



FILED

JUN 05 2023

INSURANCE REGULATION
Docketed by: 99

OFFICE OF INSURANCE REGULATION

MICHAEL YAWORSKY
COMMISSIONER

IN THE MATTER OF:

CASE NO.: 309611-23

FIRST AMERICAN PROPERTY & CASUALTY INSURANCE COMPANY

CONSENT ORDER

THIS CAUSE came on for consideration as the result of FIRST AMERICAN PROPERTY & CASUALTY INSURANCE COMPANY's ("FIRST AMERICAN P&C") failure to timely file its Property & Casualty Calendar Year ("PCCY") Experience Reporting data with the FLORIDA OFFICE OF INSURANCE REGULATION ("OIR") as required by Sections 627.915(2) and 627.915(5), Florida Statutes. 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. FIRST AMERICAN P&C is an insurer authorized to transact business in Florida and subject to regulation by the OIR, pursuant to the Florida Insurance Code.
2. Insurers were required to submit data for the annual PCCY Experience Reporting data to OIR by April 1, 2023.
3. Rule 690-171.008, Florida Administrative Code, requires each insurer that is authorized to transact fire, homeowner's, multiple peril, commercial multiple peril, product liability, workers' compensation, private passenger automobile liability, commercial automobile

liability, private passenger automobile physical damage, commercial automobile physical damage, directors' and officers', or other liability insurance to file Form OIR-D0-308, "Florida Property and Casualty Insurance Calendar Year Experience," with the OIR covering the preceding calendar year on or before April 1 of each year.

4. FIRST AMERICAN P&C failed to timely file its 2022 PCCY Experience Reporting data with the OIR, which was due on April 1, 2023.

5. On April 18, 2023, FIRST AMERICAN P&C filed its 2022 PCCY Experience Reporting data with the OIR.

6. Section 624.4211(1), Florida Statutes, provides that if the OIR finds that one or more grounds exist for the discretionary revocation or suspension of a certificate of authority issued under Chapter 624, Florida Statutes, the OIR may, in lieu of such revocation or suspension, impose a fine upon the insurer.

7. The OIR finds that FIRST AMERICAN P&C has violated Sections 627.915(2) and/or 627.915(5), Florida Statutes. The OIR deems the violation as non-willful warranting a fine in the amount of \$5,000 for the violation pursuant to Section 624.4211(2), Florida Statutes.

8. FIRST AMERICAN P&C agrees that within 10 days of the execution of this Consent Order, FIRST AMERICAN P&C shall pay an administrative fine in the amount of \$5,000 U.S. Dollars ("USD") and administrative costs of \$1,000 U.S. Dollars ("USD") to the OIR. FIRST AMERICAN P&C shall send its payment to the address reflected on the invoice attached hereto as "Exhibit A."

9. 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.

10. FIRST AMERICAN P&C 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 FIRST AMERICAN P&C's license in this state in accordance with Sections 120.569(2)(n) and 120.60(6), Florida Statutes.

11. FIRST AMERICAN P&C 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 FIRST AMERICAN P&C to appropriate penalties and fines.

12. FIRST AMERICAN P&C additionally agrees that any future violations of the statutes or rules named herein may subject FIRST AMERICAN P&C to penalties as OIR deems appropriate.

13. FIRST AMERICAN P&C 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. FIRST AMERICAN P&C 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.

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

15. 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 FIRST AMERICAN P&C.

WHEREFORE, the agreement between FIRST AMERICAN PROPERTY & CASUALTY INSURANCE COMPANY 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 5th day of June, 2023.




Michael Yaworsky, Commissioner
Office of Insurance Regulation

By execution hereof, FIRST AMERICAN PROPERTY & CASUALTY INSURANCE COMPANY, 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 FIRST AMERICAN PROPERTY & CASUALTY INSURANCE COMPANY, to the terms and conditions of this Consent Order.

FIRST AMERICAN PROPERTY & CASUALTY
INSURANCE COMPANY

By: Ramon Machado

[Corporate Seal]

Print Name: Ramon Machado

Title: President

Date: June 1, 2023

STATE OF _____

COUNTY OF _____

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)

(Signature of the Notary)

(Print, Type or Stamp Commissioned Name of Notary)

Personally Known _____ OR Produced Identification _____

Type of Identification Produced _____

My Commission Expires _____

**Please See Attached
California Compliant
Acknowledgment**

ACKNOWLEDGMENT

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 Orange

On June 1, 2023 before me, Susan Stromswold
(insert name and title of the officer)

personally appeared Ramon Machado,
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.

WITNESS my hand and official seal.

Signature *Susan Stromswold* (Seal)
Susan Stromswold



COPIES FURNISHED TO:

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