



FILED

DEC 07 2023

INSURANCE REGULATION
Docketed by: EL

OFFICE OF INSURANCE REGULATION

MICHAEL YAWORSKY
COMMISSIONER

IN THE MATTER OF:

CASE NO.: 315326-23

AFCO PREMIUM CREDIT, LLC
_____ /

CONSENT ORDER

THIS CAUSE came on for consideration as the result of AFCO PREMIUM CREDIT, LLC's ("AFCO PREMIUM") violation of one or more provisions of the Florida Insurance Code as outlined in their 2023 Market Conduct Examination conducted by the FLORIDA OFFICE OF INSURANCE REGULATION ("OIR"). Following a complete review of the entire record, and upon consideration thereof, and being otherwise fully advised in the premises, OIR hereby finds as follows:

1. The OIR has jurisdiction over the subject matter and the parties herein. AFCO PREMIUM is a premium finance company authorized to transact business in Florida and subject to regulation by the OFFICE, pursuant to the Florida Insurance Code.
2. On or about August 9, 2023, OIR conducted a market conduct examination of AFCO PREMIUM.
3. OIR documented the following violation of the Florida Insurance Code:
4. Section 627.828(1), Florida Statutes, requires each licensee to maintain a net worth of at least of \$35,000, or to file a surety bond with the OIR or other acceptable collateral in the amount of \$35,000 if the licensee has a net worth of \$10,000.

5. OIR documented that AFCO PREMIUM filed its 2021 annual report on February 15, 2022, and reported a net worth of (-\$5,001.00).

6. Contained within the 2021 annual report was a response to Interrogatories Question #21 (Statutory Net Worth) wherein AFCO PREMIUM self-reported that the minimum capitalization requirement under Florida Statutes, Section 627.828(1) had not been met (as of 12/31/22) and that it would immediately correct this violation by March 31, 2022.

7. As of January 31, 2022, AFCO PREMIUM did satisfy the minimum capitalization requirement set forth under Florida Statutes, Section 627.828(1).

8. Notwithstanding, based on the foregoing, AFCO PREMIUM has violated Section 627.828(1), Florida Statutes, by failing to maintain a net worth of at least \$35,000, and/or by failing to maintain a surety bond or other acceptable collateral of at least \$35,000 and maintain a net worth of \$10,000.

9. Section 627.832(1)(b), Florida Statutes, provides that OIR may deny, suspend, revoke, or refuse to renew any license if it finds that the licensee has violated any provision of this part or any rule of the commission.

10. Section 627.833, Florida Statutes, provides that if OIR finds that one or more grounds exist for the discretionary revocation or suspension of a license issued under Chapter 627, Florida Statutes, OIR may, in lieu of such revocation or suspension, impose a fine upon the premium finance company.

11. The OIR finds that AFCO PREMIUM has violated Section 627.828(1), Florida Statutes.

12. AFCO PREMIUM agrees that within 10 days of the execution of this Consent Order, AFCO PREMIUM shall pay an administrative fine in the amount of \$100.00 U.S. Dollars

("USD) to the OIR. AFCO PREMIUM shall send its payment to the address reflected on the invoice attached hereto as "Exhibit A."

13. Any deadlines, reporting requirements, other provisions, or requirements set forth in this Consent Order may be altered or terminated by written approval of OIR. Such approval must be requested in writing prior to any proposed deviation from the terms of this Consent Order.

14. AFCO PREMIUM agrees that, upon execution of this Consent Order, failure to adhere to one or more of the terms and conditions contained herein may result, without further proceedings, in OIR suspending, revoking, or taking other administrative action as it deems appropriate upon AFCO PREMIUM's license in this state in accordance with Sections 120.569(2)(n) and 120.60(6), Florida Statutes.

15. AFCO PREMIUM additionally agrees that, upon execution of this Consent Order, failure to adhere to one or more of the terms and conditions contained herein may subject AFCO PREMIUM to such administrative action as OIR deems appropriate as specifically authorized by law.

16. AFCO PREMIUM additionally agrees that any future violations of the statutes or rules named herein may be subject to penalties as OIR deems appropriate..

17. AFCO PREMIUM expressly waives a hearing in this matter, the making of findings of fact and conclusions of law by OIR, and all further and other proceedings herein to which it may be entitled by law or rules of OIR. AFCO PREMIUM hereby knowingly and voluntarily waives all rights to challenge or to contest this Consent Order in any forum available to it, now or in the future, including the right to any administrative proceeding, state or federal court action, or any appeal.

18. Except as noted above, each party to this action shall bear its own costs.

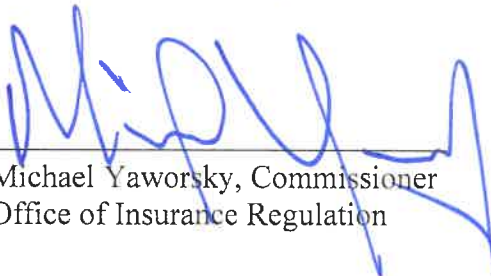
19. The parties agree that this Consent Order shall be deemed to be executed when the OIR has signed and docketed a copy of this Consent Order bearing the notarized signature of the authorized representative of AFCO PREMIUM.

WHEREFORE, the agreement between AFCO PREMIUM CREDIT, LLC and the FLORIDA OFFICE OF INSURANCE REGULATION, the terms and conditions of which are set forth above, is APPROVED.

All terms and conditions contained herein are hereby ORDERED.

DONE AND ORDERED this 7th day of December, 2023.




Michael Yaworsky, Commissioner
Office of Insurance Regulation

By execution hereof, AFCO PREMIUM CREDIT, LLC consents to entry of this Consent Order, agrees without reservation to all the above terms and conditions, and shall be bound by all provisions herein. The undersigned represents that they have the authority to bind AFCO PREMIUM CREDIT, LLC to the terms and conditions of this Consent Order.

AFCO PREMIUM CREDIT, LLC

By: Marc R. Milano

[Corporate Seal]

Print Name: Marc R. Milano

Title: Senior Vice President & Secretary

Date: December 1, 2023

STATE OF Pennsylvania

COUNTY OF Allegheny

The foregoing instrument was acknowledged before me by means of physical presence

or online notarization, this 1st day of December 2023, by Marc R. Milano

as Officer for AFCO Premium Credit LLC.
(type of authority: e.g., officer, trustee, attorney in fact) (name of person) (company name)

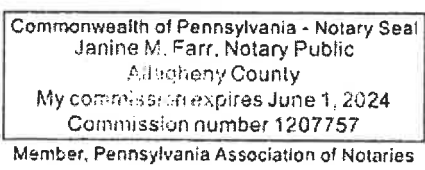
Janine M Farr
(Signature of the Notary)

Janine M Farr
(Print, Type or Stamp Commissioned Name of Notary)

Personally Known OR Produced Identification

Type of Identification Produced —

My Commission Expires 06-01-2024



COPIES FURNISHED TO:

MR. ROBERT A. PINKERTON
PRESIDENT C/O

MS. KRISTIN WINTERS

VICE PRESIDENT PREMIUM FINANCE SENIOR RISK MANAGER

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ALEX MAY, IV

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