

**IN THE DEPARTMENT OF INSURANCE, FINANCIAL
INSTITUTIONS AND PROFESSIONAL REGISTRATION
STATE OF MISSOURI**

In Re:)
) **Market Conduct Investigation**
MISSOURI EMPLOYERS MUTUAL) **Number 13095-10191-PC**
INSURANCE COMPANY (NAIC #10191))

ORDER OF THE DIRECTOR

NOW, on this 4 day of November 2014, Director John M. Huff, after consideration and review of the market conduct investigation of Missouri Employers Mutual Insurance Company (NAIC #10191) (hereafter referred to as "MEM") investigation number 13095-10191-PC, conducted by the Division of Insurance Market Regulation pursuant to §374.190¹ and the Stipulation of Settlement ("Stipulation"), does hereby issue the following orders:

This order, issued pursuant to §374.046.15, RSMo (Cum. Supp. 2013) and §374.280 is in the public interest.

IT IS THEREFORE ORDERED that MEM and the Division of Insurance Market Regulation having agreed to the Stipulation, the Director does hereby approve and agree to the Stipulation.

IT IS FURTHER ORDERED that MEM shall not engage in any of the violations of law and regulations set forth in the Stipulation and shall implement procedures to place MEM in full compliance with the requirements in the Stipulation and the statutes and regulations of the State of Missouri and to maintain those corrective actions at all times.

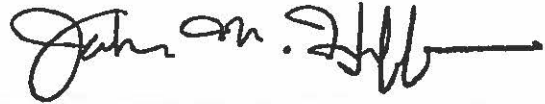
IT IS FURTHER ORDERED that MEM shall pay, and the Department of Insurance, Financial Institutions and Professional Registration, State of Missouri, shall accept,

¹ All references, unless otherwise noted, are to Missouri Revised Statutes 2000, as amended.

the Voluntary Forfeiture of \$3,500, payable to the Missouri State School Fund.

IT IS SO ORDERED.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of my office in Jefferson City, Missouri, this 4 day of November, 2014.



John M. Huff
Director



**IN THE DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND
PROFESSIONAL REGISTRATION
STATE OF MISSOURI**

In Re:)	
)	
MISSOURI EMPLOYERS MUTUAL)	Market Conduct Investigation
INSURANCE COMPANY)	No.13095-10191-PC
(NAIC #10191))	
)	

STIPULATION OF SETTLEMENT

It is hereby stipulated and agreed by the Division of Insurance Market Regulation (hereinafter referred to as "the Division") and Missouri Employers Mutual Insurance Company (NAIC#10191) (hereinafter referred to as "MEM"), as follows:

WHEREAS, the Division is a unit of the Missouri Department of Insurance, Financial Institutions and Professional Registration (hereinafter, "the Department"), an agency of the State of Missouri, created and established for administering and enforcing all laws in relation to insurance companies doing business in the State in Missouri; and

WHEREAS, MEM has been granted a certificate of authority to transact the business of Insurance in the State of Missouri; and

WHEREAS, the Division conducted a Market Conduct Investigation of MEM; and

WHEREAS, the Market Conduct Investigation revealed that:

1. In seven (7) instances, the Division alleges an audit was completed and billed more than 120 days from the expiration date of the policy in violation of § 287.955.1¹ and 20 CSR 500-6.500(2)(A); and

WHEREAS, the Division and MEM have agreed to resolve the issues raised in the Market Conduct Investigation as follows; and

WHEREAS, the parties hereto agree that neither this instrument nor the agreements, settlement and compromise contemplated herein are to be deemed an admission of any violation, fault, improper conduct or negligence on the part of MEM, and further, the Stipulation of Settlement and Voluntary Forfeiture is a compromise of disputed factual and legal allegations, and that payment of the forfeiture is merely to resolve disputes and avoid litigation without conceding

¹ All references, unless otherwise noted, are to Missouri Revised Statutes 2000, as amended.

that agreements, settlements and compromises contemplated herein settle any question of law by either party.

A. **Scope of Agreement.** This Stipulation of Settlement embodies the entire agreement and understanding of the signatories with respect to the subject matter contained herein. The signatories hereby declare and represent that no promise, inducement or agreement not herein expressed has been made, and acknowledge that the terms and conditions of this agreement are contractual and not a mere recital.

B. **Remedial Action.** MEM agrees to take remedial action bringing it into compliance with the statutes and regulations of Missouri and agrees to maintain such remedial actions at all times, to reasonably assure that the errors noted in the Market Conduct Investigation do not recur. Such remedial actions shall include, but not be limited to, the following:

1. MEM agrees to provide remediation to the policyholders listed below in the amounts listed below plus interest at the rate of 9% per annum as provided by §408.020.

Policy #MEM0217202-07	\$2,872.00
Policy #MEM1002676-05	\$1,017.00
Policy #MEM1005753-05	\$2,045.00
Policy #MEM1019791-01	\$1,219.00
Policy #MEM1032001-00	\$61.00
Policy #MEM1000575-00	\$4,184.00

2. MEM agrees to review workers compensation insurance policies with Missouri premium or exposure where the audit resulted in additional premium from January 1, 2010 to the date of the Order closing this Investigation to determine if other audits were not completed within 120 days of policy expiration or cancellation. If the audit was not completed within 120 days and the delay was not caused by the policyholder's failure to respond to reasonable audit requests or by a mutual agreement between the policyholder and MEM, then MEM shall provide restitution to the policyholder, plus interest at the rate of 9% per annum as provided by §408.020, for any additional premium charged as a result of the audit extending beyond 120 days from the date of policy expiration or cancellation.

C. **Compliance.** MEM agrees to file documentation with the Division within 90 days of the entry of a final order of all remedial action taken to implement compliance with the terms of this stipulation and to document payment of remediation required by this stipulation.

D. Voluntary Forfeiture. MEM agrees, voluntarily and knowingly, to surrender and forfeit the sum of \$3,500 with such sum payable to the Missouri State School Fund in accordance with §374.280.

E. Waivers. MEM, after being advised by legal counsel, does hereby voluntarily and knowingly waive any and all rights for procedural requirements, including notice and an opportunity for a hearing, and review or appeal by any trial or appellate court, which may have otherwise applied to the above referenced Market Conduct Investigation.

F. Changes. No changes to this stipulation shall be effective unless made in writing and agreed to by all signatories to the stipulation.

G. Governing Law. This Stipulation of Settlement shall be governed and construed in accordance with the laws of the State of Missouri.

H. Authority. The signatories below represent, acknowledge and warrant that they are authorized to sign this Stipulation of Settlement.

I. Effect of Stipulation. This Stipulation of Settlement shall become effective only upon entry of a Final Order by the Director of the Department of insurance, Financial Institutions and Professional Registration (hereinafter the "Director") approving this Stipulation.

J. Request for an Order. The signatories below request that the Director issue an Order approving this Stipulation of Settlement and ordering the relief agreed to in the Stipulation, and consent to the issuance of such Order.

DATED: 11/4/2014

Stewart Freilich

Stewart Freilich
Senior Regulatory Affairs Counsel
Division of Insurance Market Regulation

DATED: 10/10/14

James C. Owen

James C. Owen
President and CEO
Missouri Employers Mutual