



FILED

APR 14 2023

INSURANCE REGULATION
Docketed by: ALB

OFFICE OF INSURANCE REGULATION

MICHAEL YAWORSKY
COMMISSIONER

IN THE MATTER OF:

CASE NO.: 308839-23-FO

CAPACITY INSURANCE COMPANY
_____ /

IMMEDIATE FINAL ORDER

TO: Andrew McGuire, Chief Executive Officer
Capacity Insurance Company
1300 Sawgrass Corporate Parkway, Suite 300
Sunrise, Florida 33323

THIS CAUSE came on for consideration by the FLORIDA OFFICE OF INSURANCE REGULATION (“OFFICE”) based on CAPACITY INSURANCE COMPANY’s (“CAPACITY”) failure to file its 2022 Annual Statement and on a request by CAPACITY for approval of a Plan of Runoff (“the Plan”). After a complete review of the entire record and upon consideration thereof, and otherwise being fully advised in the premises, the OFFICE hereby finds as follows:

INTRODUCTION

1. Section 624.01, Florida Statutes, provides that Chapters 624-632, 634, 635, 636, 641, 642, 648, and 651 constitute the “Florida Insurance Code.”
2. Section 20.121(3)(a)1, Florida Statutes, provides, in part, that the OFFICE shall be responsible for all activities concerning insurers and other risk bearing entities, including licensing, rates, policy forms, market conduct, and claims. The OFFICE is required to enforce the provisions of the Florida Insurance Code, pursuant to Section 627.307(1), Florida Statutes.
3. The OFFICE has jurisdiction over CAPACITY and the subject matter of this proceeding.

4. CAPACITY is a domestic property and casualty insurer authorized to transact insurance business in the state of Florida pursuant to a Certificate of Authority issued by the OFFICE, pursuant to Chapter 624, Part III, Florida Statutes.

5. CAPACITY was required to file its 2022 Annual Statement and other related documents and reports pursuant to Section 624.424, Florida Statutes ("Statement"), on or before March 1, 2023, with the OFFICE. As of the date of this Order, CAPACITY has yet to file its Statement.

6. On or about March 3, 2023, CAPACITY and the OFFICE entered into Consent Order Case Number 307008-23-CO (attached as Exhibit A), which placed CAPACITY into public administrative supervision and required, among other things, CAPACITY to file the Plan by March 13, 2023.

7. On March 13, 2023, CAPACITY filed the Plan with the OFFICE. The Plan was thereafter modified and amended on March 30, 2023, and again on April 10, 2023. The goal of the Plan, which includes a number of different elements, is to facilitate a solvent run off of the liabilities of CAPACITY and to wind down its affairs in an orderly fashion.

GROUND FOR IMMEDIATE SUSPENSION

8. Section 624.11(1), Florida Statutes, states that: "No person shall transact insurance in this state, or relative to a subject of insurance resident, located, or to be performed in this state, without complying with the applicable provisions of this code."

9. Section 624.04, Florida Statutes, defines "Person" to include an individual, insurer, company, association, organization, Lloyds, society, reciprocal insurer or interinsurance exchange, partnership, syndicate, business trust, corporation, agent, general agent, broker, services representative, adjuster, and every legal entity.

10. Section 624.418, Florida Statutes, provides:

(1) The office shall suspend or revoke an insurer's certificate of authority if it finds that the insurer:

- (a) Is in unsound financial condition.
- (b) Is using such methods and practices in the conduct of its business as to render its further transaction of insurance in this state hazardous or injurious to its policyholders or to the public.
- (c) Has failed to pay any final judgment rendered against it in this state within 60 days after the judgment became final.
- (d) No longer meets the requirements for the authority originally granted.

(2) The office may, in its discretion, suspend or revoke the certificate of authority of an insurer if it finds that the insurer:

- (a) Has violated any lawful order or rule of the office or commission or any provision of this code.
- (b) Has refused to be examined or to produce its accounts, records, and files for examination, or if any of its officers have refused to give information with respect to its affairs or to perform any other legal obligation as to such examination, when required by the office.
- (c) Has for any line, class, or combination thereof, with such frequency as to indicate its general business practice in this state, without just cause:
 - 1. Refused to pay proper claims arising under its policies, whether any such claim is in favor of an insured or is in favor of a third person with respect to the liability of an insured to such third person, or without just cause compels such insureds or claimants to accept less than the amount due them or to employ attorneys or to bring suit against the insurer or such an insured to secure full payment or settlement of such claims; or
 - 2. Compelled insureds to participate in appraisal under a property insurance policy in order to secure full payment or settlement of such claims.
- (d) Is affiliated with and under the same general management or interlocking directorate or ownership as another insurer which transacts direct insurance in this state without having a certificate of authority therefor, except as permitted as to surplus lines insurers under part VIII of chapter 626.
- (e) Has been convicted of, or entered a plea of guilty or nolo contendere to, a felony relating to the transaction of insurance, in this state or in any other state, without regard to whether adjudication was withheld.

