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**DEC 07 2023**

**INSURANCE REGULATION**  
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**OFFICE OF INSURANCE REGULATION**

**MICHAEL YAWORSKY**  
COMMISSIONER

IN THE MATTER OF:

CASE NO.: 314381-23

AGCS MARINE INSURANCE COMPANY

CONSENT ORDER

THIS CAUSE came on for consideration as the result of AGCS MARINE INSURANCE COMPANY's ("AGCS MARINE") failure to timely file its Private Passenger Automobile Excessive Profits ("PPAX") Report with the FLORIDA OFFICE OF INSURANCE REGULATION ("OIR") as required by Sections 627.915(1) and 627.066, Florida Statutes. Following a complete review of the entire record, and upon consideration thereof, and being otherwise fully advised in the premises, OIR hereby finds as follows:

1. The OIR has jurisdiction over the subject matter and the parties herein. AGCS MARINE is an insurer authorized to transact business in Florida and subject to regulation by OIR, pursuant to the Florida Insurance Code.
2. In May 2023, OIR issued a data call notice for PPAX profits reporting to each insurer or insurer group required to submit this data.
3. Insurers were required to submit data for the PPAX report by July 1, 2023.
4. Section 627.915(1), Florida Statutes, requires each insurer that issues private passenger automobile policies in Florida to file a PPAX report on or before July 1.

5. AGCS MARINE failed to timely file its 2023 PPAX report with OIR, which was due on July 1, 2023.

6. On July 18, 2023, AGCS MARINE filed its 2023 PPAX report with OIR.

7. Section 624.4211(1), Florida Statutes, provides that if 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, OIR may, in lieu of such revocation or suspension, impose a fine upon the insurer.

8. The OIR finds that AGCS MARINE has violated Sections 627.915(1), and 627.066, Florida Statutes. 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. AGCS MARINE agrees that within 10 days of the execution of this Consent Order, AGCS MARINE shall pay an administrative fine in the amount of \$6,250 U.S. Dollars (“USD”) and administrative costs of \$1,000 USD to 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 OIR. Such approval must be requested in writing prior to any proposed deviation from the terms of this Consent Order.

11. Upon execution of this Consent Order, failure to adhere to one or more of the terms and conditions contained herein may result in OIR suspending, revoking, or taking other administrative action as it deems appropriate upon AGCS MARINE’s certificate of authority in this state in accordance with Sections 120.569(2)(n) and 120.60(6), Florida Statutes.

12. Upon execution of this Consent Order, failure to adhere to one or more of the terms and conditions contained herein may subject AGCS MARINE to such administrative action as OIR deems appropriate as specifically authorized by law.

13. AGCS additionally agrees that any future violations of the statutes or rules named herein may be subject to penalties as OIR deems appropriate.

14. AGCS MARINE expressly waives a hearing in this matter, the making of findings of fact and conclusions of law by OIR, and all further and other proceedings herein to which it may be entitled by law or rules of OIR. AGCS MARINE 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 OIR has signed and docketed a copy of this Consent Order bearing the notarized signature of the authorized representative of AGCS MARINE.


[REMAINDER OF PAGE LEFT BLANK INTENTIONALLY]

WHEREFORE, the agreement between AGCS MARINE 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 7<sup>th</sup> day of December, 2023.



  
Michael Yaworsky, Commissioner  
Office of Insurance Regulation

By execution hereof, AGCS MARINE 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 AGCS MARINE INSURANCE COMPANY, to the terms and conditions of this Consent Order.

AGCS MARINE INSURANCE COMPANY

By: [Signature]

[Corporate Seal]

Print Name: Heidi DeVette

Title: VP Controller

Date: 11/28/2023

STATE OF Illinois

COUNTY OF Cook

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

or  online notarization, this 28 day of November 2023, by Heidi DeVette

as VP Controller for AGCS Marine Insurance Company  
(type of authority; e.g., officer, trustee, attorney in fact) (company name)

[Signature]  
(Signature of the Notary)

Yue Zhang  
(Print, Type or Stamp Commissioned Name of Notary)

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

Type of Identification Produced \_\_\_\_\_

My Commission Expires 8/5/2025



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