



**FILED**

JUL 21 2023

INSURANCE REGULATION  
Docketed by: HC

**OFFICE OF INSURANCE REGULATION**

**MICHAEL YAWORSKY**  
COMMISSIONER

IN THE MATTER OF:

CASE NO.: 311118-23

CLASSICPLAN PREMIUM FINANCING, INC.

CONSENT ORDER

THIS CAUSE came on for consideration as the result of CLASSICPLAN PREMIUM FINANCING, INC.'s, ("CLASSICPLAN") violation of one or more provisions of the Florida Insurance Code as outlined in their 2022 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, the OIR hereby finds as follows:

1. The OIR has jurisdiction over the subject matter and the parties herein. CLASSICPLAN is a premium finance company authorized to transact business in Florida and subject to regulation by the OIR, pursuant to the Florida Insurance Code.

2. On or about April 25, 2023, the OIR conducted a market conduct examination of CLASSICPLAN.

3. The OIR documented the following violations of the Florida Insurance Code by CLASSICPLAN:

- a. Assessed a service charge exceeding \$20 more than once in a 12-month period (Section 627.840(3)(b), Florida Statutes); and

b. Failure to timely issue a refund after insured's account has been overpaid

(Section 627.848(1)(e), Florida Statutes).

4. Section 627.840(3)(b), Florida Statutes, provides that premium finance companies are authorized to assess a service charge of a maximum of \$12 per \$100 per year plus an additional charge not exceeding \$20, but that such additional charge may be charged only once in a 12-month period for any one customer.

5. In twenty-six (26) instances, the OIR documented that CLASSICPLAN assessed a service charge exceeding the maximum amount permitted by Section 627.840(3)(b), Florida Statutes.

6. Section 627.848(1)(e), Florida Statutes, provides that, whenever a financed insurance contract is canceled, a premium finance company shall, within 15 days after an account has been overpaid, either refund to the insured for the insured's benefit any refund due on his or her account or, if the refund is sent or credited to the agent, return or credit to the agent the amount of the overpayment and notify the insured of the refunded amount.

7. In eleven (11) instances, the OIR documented that CLASSICPLAN failed to timely issue a refund after an insured's account was overpaid.

8. Section 627.832(1)(b), Florida Statutes, provides that the OIR may deny, suspend, revoke, or refuse to renew any license if it finds that the licensee has violated any provision of Chapter 627, Part XV; or any rule of the commission.

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

10. The OIR finds that CLASSICPLAN has violated Sections 627.840(3)(b) and 627.848(1)(e), Florida Statutes.

11. CLASSICPLAN agrees that within 10 days of the execution of this Consent Order, CLASSICPLAN shall pay an administrative fine in the amount of \$3,700 U.S. Dollars ("USD") and administrative costs in the amount of \$1,000 USD to the OIR. CLASSICPLAN shall send its payment to the address reflected on the invoice attached hereto as "Exhibit A."

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

13. CLASSICPLAN 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 the OIR suspending, revoking, or taking other administrative action as it deems appropriate upon CLASSICPLAN's license in this state in accordance with Sections 120.569(2)(n) and 120.60(6), Florida Statutes.

14. CLASSICPLAN additionally agrees that, upon execution of this Consent Order, failure to adhere to one or more of the terms and conditions contained herein may be considered willful and may subject CLASSICPLAN to appropriate penalties and fines.

15. CLASSICPLAN additionally agrees that any future violations of the statutes or rules named herein may be deemed willful, subjecting CLASSICPLAN to penalties as the OIR deems appropriate.

16. CLASSICPLAN expressly waives a hearing in this matter, the making of findings of fact and conclusions of law by the OIR, and all further and other proceedings herein to which it may be entitled by law or rules of the OIR. CLASSICPLAN 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.

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

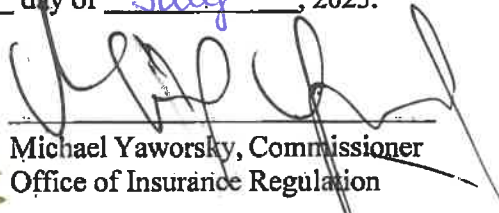
18. The parties agree that this Consent Order shall be deemed to be executed when the OIR has signed and docketed a copy of this Consent Order bearing the notarized signature of the authorized representative of CLASSICPLAN.

WHEREFORE, this Consent Order between CLASSICPLAN PREMIUM FINANCING, INC., 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 21<sup>st</sup> day of July, 2023.



  
Michael Yaworsky, Commissioner  
Office of Insurance Regulation

By execution hereof, CLASSICPLAN PREMIUM FINANCING, INC., 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 CLASSICPLAN PREMIUM FINANCING, INC., to the terms and conditions of this Consent Order.

CLASSICPLAN PREMIUM FINANCING, INC.

By: [Signature]

Print Name: James Walski

Title: President

Date: 7/19/23

STATE OF CALIFORNIA

COUNTY OF SAN BERNARDINO

The foregoing instrument was acknowledged before me by means of  physical presence or  online notarization, this \_\_\_\_ day of \_\_\_\_\_ 2023, by \_\_\_\_\_ (name of person) as \_\_\_\_\_ for \_\_\_\_\_ (type of authority: e.g., officer, trustee, attorney-in-fact) (company name)

**See Attached  
Notary Form**

\_\_\_\_\_  
(Signature of the Notary)

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

Personally Known \_\_\_\_\_ OR Produced Identification X

Type of Identification Produced California Driver License

My Commission Expires Apr. 18, 2027

# California Acknowledgment Form

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California  
County of San Bernardino } ss.

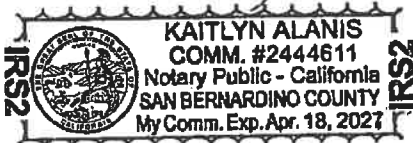
On July 19, 2023 before me, Kaitlyn Alanis, Notary Public  
(here insert name and title of the officer)  
personally appeared James Walski et al

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

Seal

WITNESS my hand and official seal.



Kaitlyn Alanis  
Signature of Notary

## Optional Information

To help prevent fraud, it is recommended that you provide information about the attached document below.  
\*\*\*This is not required under California State notary public law.\*\*\*

Document Title: Consent Order # of Pages: 7

Notes

**COPIES FURNISHED TO:**

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**PRESIDENT**  
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