that the *Defendants'* offer should be accepted.

Accordingly, IT IS ORDERED THAT:

- (1) The offer of the *Defendants* in settlement of the matter set forth herein be, and it is hereby, accepted; and
- (2) The papers herein be placed in the file for ended causes.

AN ATTESTED COPY hereof shall be sent by the Clerk of the Commission to: Kelly Rodriguez, Regulatory Services Manager, Fireman's Fund Companies, 777 San Marin Drive, Novato, California 94998-0001; and a copy shall be delivered to the Commission's Office of General Counsel and the Bureau of Insurance in care of Deputy Commissioner Mary M. Bannister.