(f) Has a ratio of net premiums written to surplus as to policyholders that exceeds 4 to 1, and the office has reason to believe that the financial condition of the insurer endangers the interests of the policyholders. The ratio of net premiums written to surplus as to policyholders shall be on an annualized actual or projected basis. The ratio shall be based on the insurer's current calendar year activities and experience to date or the insurer's previous calendar year activities and experience, or both, and shall be calculated to represent a 12-month period. However, the provisions of this paragraph do not apply to any insurance or insurer exempted from s. 624.4095.

(g) Is under suspension or revocation in another state.

(3) The insolvency or impairment of an insurer constitutes an immediate serious danger to the public health, safety, or welfare; and the office may, at its discretion, without prior notice and the opportunity for hearing immediately suspend the certificate of authority of an insurer upon a determination that:

(a) The insurer is impaired or insolvent; or

(b) Receivership, conservatorship, rehabilitation, or other delinquency proceedings have been initiated against the insurer by the public insurance supervisory official of any state.

11. Section 624.424(1) , Florida Statutes, provides, in part, that

(a) Each authorized insurer shall file with the OFFICE full and true statements of its financial condition, transactions, and affairs. An annual statement covering the preceding calendar year shall be filed on or before March 1, and quarterly statements covering the periods ending on March 31, June 30, and September 30 shall be filed within 45 days after each such date...

(b) Each insurer's annual statement must contain:

1. A statement of opinion on loss and loss adjustment expense reserves...

2. An actuarial opinion summary written by the insurer's appointed actuary...

12. CAPACITY is in violation of Section 624.424(1), Florida Statutes, by not filing its Statement with the OFFICE as of the date of this Order.

13. Section 628.801, Florida Statutes, provides, in part, that an insurer that is authorized to do business in Florida and is a member of an insurance holding company, shall, on or before April 1 of each year, register with the office and file a registration statement and be subject to regulation with respect to its relationship to the holding company as provided by law or rule...

14. CAPACITY was required to file its 2022 Holding Company Registration Statement with the OFFICE by April 1, 2023, pursuant to Section 628.801, Florida Statutes. CAPACITY has yet to file its 2022 Holding Company Registration Statement with the OFFICE as of the date of this Order.

15. The Plan represents that it will not be able to place catastrophe reinsurance for the 2023 Hurricane Season.

16. CAPACITY is impaired as of November 30, 2022, as reported on its November monthly financial statement, which was due on December 31, 2022, but filed with the OFFICE on January 29, 2023.

17. Proper regulation of the business of insurance is essential to protecting policyholders and the public welfare, and therefore, it is imperative that insurers freely and timely provide all records as required by law. Section 624.307(1), Florida Statutes, setting forth the powers and duties of the OFFICE, provides that the OFFICE shall enforce the provisions of the Florida Insurance Code and shall execute the duties imposed upon it by the Code. CAPACITY's continued delays in providing required financial documents to the OFFICE clearly evidence a continuing attempt to improperly subvert, manipulate, and undermine the regulatory process, and such actions evidence a lack of trustworthiness on the part of CAPACITY's management, officers, and directors.

ELEMENTS OF THE PLAN OF RUNOFF

18. The Plan submitted by CAPACITY included three-year pro forma financial projections for 2023 through 2025. The Plan projects that CAPACITY's surplus will remain positive throughout the runoff but anticipates a continued impairment of surplus.

19. The duration of the runoff is likely to extend beyond the end of 2024. The Plan indicates that CAPACITY intends to manage and fund its losses and loss adjustment expenses during the runoff by transferring responsibility for certain operating expenses to the parent company, by

waiver and/or forgiveness of intercompany liabilities related to administrative support, and through other sources which CAPACITY projects will provide sufficient liquidity to manage the runoff. CAPACITY represents that, to the extent necessary, its parent Focus Insurance Corp (“Focus”), guarantees to provide additional funds in the form of cash, cash equivalents, or readily marketable securities to CAPACITY (*e.g.*, via cash contribution, surplus note, debt or fee forgiveness, etc.), as needed. In order to ensure adequate funding for claims, Focus guarantees to contribute up to \$750,000 in additional capital to CAPACITY, should CAPACITY’s financial liquidity fall below the level that is necessary to cover its claims obligations.

