



OFFICE OF INSURANCE REGULATION

FILED

APR 16 2007

KEVIN M. McCARTY
COMMISSIONER

Docketed by DDM

IN THE MATTER OF:

CASE NO: 88562-06-CO

EXECUTIVE RISK INDEMNITY, INC.

2005 Market Conduct Examination

CONSENT ORDER

THIS CAUSE came on for consideration upon the agreement between EXECUTIVE RISK INDEMNITY, INC. (hereinafter referred to as "EXECUTIVE RISK") and the OFFICE OF INSURANCE REGULATION, (hereinafter referred to as the "OFFICE"). Following a complete review of the entire record, and upon consideration thereof, and being otherwise fully advised in the premises, the COMMISSIONER OF THE OFFICE OF INSURANCE REGULATION hereby finds as follows:

1. The OFFICE has jurisdiction over the subject matter of, and parties to, this proceeding.
2. EXECUTIVE RISK is a foreign property and casualty insurer authorized to transact insurance business in Florida and is subject to the jurisdiction and regulation of the OFFICE pursuant to the Florida Insurance Code.
3. The OFFICE conducted a market conduct examination of EXECUTIVE RISK, pursuant to Section 624.3161, Florida Statutes, in 2005, and as a result of that examination it has been determined that EXECUTIVE RISK, has violated the following provisions of the Florida

Insurance Code and/or Florida Administrative Code, to wit:

Medical Malpractice

Section 627.912, Florida Statutes – Failure to Timely Report Closed Claims.

Section 627.912, Florida Statutes – Failure to Accurately Report Closed Claims.

4. EXECUTIVE RISK expressly waives a hearing in this matter, the making of Findings of Fact and Conclusions of Law by the OFFICE, and all further and other proceedings herein to which the parties may be entitled by law. EXECUTIVE RISK hereby knowingly and voluntarily waives all rights to challenge or to contest this Consent Order, in any forum, including the right to any administrative proceeding, circuit or federal court action, or any appeal.

5. EXECUTIVE RISK agrees that upon the execution of this Consent Order it shall be subject to the following terms and conditions:

(a) EXECUTIVE RISK shall pay a penalty of \$25,000 and administrative costs of \$3,000 on or before the 30th day after this Consent Order is executed.

(b) EXECUTIVE RISK shall henceforth comply with all of the provisions of the Florida Insurance Code and the Florida Administrative Code.

(c) EXECUTIVE RISK is hereby placed on notice of the requirements of the above referenced sections of law and agrees that any future violations of these sections by EXECUTIVE RISK may be deemed willful, subjecting EXECUTIVE RISK to appropriate penalties.

(d) EXECUTIVE RISK shall, within 30 days of the execution of the Consent Order, provide to the OFFICE certification by an officer of the Company that all necessary corrective actions have been completed.

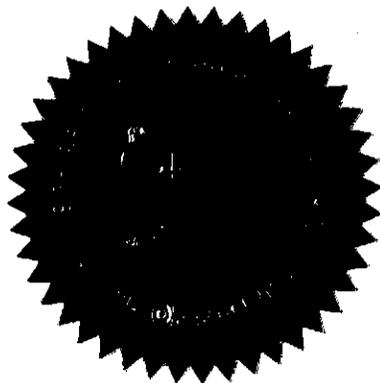
6. EXECUTIVE RISK agrees that the failure to adhere to one or more of the above terms and conditions of this Consent Order shall constitute a violation of a lawful order of the OFFICE, and shall subject EXECUTIVE RISK to such administrative action as the OFFICE may deem appropriate.

7. Except as noted above, each party to this action shall bear its own costs and attorney's fees.

THEREFORE, the agreement between EXECUTIVE RISK and the OFFICE, the terms and conditions of which are set forth above, is APPROVED.

FURTHER, all terms and conditions contained herein are hereby ORDERED.

DONE AND ORDERED this 16th day of APRIL, 2007.



~~KEVIN M. McCARTY~~
Commissioner
Office of Insurance Regulation

By execution hereof, EXECUTIVE RISK INDEMNITY, INC. consents to entry of this Order, agrees without reservation to all of the above terms and conditions, and shall be bound by all provisions therein. The undersigned represents that he or she has the authority to bind EXECUTIVE RISK INDEMNITY, INC. to the terms and conditions of this Consent Order.

EXECUTIVE RISK INDMNITY, INC.

[Corporate Seal]

By: _____
Print Name: AMELIA C. LYNCH
Title: VICE PRESIDENT
Date: MARCH 29, 2007

STATE OF NEW JERSEY

COUNTY OF SOMERSET

The foregoing instrument was acknowledged before me this 29 day of MARCH, 2007, by AMELIA C. LYNCH, who is personally known to me or has produced the following identification _____.

[Notarial Seal]

Signature of Notary
MARY C. CHERESS
Print or Type Name

My Commission Expires:

**MARY C. CHERESS
NOTARY PUBLIC, STATE OF NEW JERSEY
MY COMMISSION EXPIRES 6/15/2010**

COPIES FURNISHED TO:

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