



THE TREASURER OF THE STATE OF FLORIDA  
DEPARTMENT OF INSURANCE

TOM GALLAGHER

IN THE MATTER OF:

CASE NO.: 42290-01-CO

**ALLSTATE INDEMNITY 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 **ALLSTATE INDEMNITY COMPANY**, hereinafter referred to as **ALLSTATE INDEMNITY** 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 **DEPARTMENT** hereby finds as follows:

1. The **DEPARTMENT** has jurisdiction over the subject matter of, and parties to, this proceeding.

2. **ALLSTATE INDEMNITY** 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 **ALLSTATE INDEMNITY** 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 **ALLSTATE INDEMNITY** 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 partial listing of the citations noted on the Fine Worksheet includes but is not limited to:

a. Cancellations/Nonrenewals

1. Section 627.4091, F.S., Failure to Provide Specific Reason for Denial, Cancellation or Nonrenewal

b. Claims

1. Section 627.4137, F.S., Failure to Disclose Information.
2. Section 626.112, F.S., Use of Unlicensed and Unappointed Adjuster.
3. Section 817.234, F.S., Failure to Affix Fraud Statement to Claim Form or Application.
4. Section 627.743, F.S., Failure to Comply with Third-Party Claim Requirements.

4. The **DEPARTMENT** and **ALLSTATE INDEMNITY** 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. **ALLSTATE INDEMNITY** 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. **ALLSTATE INDEMNITY** agrees that upon the execution of this Consent Order it shall be subject to the following terms and conditions:

(a) **ALLSTATE INDEMNITY** shall pay an administrative penalty of \$750 and administrative costs of \$250 on or before the 30th day after this Consent Order is executed.

(b) **ALLSTATE INDEMNITY** 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) **ALLSTATE INDEMNITY** 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 **ALLSTATE INDEMNITY** may be deemed willful, subjecting **ALLSTATE INDEMNITY** to appropriate penalties.

6. **ALLSTATE INDEMNITY** 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 **ALLSTATE INDEMNITY** to such administrative action as the **DEPARTMENT** 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 **ALLSTATE INDEMNITY 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.

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**KEVIN MCCARTY**  
DEPUTY INSURANCE COMMISSIONER

By execution hereof **ALLSTATE INDEMNITY 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.

**ALLSTATE INDEMNITY COMPANY**

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

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

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

COPIES FURNISHED TO:

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