



THE TREASURER OF THE STATE OF FLORIDA  
DEPARTMENT OF INSURANCE

TOM GALLAGHER

IN THE MATTER OF:

CASE NO.: 42092-01-CO

**FIRST COMMUNITY INSURANCE COMPANY**

2000 Property and Casualty Market Conduct  
Examination

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CONSENT ORDER

THIS CAUSE came on for consideration as the result of an agreement between **FIRST COMMUNITY INSURANCE COMPANY**, hereinafter referred to as **FIRST COMMUNITY** and the **FLORIDA DEPARTMENT OF INSURANCE**, hereinafter referred to as the **DEPARTMENT**. Following a complete review of the entire record, and upon consideration thereof, and being otherwise fully advised in the premises, the Treasurer and Insurance Commissioner, as head of the **FLORIDA DEPARTMENT OF INSURANCE**, hereby finds as follows:

1. The Treasurer and Insurance Commissioner, as head of the **DEPARTMENT**, has jurisdiction over the subject matter of, and parties to, this proceeding.

2. **FIRST COMMUNITY** is a foreign property and casualty insurer authorized to transact insurance business in Florida and is subject to the jurisdiction and regulation of the **DEPARTMENT** pursuant to the Florida Insurance Code.

3. The **DEPARTMENT** conducted a property and casualty market conduct examination of **FIRST COMMUNITY** covering the period of

January 1996 through December 1998, pursuant to Section 624.3161, Florida Statutes. As a result of such examination, the **DEPARTMENT** determined that **FIRST COMMUNITY** committed the following violations of the Florida Insurance Code or Florida Administrative Code as outlined in total in the Fine Worksheet provided with the Report of Examination Findings.

a. Personal Inland Marine

1. Section 627.062, F.S.-Use of Unfiled Rate, Rating Schedule or Rating Rule.

b. Agent/MGA

1. Section 626.112, F.S.-Use of Unlicensed Agent.
2. Section 624.3161, F.S.-Failure to Correct Violation in Prior Exam Report.
3. Section 626.112, F.S.-Use of Unappointed Agent.
4. Section 624.425, F.S.-Failure to Properly Countersign/Obtain Power of Attorney.

c. Claims

1. Section 626.864, F.S.-Use of Unlicensed/Unappointed Public Adjuster or Company Employee Adjuster.

4. The **DEPARTMENT** and **FIRST COMMUNITY** expressly waive a hearing in this matter and the making of Findings of Fact and Conclusions of Law by the **DEPARTMENT** and all further and other proceedings herein to which the parties may be entitled by law. **FIRST COMMUNITY** hereby knowingly and voluntarily waives the rights to challenge or to contest this Order, in any forum now available to it, including the right to any administrative proceeding, circuit or federal court action, or any appeal.

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

(a) **FIRST COMMUNITY** shall pay an administrative penalty of \$3,850 and administrative costs of \$750.00 on or before the 30th day after this Consent Order is executed.

(b) **FIRST COMMUNITY** shall henceforth comply with all of the provisions of the Florida Insurance Code and Florida Administrative Code, and will implement the recommendations contained in this report within 90 days after execution of Consent Order, including any pending refunds.

(c) **FIRST COMMUNITY** 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 **FIRST COMMUNITY** may be deemed willful, subjecting **FIRST COMMUNITY** to appropriate penalties.

6. **FIRST COMMUNITY** agrees that the failure to adhere to one or more of the above terms and conditions of this Order shall constitute a violation of a lawful order of the **DEPARTMENT**, and shall subject **FIRST COMMUNITY** to such administrative action as the Treasurer and Insurance Commissioner may deem appropriate.

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

8. **THEREFORE**, the agreement between **FIRST COMMUNITY INSURANCE COMPANY** and the **DEPARTMENT**, the terms and conditions of that are set forth above, is approved.

**FURTHER,** all terms and conditions above are hereby  
**ORDERED.**

**DONE AND ORDERED** this \_\_\_\_ day of \_\_\_\_\_, 2001.

\_\_\_\_\_  
**KEVIN MCCARTY**  
DEPUTY INSURANCE COMMISSIONER

By execution hereof **FIRST COMMUNITY INSURANCE COMPANY**  
consents to entry of this Order, agrees without reservation to  
all of the above terms and conditions, and shall be bound by all  
provisions herein. I am authorized to execute this document.

**FIRST COMMUNITY INSURANCE COMPANY**

By: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

COPIES FURNISHED TO:

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