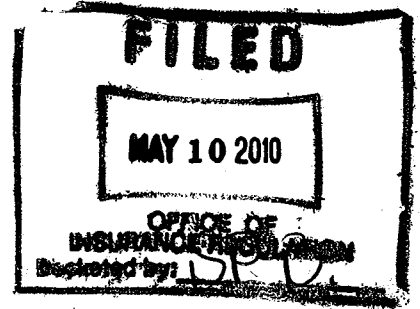




OFFICE OF INSURANCE REGULATION

KEVIN M. McCARTY
COMMISSIONER



IN THE MATTER OF:

CASE NO.: 109211-10

TRANSGUARD INSURANCE COMPANY
OF AMERICA
Workers' Compensation Excess Profits

FINAL ORDER

THIS CAUSE came before the undersigned Commissioner of the Office of Insurance Regulation for consideration of final agency action. On or about March 25, 2010, the Office of Insurance Regulation, (hereinafter referred to as the "OFFICE"), provided Notice to TRANSGUARD INSURANCE COMPANY OF AMERICA (hereinafter referred to as "TRANSGUARD") that pursuant to Section 627.215, Florida Statutes, TRANSGUARD data submitted to the OFFICE indicated that TRANSGUARD has realized excessive profits for the statutory period covering calendar/accident years 2005, 2006 and 2007, in the amount of One Hundred Eighty Seven Thousand One Hundred Eighteen Dollars and No/100 (\$187,118.00). The OFFICE simultaneously notified TRANSGUARD of its right to request a hearing to challenge the OFFICE'S findings as indicated in the Notice, pursuant to Sections 120.569 and 120.57, Florida Statutes. TRANSGUARD received the OFFICE'S Notice on March 29, 2010, and has not responded to the Notice.

Upon careful consideration of the record in this matter and being otherwise advised in the premises, it is ORDERED:

1. TRANSGUARD has realized, and therefore owes to applicable policyholders, excessive profits for calendar/accident years 2005, 2006 and 2007, in the amount of One Hundred Eighty Seven Thousand One Hundred Eighteen Dollars and No/100 (\$187,118.00), pursuant to Section 627.215, Florida Statutes.

2. TRANSGUARD shall provide refunds or policy renewal credits to policyholders in the amount of One Hundred Eighty Seven Thousand One Hundred Eighteen Dollars and No/100 (\$187,118.00) for calendar/accident years 2005, 2006 and 2007, as provided in Section 627.215, Florida Statutes, on or before the sixtieth (60th) day after which this Final Order is executed.

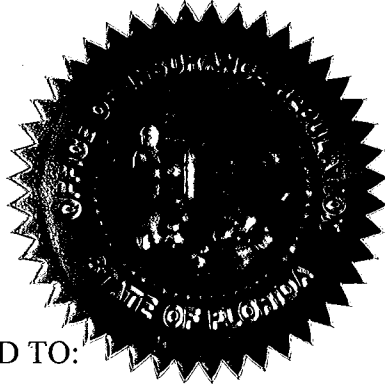
3. TRANSGUARD shall attempt to locate policyholders whose refund checks are returned and TRANSGUARD shall thereafter report and process any unclaimed excessive profits funds as unclaimed or abandoned property, pursuant to the provisions of Chapter 717, Florida Statutes.

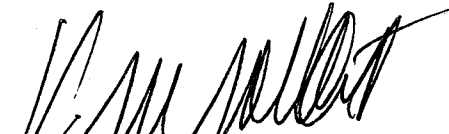
4. Pursuant to Section 627.215(12)(b), Florida Statutes, TRANSGUARD shall upon completion of the renewal credits or refund payments, immediately certify to the OFFICE that the refunds have been made. Additionally, TRANSGUARD shall also certify that it has attempted to locate policyholders whose refund checks are returned and that it has complied with the abandoned property provisions of Chapter 717, Florida Statutes, if necessary.

Any party to these proceedings adversely affected by this Order is entitled to seek review of this Order pursuant to Section 120.68, Florida Statutes, and Rule 9.110, Florida Rules of

Appellate Procedure. Review proceedings must be instituted by filing a Notice of Appeal with the General Counsel, Office of Insurance Regulation, acting as the Agency Clerk, at 612 Larson Building, Tallahassee, Florida 32399-4206, and a copy of the same and the filing fee with the appropriate District Court of Appeal within thirty (30) days of the rendition of this Order.

DONE and ORDERED this 10TH day of MAY, 2010.





KEVIN M. MCCARTY
Commissioner
Office of Insurance Regulation

COPIES FURNISHED TO:

STEPHEN LOUIS STEPHANO, PRESIDENT
Transguard Insurance Company of America
702 Oberlin Road
Raleigh, NC 27605

JAMES D. WATFORD, ACTUARY
Property & Casualty Product Review
Office of Insurance Regulation
200 East Gaines Street
Tallahassee, Florida 32399

CHRISTOPHER L. MEADOWS, ASSISTANT GENERAL COUNSEL
Office of Insurance Regulation
Legal Services Office, Room 645-A-1
200 East Gaines Street
Tallahassee, FL 32399-4206