



OFFICE OF INSURANCE REGULATION

**FILED**

**MAR 9 2007**

KEVIN M. MCCARTY  
COMMISSIONER

*Checked by* DOM

IN THE MATTER OF:

CASE NO: 89222-07-CO

GENERAL INSURANCE COMPANY  
OF AMERICA

2005 Market Conduct Examination

CONSENT ORDER

THIS CAUSE came on for consideration upon the agreement between GENERAL INSURANCE COMPANY OF AMERICA (hereinafter referred to as "GENERAL INSURANCE") 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. GENERAL INSURANCE 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 GENERAL INSURANCE, pursuant to Section 624.3161, Florida Statutes, in 2005, and as a result of that examination it has been determined that GENERAL INSURANCE, 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. GENERAL INSURANCE 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. GENERAL INSURANCE 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. GENERAL INSURANCE agrees that upon the execution of this Consent Order it shall be subject to the following terms and conditions:

(a) GENERAL INSURANCE shall pay a penalty of \$6,800 and administrative costs of \$3,000 on or before the 30th day after this Consent Order is executed.

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

(c) GENERAL INSURANCE 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 GENERAL INSURANCE may be deemed willful, subjecting GENERAL INSURANCE to appropriate penalties.

(d) GENERAL INSURANCE 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.

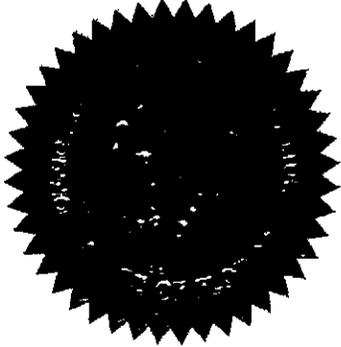
6. GENERAL INSURANCE agrees that the failure to adhere to one or more of the above terms and conditions of this Consent Order shall constitute a violation of a lawful order of the OFFICE, and shall subject GENERAL INSURANCE to such administrative action as the OFFICE may deem appropriate.

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

THEREFORE, the agreement between GENERAL INSURANCE 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 9<sup>th</sup> day of March, 2007.



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KEVIN M. McCARTY  
Commissioner  
Office of Insurance Regulation



**COPIES FURNISHED TO:**

**MICHAEL SEAN MCGAVICK, PRESIDENT**  
General Insurance Company of America  
Safeco Plaza  
Seattle, WA 98185

**SAM BINNUN, DIRECTOR**  
Office of Insurance Regulation  
Market Investigations  
200 East Gaines Street  
Tallahassee, FL 32399-4210

**JIM L. BENNETT**  
Assistant General Counsel  
Office of Insurance Regulation  
Legal Services  
200 East Gaines Street  
Tallahassee, Florida 32399-4206