

*Market Conduct Draft Examination Report*

*Client Direct Finance, LLC*

*Florida Company Code: 08188*

*August 29, 2023*

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## Executive Summary

A market conduct examination of Client Direct Finance, LLC (“Client Direct” or “Company”) was performed to ascertain the Company’s compliance with the applicable provisions of the Florida Insurance Code as required by Section 627.834(2), Florida Statutes (“F.S.”).

## Company Operations

Client Direct is a domestic Premium Finance Company licensed to offer premium finance agreements in Florida on October 11, 2011. Client Direct generally finances general liability, package, commercial property, umbrella, workers compensation, and marine policies for 9-11 month time periods.

Total Premiums Receivable in Florida during the examination scope period was as follows:

Year	Total Premiums Receivable in Florida (Per Schedule A of the Annual Report)
2022	\$24,631
2021	\$37,487
2020	\$202,383
2019	\$385,812

Section 627.828(1), F.S. requires premium finance companies to maintain a net worth of \$35,000 or a net worth of \$10,000 if a surety bond or other acceptable collateral is approved by the Florida Office of Insurance Regulation (“OIR”). The Company met the requirements of Section 627.828(1), F.S. by reporting the following statutory net worth:

Year	Statutory Net Worth as of December 31 <sup>st</sup> (Per the Balance Sheet of the Annual Report)
2022	\$19,442
2021	\$74,755
2020	\$80,493
2019	\$101,230

Section 627.836(2), F.S. requires premium finance companies to file an annual report with OIR and remit the annual report filing fee to the Florida Department of Financial Services (“DFS”) by March 1<sup>st</sup> of each year.

Year	Date Annual Report Filed with OIR	Date Annual Report Filing Fees Remitted to DFS
2022	2/27/2023	2/10/2023
2021	2/18/2022	2/3/2022
2020	2/25/2021	2/10/2021
2019	2/26/2020	2/14/2020

## Purpose and Scope of the Examination

OIR has primary responsibility for the regulation, compliance and enforcement of statutes related to the business of insurance premium financing and the monitoring of industry markets. OIR is required to examine each premium finance company not less frequently than every three years, pursuant to Section 627.834(2), F.S. Due to this responsibility, OIR conducted a market conduct examination of Client Direct. The examination scope period was from January 1, 2019, to December 31, 2022. The examination was performed by members of OIR's Property and Casualty Market Regulation business unit.

The purpose of a market conduct examination is to review the premium finance company's operating practices to determine if they comply with the applicable provisions of the Florida Insurance Code, rules related to the business of insurance premium financing, the provisions contained within a premium finance contract issued by the Company, or orders issued by OIR. A common element of all market conduct examinations is to evaluate a premium finance company's business practices to promote the protection of insurance-buying consumers and to hold entities regulated by OIR accountable when issues or violations are found.

The examination began April 3, 2023 and ended August 25, 2023. The last examination of Client Direct was completed as of December 31, 2018. That examination concluded the Company's records were in good order and the Company appeared to be in compliance with the provisions of Chapter 627, Part XV, F.S., and Rule 69O-196, F.A.C.

## Complaint Statistics

As of December 31, 2022, DFS Division of Consumer Services reported receiving zero complaints related to premium finance agreements issued by Client Direct to consumers during the examination scope period.

Complaints Reported to DFS by Consumers	
Year	Number of Complaints
2022	0
2021	0
2020	0
2019	0

## Examination Procedures

The conduct of this examination and the procedures, statistical sampling and examination processes used were consistent with and in accordance with those standards and procedures contained in the *Market Regulation Handbook* promulgated by the National Association of Insurance Commissioners (“NAIC”).

In preparation for the examination, the Company was requested to provide the total number, or universe, of premium finance agreements entered into during the examination’s scope period. The Company reported entering into a total of 42 premium finance agreements during the examination scope period.

The NAIC’s *Market Regulation Handbook* provides guidance regarding sampling methods utilized during market conduct examinations. A minimum confidence level of 95% is used to make inferences when a universe population is greater than 200 and permits those results to be extrapolated to the population of all premium finance agreements. In this instance, the total universe of premium finance agreements is less than 200. As a result, all 42 premium finance agreements were reviewed and tested for compliance with the Florida Insurance Code.

In reviewing materials for this report, the examiners relied on records and information provided by the Company.

## Findings

The examination focused on the Company’s use of approved forms and rates and evaluated specific statutory components required by the Company in the execution of premium finance agreements, including but not limited to finance charges, service fees, late and non-sufficient fund fees, and products financed. To determine the Company’s adherence to these statutory requirements, the examiners reviewed and analyzed each sampled premium finance agreement to determine if the agreement was executed in compliance with the Florida Insurance Code.

**Finding 1:** The examiners determined that in two 2 instances out of 42 premium finance agreements reviewed, an error percentage of 4.65%, the Company did not use the most recently approved form, as required by Section 627.838(1), Florida Statute.

**Company Response:** The Company agreed with the finding.

## Recommendations

The following recommendations were compiled from the Findings contained within this report, and observations noted during the examination. The Company is to provide a written report to OIR of actions taken on each Recommendation within 60 days of the Company’s receipt of the Final Examination Report.

It is recommended that the Company:

- Ensure that only the most recent forms reviewed and approved by OIR are utilized and issued to insureds.

## **Conclusion**

This market conduct examination of Client Direct Finance, LLC was designed to review and evaluate whether the Company's handling of premium finance agreements was in compliance with the provisions of the Florida Insurance Code. During the examination, OIR identified findings and made recommendations for remediation to be implemented by the Company.

This examination report and the observations contained therein are the result of a factual, data-driven analysis of the Company's premium finance agreements and practices related to the cancellation and refund of premiums to consumers. This report contains a recommendation for improvement that should be implemented by the Company. It does not document what regulatory or administrative action may be taken by the Office. Any such action taken as a result of this market conduct examination will be the subject of a separate Order issued by OIR.

## **Examination Report Final Submission**

OIR hereby issues this final report based upon information from the draft report, additional research conducted by the OIR, and additional information provided by the Company.



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