



THE TREASURER OF THE STATE OF FLORIDA
DEPARTMENT OF INSURANCE

TOM GALLAGHER

IN THE MATTER OF:

CASE NO.: 40728-01-CO

**NATIONWIDE PROPERTY AND CASUALTY
INSURANCE COMPANY**

2000 Property and Casualty Market Conduct
Examination

CONSENT ORDER

THIS CAUSE came on for consideration as the result of an agreement between **NATIONWIDE PROPERTY AND CASUALTY INSURANCE COMPANY**, hereinafter referred to as **NATIONWIDE PROPERTY AND CASUALTY**, 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. **NATIONWIDE PROPERTY AND CASUALTY** 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 **NATIONWIDE PROPERTY AND CASUALTY** 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 **NATIONWIDE PROPERTY AND CASUALTY** 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. Private Passenger Automobile

1. Section 627.727, F.S.-Failure to Offer/Obtain/Maintain Signed UM Acceptance/Rejection Form.
2. Section 627.0653, F.S.-Failure to Provide Safety Device Discounts.

b. Commercial Automobile

1. Section 627.318, F.S.-Failure to Maintain Records.
2. Section 627.727, F.S.-Failure to Offer/Obtain/Maintain Signed UM Acceptance/Rejection Form.
3. Section 627.062, F.S.-Failure to Follow Filed Rate, Rating Schedule or Rating Rule-Incorrect Territories.
4. Section 627.062, F.S.-Failure to Follow Filed Rate, Rating Schedule or Rating Rule-Incorrect Classifications.
5. Section 627.062, F.S.-Failure to Follow Filed Rate, Rating Schedule or Rating Rule-Non-Fleet.

c. Commercial Package

1. Section 627.062, F.S.-Failure to Follow Filed Rate, Rating Schedule or Rating Rule-Ineligible Risk.

d. Cancellations/Nonrenewals

1. Section 627.7281, F.S.-Failure to Provide Timely Notice of Cancellation.
2. Section 627.736, F.S.-Failure to Comply with PIP DHSMV Notice Requirements.

4. The **DEPARTMENT** and **NATIONWIDE PROPERTY AND CASUALTY** expressly waive a hearing in this matter, the making of Findings of Fact and Conclusions of Law by the **DEPARTMENT**, and all other proceedings to which the parties may be entitled by law.

NATIONWIDE PROPERTY AND CASUALTY 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. For each violation noted in Paragraph 3, which was not corrected during the examination and verification provided to the **DEPARTMENT**, **NATIONWIDE PROPERTY AND CASUALTY** shall provide written documentation to the **DEPARTMENT** no later than May 20, 2001, detailing the corrective action taken in order to comply with Florida Statutes for each of the remaining violations noted in Paragraph 3. All pending refunds shall be completed within 60 days of the execution of the Consent Order and documentation provided to the **DEPARTMENT**.

6. **NATIONWIDE PROPERTY AND CASUALTY** agrees that upon the execution of this Consent Order it shall be subject to the following terms and conditions:

(a) **NATIONWIDE PROPERTY AND CASUALTY** shall pay an administrative penalty of \$100.00 and administrative costs of \$25.00 on or before the 30th day after this Consent Order is executed.

(b) **NATIONWIDE PROPERTY AND CASUALTY** 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.

(c) **NATIONWIDE PROPERTY AND CASUALTY** 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 **NATIONWIDE PROPERTY AND CASUALTY** may be deemed willful, subjecting **NATIONWIDE PROPERTY AND CASUALTY** to appropriate penalties.

7. **NATIONWIDE PROPERTY AND CASUALTY** 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 **NATIONWIDE PROPERTY AND CASUALTY** to such administrative action as the Treasurer and Insurance Commissioner may deem appropriate.

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

9. **THEREFORE**, the agreement between **NATIONWIDE PROPERTY AND CASUALTY 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 **NATIONWIDE PROPERTY AND CASUALTY
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.

**NATIONWIDE PROPERTY AND CASUALTY
INSURANCE COMPANY**

By: _____

Title: _____

Date: _____

COPIES FURNISHED TO:

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