20. According to the Plan as filed with the OFFICE, CAPACITY will be unable to secure reinsurance commitments for the 2023 Hurricane Season. The Plan therefore assumes that CAPACITY will have no policies in force for the 2023 Hurricane Season. The Plan contemplates cancellation of all policies remaining in force prior to the 2023 Hurricane Season, with 45 days’ notice.

21. CAPACITY’s pro forma financial projections for 2023 include representation that all unearned premiums for policies to be canceled, will be returned to all affected policyholders.

CONDITIONS FOR APPROVAL OF THE PLAN

22. The OFFICE has reviewed the Plan, the projections provided in support of the Plan, the assumptions used in the Plan, the representations provided by CAPACITY as well as the factors that may materially affect the success of the Plan. The OFFICE finds that the Plan provides a reasonable basis to support an orderly and solvent runoff, with the following stipulations.

23. CAPACITY’s Certificate of Authority shall be immediately suspended.

24. CAPACITY shall remain in public Administrative Supervision for the duration of the runoff pursuant to the provisions of Consent Order Case Number 307008-23-CO.

25. CAPACITY shall file its Statement with the OFFICE within five (5) business days of

the filing of this Order.

26. CAPACITY shall continue to be required to file monthly financial statements, due the last day of the month following the reporting month.

27. During the duration of its runoff, CAPACITY shall file with the OFFICE by December 31 of the preceding year, an annual cash flow and surplus projections report with monthly detailed breakdowns for the following year.

28. The OFFICE finds, based on the fact that CAPACITY will be unable to procure reinsurance for the 2023 Hurricane Season, that the early cancellation of policies is necessary to protect the best interests of policyholders and the public and is authorized by Section 624.4133(1)(b), Florida Statutes, with the required 45 days' notice.

29. CAPACITY must have qualified and trained staff available to respond to policyholder inquiries about the cancellation and must provide to the OFFICE its customer service script for review and approval.

30. CAPACITY must adhere to the representations made to the OFFICE in the Plan for early cancellation. CAPACITY's representations are material to the issuance of this Order.

31. CAPACITY must issue unearned premium payments to policyholders by no later than one business day following the effective date of the cancellation.

32. CAPACITY must actively facilitate the placement of its policies with other insurers in the market by:

- a. Assisting in the replacement of these policies with its agency force; and
- b. Promptly posting or providing its policy level data to insurers within 3 calendar days of the execution of a non-disclosure agreement.

GENERAL TERMS

33. CAPACITY shall inform its agents and all other agents through which it has transacted insurance in Florida, immediately, that it cannot write any business in Florida.

34. CAPACITY shall provide the OFFICE a copy of the notice sent to all of its Florida agents, alerting them to this action, together with a written statement averring that such notice was transmitted to all such agents immediately. Such written statement shall be signed by a company officer or director and shall state that it is proffered to the OFFICE under Section 624.310, Florida Statutes. The notice shall be delivered to the OFFICE no later than April 20, 2023.

35. CAPACITY shall continue to administer and service all existing insurance policies issued in Florida in accordance with the insurance policies' provisions and the Florida Insurance Code.

36. CAPACITY shall continue to file with the OFFICE all documents and information and pay all fees and taxes as if the Certificate of Authority had continued in full force pursuant to Section 624.421(2), Florida Statutes.

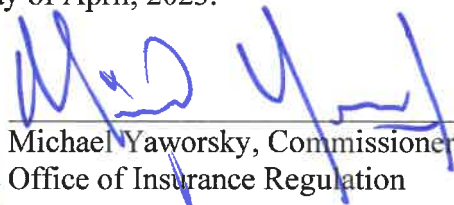
37. CAPACITY shall honor all current and future claims arising from policies currently issued in Florida as well as all other obligations and liabilities which have or may arise from its past and current operations in Florida.

38. Any prior orders, consent orders, or corrective action plans that CAPACITY has entered into with the OFFICE prior to the issuance of this Order shall apply and remain in full force and effect for CAPACITY, except where provisions of such orders, consent orders, or corrective action plans have expired; have been superseded by subsequent orders, consent orders, or corrective action plans; or are inconsistent with this Order.

