

FILED

SEP 23 2024

INSURANCE REGULATION
Docketed by: ke



OFFICE OF INSURANCE REGULATION

MICHAEL YAWORSKY
COMMISSIONER

INDEX: OIR 2024-115

CASE NO.: 400060-24-CO

IN THE MATTER OF:
PIE INSURANCE COMPANY (THE)

CONSENT ORDER

THIS CAUSE came for consideration as the result of PIE INSURANCE COMPANY (THE)'s, ("PIE INSURANCE") failure to timely file its Gross Annual Premium Enrollment ("GAP") Data Reporting form with the FLORIDA OFFICE OF INSURANCE REGULATION ("OIR") as required by section 627.9175(1), Florida Statutes, and Rule 69O-137.004, Florida Administrative Code. 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. PIE INSURANCE is an insurer authorized to transact business in Florida and subject to regulation by the OIR, pursuant to the Florida Insurance Code.
2. In January 2024, the OIR issued a data call notice for life and health GAP data reporting to each insurer required to submit a filing.
3. Insurers were required to submit GAP data by April 1, 2024.
4. Rule 69O-137.004, Florida Administrative Code, requires each insurer that issues health insurance policies in Florida to file Form OIR-B2-1094, "Report of Gross Annual Premiums and Enrollment Data for Health Benefit Plans Issued to Florida Residents", with the OIR covering the preceding calendar year on or before April 1.

5. PIE INSURANCE failed to timely submit its GAP data with the OIR, which was due on or before April 1, 2024.

6. On April 12, 2024, PIE INSURANCE submitted its GAP data with the OIR.

7. 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.

8. The OIR finds that PIE INSURANCE violated section 627.9175(1), and Rule 69O-137.004. The OIR deems the violation as non-willful warranting a fine in the amount of \$6,250 for the violation pursuant to section 624.4211(2), Florida Statutes.

9. PIE INSURANCE agrees that within 10 days of the execution of this Consent Order, PIE INSURANCE shall pay an administrative fine in the amount of \$6,250 U.S. Dollars (“USD”) and administrative costs of \$1,000 USD to the OIR.

10. 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.

11. PIE INSURANCE 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 PIE INSURANCE’s certificate of authority in this state in accordance with sections 120.569(2)(n) and 120.60(6), Florida Statutes.

12. PIE INSURANCE 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 PIE

INSURANCE to such administrative action as the OIR deems appropriate as specifically authorized by law.

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

14. PIE INSURANCE 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. PIE INSURANCE 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.

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

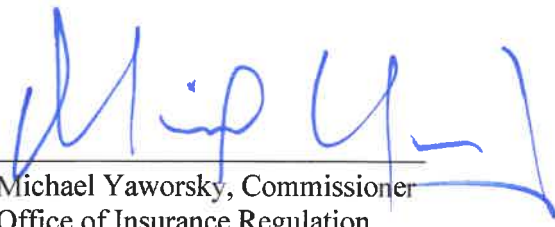
16. The parties agree that this Consent Order shall be deemed to be executed when the OIR has signed a copy of this Consent Order bearing the notarized signature of the authorized representative of PIE INSURANCE.

WHEREFORE, the agreement between PIE INSURANCE COMPANY (THE) 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 23rd day of September, 2024.




Michael Yaworsky, Commissioner
Office of Insurance Regulation

By execution hereof, PIE INSURANCE COMPANY (THE), 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 PIE INSURANCE COMPANY (THE), to the terms and conditions of this Consent Order.

PIE INSURANCE COMPANY (THE)

By: Audra Foglietta

[Corporate Seal]

Print Name: Audra Foglietta

Title: CFO

Date: 9/13/2024

STATE OF NEW YORK

COUNTY OF SUFFOLK

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

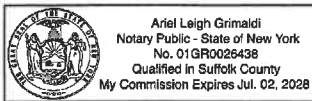
or online notarization, this 13TH day of SEPTEMBER 2024, by AUDRA ANN FOGLIETTA

(name of person)

as CFO for PIE INSURANCE COMPANY

(type of authority; e.g., officer, trustee, attorney in fact)

(company name)



A. Grimaldi
(Signature of the Notary)

Ariel Grimaldi

(Print, Type or Stamp Commissioned Name of Notary)

Personally Known _____ OR Produced Identification x

Type of Identification Produced DRIVER'S LICENSE

My Commission Expires 07/02/2028

This electronic notarial act involved a remote online appearance involving the use of communication technology.

COPIES FURNISHED TO:

DAX NMN CRAIG
PRESIDENT
Pie Insurance Company (The)
4449 Easton Way, Suite 200 - #961
Denver, CO, 43215
Telephone: (303)558-5703
Email: Holly.Wallinger@pieinsurance.com

SAMANTHA HEYN
DIRECTOR
Florida Office of Insurance Regulation
L & H Market Regulation
200 East Gaines Street
Tallahassee, Florida 32399

CARSON GAINES
ASSISTANT GENERAL COUNSEL
Florida Office of Insurance Regulation
200 East Gaines Street
Tallahassee, Florida 32399
Telephone: (850) 413-4139
Email: Carson.Gaines@flor.com