



FILED

JUN 27 2023

INSURANCE REGULATION
Docketed by: ike

OFFICE OF INSURANCE REGULATION

MICHAEL YAWORSKY
COMMISSIONER

IN THE MATTER OF:

CASE NO.: 311127-23

ASSOCIATED ACCEPTANCE OF FLORIDA, INC.
_____ /

CONSENT ORDER

THIS CAUSE came on for consideration as the result of ASSOCIATED ACCEPTANCE OF FLORIDA, INC's ("ASSOCIATED ACCEPTANCE") violation of one or more provisions of the Florida Insurance Code as outlined in their 2022 Market Conduct Examination conducted by the FLORIDA OFFICE OF INSURANCE REGULATION ("OIR"). 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. ASSOCIATED ACCEPTANCE is a premium finance company authorized to transact business in Florida and subject to regulation by the OIR, pursuant to the Florida Insurance Code.

2. On or about January 4, 2023, the OIR conducted a market conduct examination of ASSOCIATED ACCEPTANCE.

3. The OIR documented the following violations of the Florida Insurance Code by ASSOCIATED ACCEPTANCE:

- a. Failure of premium finance agreement to include the signature of insured or person signing on insured's behalf (Section 627.839(1), Florida Statutes);

- b. Assessed an excessive service charge (Section 627.840(3)(b), Florida Statutes);
 - c. Charged an excessive fee for insufficient funds on a check or draft used for payment (Section 627.841(4), Florida Statutes); and
 - d. Failure to maintain a copy of the certificate of mailing of notice of intent to cancel the insurance contract (Rule 69O-196.002, Florida Administrative Code).
4. Section 627.839(1), Florida Statutes, provides that a premium finance agreement shall be in writing, dated, and signed by or on behalf of the insured.

5. In forty-eight (48) instances, the OIR documented that ASSOCIATED ACCEPTANCE failed to show that premium finance agreements were signed by or on behalf of the insured.

6. Section 627.840(3)(b), Florida Statutes, provides that premium finance companies are authorized to assess a service charge of a maximum of \$12 per \$100 per year plus an additional charge not exceeding \$20, but that such additional charge may be charged only once in a 12-month period for any one customer.

7. In one (1) instance, the OIR documented that ASSOCIATED ACCEPTANCE assessed a service charge exceeding the maximum amount permitted by Section 627.840(3)(b), Florida Statutes.

8. Section 627.841(4), Florida Statutes, provides that in the event that a payment is made to a premium finance company by check or draft and the instrument is returned because of insufficient funds to pay it, the premium finance company may, if the premium finance agreement so provides, impose a charge of \$15.

9. In seven (7) instances, the OIR documented that ASSOCIATED ACCEPTANCE assessed nonsufficient funds ("NSF") fees in excess of the statutory limits allowed.

10. Rule 69O-196.002, Florida Administrative Code, provides that written notice be mailed to each insured shown on the premium finance agreement of the intent of the premium finance company to cancel the insurance contract, and requires obtaining a certificate of mailing.

11. In sixty-six (66) instances, the OIR documented that ASSOCIATED ACCEPTANCE failed to maintain in its files a copy of the certificate of mailing reflecting that the notice of intent to cancel was sent to the last known address of the insured as required by Rule 69O-196.002, Florida Administrative Code.

12. Section 627.832(1)(b), Florida Statutes, provides that the OIR may deny, suspend, revoke, or refuse to renew any license if it finds that the licensee has violated any provision of Chapter 627, Part XV, or any rule of the commission.

13. Section 627.833, Florida Statutes, provides that if the OIR finds that one or more grounds exist for the discretionary revocation or suspension of a license issued under Chapter 627, Florida Statutes, the OIR may, in lieu of such revocation or suspension, impose a fine upon the premium finance company.

14. The OIR finds that ASSOCIATED ACCEPTANCE has violated Sections 627.839(1), 627.840(3)(b), and 627.841(4), Florida Statutes, and Rule 69O-196.002, Florida Administrative Code.

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

16. 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.

17. ASSOCIATED ACCEPTANCE 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 ASSOCIATED ACCEPTANCE's license in this state in accordance with Sections 120.569(2)(n) and 120.60(6), Florida Statutes.

18. ASSOCIATED ACCEPTANCE additionally agrees that, upon execution of this Consent Order, failure to adhere to one or more of the terms and conditions contained herein may be considered willful and subject ASSOCIATED ACCEPTANCE to appropriate penalties and fines.

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

20. ASSOCIATED ACCEPTANCE 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. ASSOCIATED ACCEPTANCE 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.

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

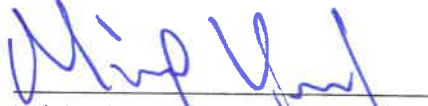
22. The parties agree that this Consent Order shall be deemed to be executed when the OIR has signed and docketed a copy of this Consent Order bearing the notarized signature of the authorized representative of ASSOCIATED ACCEPTANCE.

WHEREFORE, the agreement between ASSOCIATED ACCEPTANCE OF FLORIDA, INC., 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 27th day of June, 2023.




Michael Yaworsky, Commissioner
Office of Insurance Regulation

By execution hereof, ASSOCIATED ACCEPTANCE OF FLORIDA, INC., 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 ASSOCIATED ACCEPTANCE OF FLORIDA, INC., to the terms and conditions of this Consent Order.

ASSOCIATED ACCEPTANCE OF FLORIDA, INC.

By: [Signature]

[Corporate Seal]

Print Name: Scott Anderson

Title: Vice President

Date: 6/21/2023

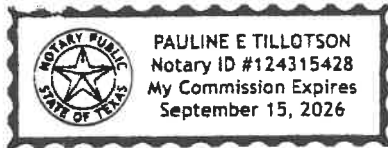
STATE OF Texas

COUNTY OF Bexar

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

or online notarization, this 21st day of June 2023, by Scott Anderson

as officer for Associated Acceptance of Florida, Inc.
(type of authority: e.g., officer, trustee, attorney-in-fact) (name of person) (company name)



Pauline E Tillotson
(Signature of the Notary)

Pauline E Tillotson
(Print, Type or Stamp Commissioned Name of Notary)

Personally Known OR Produced Identification _____

Type of Identification Produced _____

My Commission Expires 09/15/2026

COPIES FURNISHED TO:

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