WHEREFORE, pursuant to Part VI of Chapter 624, Florida Statutes, and Section 120.569(2)(n), Florida Statutes, the OFFICE finds that CAPACITY INSURANCE COMPANY's failure to file its 2022 Annual Financial Statement and 2022 Holding Company Registration Statement and its current financial impairment or insolvency constitute an immediate danger to the public welfare so as to require the issuance of this Immediate Final Order to CAPACITY INSURANCE COMPANY suspending CAPACITY INSURANCE COMPANY's Certificate of Authority and approving CAPACITY INSURANCE COMPANY's Plan of Runoff, which includes its request to cancel all of its policies with 45 days' notice. All terms and conditions are hereby ORDERED.

DONE and ORDERED this 14th day of April, 2023.





Michael Yaworsky, Commissioner
Office of Insurance Regulation

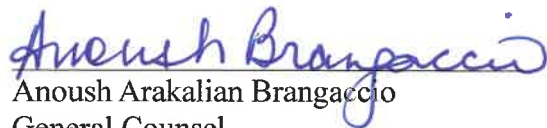
NOTICE OF RIGHTS

Any party adversely affected by this final order may seek judicial review as provided in Section 120.68, Florida Statutes, and Florida Rule of Appellate Procedure 9.190. Judicial review is instituted by filing a notice of appeal with the Agency Clerk, and a copy of the notice of appeal, accompanied by the filing fee, with the appropriate District Court of Appeal. The notice of appeal must conform to the requirements of Florida Rule of Appellate Procedure 9.110(d) and must be filed (i.e., received by the Agency Clerk) within thirty (30) days of rendition of this final order.

Filing with the Office's Agency Clerk may be accomplished by U.S. Mail, express overnight delivery, or hand delivery. Facsimile transmissions and electronic filings are not accepted. The address for delivery is Anoush Arakalian Brangaccio, General Counsel, Office of Insurance Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-4206.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of this IMMEDIATE FINAL ORDER was sent by U.S. Certified Mail, Return Receipt Requested, to Andrew McGuire, Chief Executive Officer, Capacity Insurance Company, 1300 Sawgrass Corporate Parkway, Suite 300, Sunrise, Florida 33323 and by Email: amcguire@peak6.com, Fred Karlinsky, Esquire, Greenberg Traurig, P.A., by Email: karlinskyf@gtlaw.com, and Christian Brito, Esquire, Greenberg Traurig, P.A., by Email: Christian.Brito@gtlaw.com, this 14th day April, 2023.



Anoush Arakalian Brangaccio
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FILED

MAR 3 2023

INSURANCE REGULATION
Docketed by: AG

OFFICE OF INSURANCE REGULATION

MICHAEL YAWORSKY
INTERIM COMMISSIONER

IN THE MATTER OF:

CASE NO.: 307008-23-CO

CAPACITY INSURANCE COMPANY
_____ /

CONSENT ORDER FOR PUBLIC ADMINISTRATIVE SUPERVISION

THIS CAUSE came on for consideration upon review of the financial condition of CAPACITY INSURANCE COMPANY ("CAPACITY") by the FLORIDA OFFICE OF INSURANCE REGULATION ("OFFICE"). After a complete review of the entire record, and upon consideration thereof, and otherwise being fully advised in the premises, the OFFICE hereby finds as follows:

1. The OFFICE has jurisdiction over the subject matter and the parties herein.
2. CAPACITY is a domestic property and casualty insurer authorized to transact insurance business in the state of Florida pursuant to a Certificate of Authority issued by the OFFICE, pursuant to Chapter 624, Part III, Florida Statutes.
3. On or about October 7, 2022, CAPACITY began sending notices of nonrenewal to its existing book of business due uncertainty in the Florida property insurance marketplace, unacceptable financial results, and the substantial increase in the cost of reinsurance.
4. On or about January 15, 2023, CAPACITY notified the OFFICE that it would not be able to maintain the statutorily required surplus and would likely be filing an impaired financial

statement for year end 2022, due to be filed on March 1, 2023, but represented it would be able to effectuate a solvent run-off of its remaining liabilities.

5. The OFFICE has determined that grounds exist for CAPACITY to be placed in administrative supervision for the purpose of effectuating an orderly wind-down of its remaining liabilities, safeguarding its assets and protecting the interests of policyholders, claimants, and the public.

