

IN43414/lp

1827

State of Minnesota  
Dept. of Commerce

MAY 12 2017

Rec'd \$ 20,000

STATE OF MINNESOTA  
DEPARTMENT OF COMMERCE

In the Matter of the Certificate of Authority  
of Bristol West Casualty Insurance Company  
NAIC No. 11034

CONSENT ORDER

TO: Bristol West Casualty Insurance Company  
Farmers Insurance Group  
PO Box 1628  
Grand Rapids, MI 49501

1. Commissioner of Commerce Mike Rothman ("Commissioner") has advised Bristol West Casualty Insurance Company ("Respondent") that he is prepared to commence formal action pursuant to Minn. Stat. § 45.027 (2014), and other applicable law, against Respondent's Certificate of Authority pursuant to Minn. Stat. § 45.027 (2014) and other applicable law, based on allegations that Respondent refused to settle automobile accident claims solely because Respondent was unable to reach its insured and the insured failed to report the accident, in violation of Minn. Stat. § 72A.201, subd. 8(4) (2014).
2. Respondent acknowledges that it has been advised of its rights to a hearing in this matter, to present argument to the Commissioner, and to appeal from any adverse determination after a hearing, and Respondent hereby expressly waives those rights. Respondent further acknowledges that it has been represented by legal counsel throughout these proceedings or hereby expressly waives that right.
3. Respondent has agreed to informal disposition of this matter without a hearing as provided in Minn. Stat. § 14.59 (2014) and Minn. R. 1400.5900 (2015).
4. The following Order is in the public interest.

**NOW, THEREFORE, IT IS HEREBY ORDERED**, pursuant to Minn. Stat. § 45.027, subd. 6 (2014), that Respondent shall pay to the State of Minnesota a civil penalty of \$20,000.

**IT IS FURTHER ORDERED**, that Respondent shall implement a remedial Plan within thirty (30) days (the "Plan"), to ensure that claims have been handled in compliance with Minn. Stat. § 72A.201, subd. 8 (4) (2016). Respondent shall disclose to the Department the plan and whether any files were re-opened.

**IT IS FURTHER ORDERED**, pursuant to Minn. Stat. § 45.027, subd. 5 (2016), that Respondent shall cease and desist from any further violations of Minn. Stat. § 45.027, subd. 1(a)(2016).

This Order shall be effective upon signature by or on behalf of the Commissioner.

Dated: 6-13-2017

MIKE ROTHMAN  
Commissioner

By:

  
MARTIN FLEISCHHACKER  
Assistant Commissioner-Enforcement

Minnesota Department of Commerce  
85 7<sup>th</sup> Place East, Suite 500  
St. Paul, MN 55101  
Telephone: (651) 539-1640

CONSENT TO ENTRY OF ORDER

The undersigned, acting on behalf of Bristol West Casualty Insurance Company, states that he/she has read the attached Consent Order; that he/she knows and fully understands its contents and effect; that he/she is authorized to execute this Consent to Entry of Order on behalf of Respondent; that he/she acknowledges he has been advised of Respondent's right to a hearing in this matter, to present argument to the Commissioner and to appeal from any adverse determination after a hearing, and he hereby expressly waives those rights. Respondent further acknowledges that he/she has been represented by legal counsel throughout these proceedings, or has been advised of his/her right to be represented by legal counsel; which right he/she hereby expressly waives; and he/she consents to entry of this Order by the commissioner. It is further understood that this Consent Order constitutes the entire settlement agreement between the parties, there being no other promises or agreements, either express or implied.

Bristol West Casualty Insurance Company

By: Victoria L. McCarthy

Its: Vice President

*Victoria L. McCarthy*

STATE OF \_\_\_\_\_

COUNTY OF \_\_\_\_\_

This instrument was acknowledged before me on \_\_\_\_\_ (date) by \_\_\_\_\_ (name(s) of person(s)) as \_\_\_\_\_ (type of authority, e.g., officer, trustee, etc.) of \_\_\_\_\_ (name of party on behalf of whom the instrument was executed).

(stamp)

**Please See Attached  
CA Notary Certificate**

\_\_\_\_\_  
(Signature of notary officer)

\_\_\_\_\_  
Title (and Rank)  
My commission expires: \_\_\_\_\_

**CALIFORNIA ALL--PURPOSE ACKNOWLEDGEMENT**

\*\*\*\*\*

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document

State of California

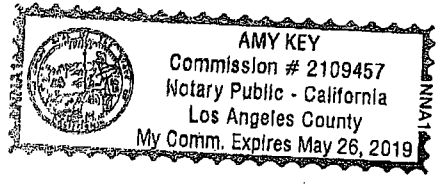
County of Los Angeles

On MAY 4, 2017 before me, Amy Key, Notary Public, personally appeared VICTORIA L. MCCARTHY, who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature: *Amy Key*  
Signature of Notary Public



Place Notary Seal and/or Stamp Above

\*\*\*\*\*