6. CAPACITY has been cooperative with the OFFICE and agrees to be placed under administrative supervision for a period of 120 days from the date of execution of this Consent Order and to be subject to the provisions of Sections 624.80-.87, Florida Statutes, as if an order were issued by the OFFICE. Such administrative supervision may be extended in 60-day increments at the OFFICE's sole discretion for as long as is necessary for the company to effectuate a smooth transition and orderly wind-down of its remaining policies and liabilities. All terms of the transition and wind-down of business are to be included in a Runoff Plan ("Plan"), which is subject to the OFFICE's approval.

7. The date by which CAPACITY must file its Plan with the OFFICE is hereby extended to the close of business on March 13, 2023. The Plan must include, but is not limited to, the following:

a. A demonstration in sufficient detail of CAPACITY's ability to fund its operations in amounts sufficient to pay all policyholder claims and provide for the payment of other liabilities as they become due;

b. A demonstration that all policies currently in force are covered by reinsurance or a plan to otherwise place the policies with another insurer;

c. A schedule of all outstanding claims to include date of loss, initial reserve amount, and current reserve amount as of February 28, 2023, and such further claim information as may be requested by the OFFICE;

d. A demonstration that all risks in place on May 31, 2023, would be covered by reinsurance or otherwise divested by May 31, 2023; and

e. Such other information as the OFFICE requested in its letters to CAPACITY dated January 20, 2023, and February 17, 2023.

8. CAPACITY will remain in administrative supervision for the purpose of implementing its Plan.

9. CAPACITY may not conduct the following activities during the period of supervision, without prior approval by the Office, as set forth in Section 624.83, Florida Statutes:

- a. Dispose of, convey, or encumber any of its assets or its business in force;
- b. Withdraw any of its bank accounts;
- c. Lend any of its funds;
- d. Invest any of its funds;
- e. Transfer any of its property;
- f. Incur any debt, obligation, or liability;
- g. Merge or consolidate with another company;
- h. Enter into any new reinsurance contract or treaty;
- i. Terminate, surrender, forfeit, convert, or lapse any insurance policy, certificate, or contract of insurance, except for nonpayment of premiums due;
- j. Release, pay, or refund premium deposits, accrued cash or loan values, or other reserves on any insurance policy or certificate, with the exception of refunds of unearned premiums resulting from cancellations requested by a policyholder; or
- k. Make any material change in management.

10. CAPACITY hereby knowingly and voluntarily waives the requirement of written notice under Section 624.81(1), Florida Statutes, and therefore agrees that any timelines outlined in

this Consent Order will be binding, notwithstanding any timelines provided for in Section 624.81, Florida Statutes.

11. CAPACITY is not currently writing new business and may only renew policies where required by statute.

12. CAPACITY shall not enter into any new or amend any existing agreements with any affiliate(s), as defined in Section 631.011(1), Florida Statutes, without prior written consent of the OFFICE.

13. CAPACITY shall not waste assets or expend funds in excess of \$10,000, other than in the ordinary course of business, without the prior written consent of the OFFICE. If, after approval of a transaction over \$10,000 has been granted by the OFFICE, the OFFICE becomes aware of additional facts or circumstances that materially affect such approval, the OFFICE reserves the right to require such corrective action as it may deem necessary or advisable. Transactions in the ordinary course of business shall include, but not be limited to, payment of claims, or settlement of disputed or litigated claims. CAPACITY need not obtain prior written approval for payment of claims, or settlement of disputed or litigated claims over the amount of \$10,000; however, the OFFICE may retrospectively review such payments.

14. Within five business days of execution of this Consent Order, CAPACITY shall provide a list of any known pending litigation in which CAPACITY is named as a party. CAPACITY agrees to provide the OFFICE an updated list on a monthly basis.

15. The OFFICE may appoint a Deputy Supervisor pursuant to Section 624.87, Florida Statutes. Such Deputy Supervisor shall represent the OFFICE and shall be under the control of the OFFICE.

16. CAPACITY shall be responsible for administrative supervision expenses pursuant to Section 624.87, Florida Statutes, unless CAPACITY shows that payment of administrative

supervision expenses will have an adverse impact on its financial condition and jeopardize its rehabilitation. Otherwise, CAPACITY shall reimburse the OFFICE for any reasonable expenses of supervision and will pay directly all contractors, including any Deputy Supervisor retained by the OFFICE, for assistance with the administrative supervision.

17. CAPACITY agrees that the OFFICE and the Department of Financial Services (hereinafter referred to as the "Department") may have examiners or other designees present at the offices of CAPACITY to obtain independent information. Further, the OFFICE may have examiners or other designees to supervise activities, verify transactions, verify the conditions and status of CAPACITY and its progress in developing and complying with its Plan, and perform any other duty as designated by the OFFICE. CAPACITY shall cooperate with and facilitate the presence and work of such examiners or designees.

18. Administrative supervision is confidential as provided in Section 624.82, Florida Statutes, unless otherwise specified within that statute. The OFFICE finds, and CAPACITY agrees, that it is in the best interest of its policyholders and the public to make this Consent Order public pursuant to Section 624.82(4), Florida Statutes. This finding does not affect the confidentiality of any other orders, notices, correspondence, reports, records, or other information in the possession of the OFFICE relating to the administrative supervision of CAPACITY, including the Plan, which will remain confidential pursuant to Section 624.82(1), Florida Statutes.

19. CAPACITY affirms that all explanations, representations, statements, and documents provided to the OFFICE in connection with this Consent Order including all attachments and supplements thereto, are true and correct and are material to the issuance of this Consent Order.

20. CAPACITY expressly waives its rights to 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 it may be entitled by law or rules of the OFFICE. CAPACITY hereby knowingly and

voluntarily waives all rights to challenge or contest this Consent Order in any forum available to it, now or in the future, including the rights to any administrative proceeding, state or federal court action, or any appeal.

21. CAPACITY acknowledges that the execution of this Consent Order does not prohibit other administrative action upon the Certificate of Authority of CAPACITY deemed appropriate by the OFFICE in accordance the Florida Insurance Code or with Sections 120.569(2)(n), 120.60(6), and 631.031, Florida Statutes.

22. Any prior Orders of the OFFICE, Consent Orders, or corrective action plans that CAPACITY has entered into with the OFFICE prior to the issuance of this Consent Order, shall remain in full force and effect for CAPACITY, except where provisions of such Orders, Consent Orders, or corrective action plans have expired; have been superseded by subsequent Orders, Consent Orders, or corrective action plans; or are inconsistent with this Consent Order.

23. Any deadlines, reporting requirements, other provisions, or requirements set forth in this Consent Order may be altered or terminated by written approval of the OFFICE. Such written approval by the OFFICE is subject to statutory or administrative regulation limitations.

24. CAPACITY agrees that it has entered into this Consent Order voluntarily, without coercion from the OFFICE, or any agent, employee, or designee of the OFFICE, and that CAPACITY has obtained legal counsel prior to entering into this Consent Order.

25. The parties agree that this Consent Order shall be deemed to be executed when the OFFICE has signed and docketed a copy of this Consent Order bearing the signature of CAPACITY or its authorized representative, notwithstanding the fact that the copy may have been transmitted to the OFFICE electronically. Further, CAPACITY agrees that its signature, as affixed to this Consent Order, shall be under the seal of a Notary Public.

WHEREFORE, the agreement between CAPACITY INSURANCE COMPANY and the OFFICE, the terms and conditions of which are set forth above, is APPROVED. FURTHER, all terms and conditions contained herein to place CAPACITY INSURANCE COMPANY in administrative supervision are hereby ORDERED. FURTHER, all terms and conditions contained herein are hereby ORDERED.

DONE and ORDERED this 3rd day of March 2023.




Michael Kaworsky, Interim Commissioner
Office of Insurance Regulation

By execution hereof, CAPACITY INSURANCE COMPANY consents to entry of this Consent Order, agrees without reservation to all of the above terms and conditions, and shall be bound by all provisions herein. The undersigned represents that he or she has the authority to bind CAPACITY INSURANCE COMPANY to the terms and conditions of this Consent Order. The undersigned also certifies that he or she has provided the signature below voluntarily and without coercion, based upon the assistance of legal counsel for CAPACITY INSURANCE COMPANY.

CAPACITY INSURANCE COMPANY

By: Andrew McGuire

Print Name: Andrew McGuire

Title: CEO

Date: 03/03/2023

STATE OF Florida

COUNTY OF Miami-Dade

The foregoing affidavit was sworn to and subscribed before me this 3 day of March, 2023,

by Andrew McGuire as CEO
(Name of person) (Type of authority...e.g. officer, trustee attorney in fact)

for Capacity Insurance Company
(Company name)

Elizabeth Collazo

(Signature of notary)

Elizabeth Collazo

(Print, Type, or Stamp Commissioned Name of Notary)



Personally Known _____ OR Produced Identification Driver's License

Type of identification produced _____

My Commission Expires June 27, 2023

COPIES FURNISHED TO:

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