



**FILED**

**JUN 30 2023**

**INSURANCE REGULATION**  
Docketed by: JG

**OFFICE OF INSURANCE REGULATION**

**MICHAEL YAWORSKY**  
COMMISSIONER

IN THE MATTER OF:

CASE NO.: 309623-23

EVERSPAN INSURANCE COMPANY  
\_\_\_\_\_ /

CONSENT ORDER

THIS CAUSE came on for consideration as the result of EVERSPAN INSURANCE COMPANY's ("EVERSPAN") failure to timely file its Property & Casualty Calendar Year ("PCCY") Experience Reporting data with the FLORIDA OFFICE OF INSURANCE REGULATION ("OIR") as required by Sections 627.915(2) and 627.915(5), Florida Statutes. 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. EVERSPAN is an insurer authorized to transact business in Florida and subject to regulation by the OIR, pursuant to the Florida Insurance Code.

2. Insurers were required to submit data for the annual PCCY Experience Reporting data to OIR by April 1, 2023.

3. Rule 69O-171.008, Florida Administrative Code, requires each insurer that is authorized to transact fire, homeowner's, multiple peril, commercial multiple peril, product liability, workers' compensation, private passenger automobile liability, commercial automobile liability, private passenger automobile physical damage, commercial automobile physical

damage, directors' and officers', or other liability insurance to file Form OIR-D0-308, "Florida Property and Casualty Insurance Calendar Year Experience," with the OIR covering the preceding calendar year on or before April 1 of each year.

4. EVERSPAN failed to timely file its 2022 PCCY Experience Reporting data with the OIR, which was due on April 1, 2023.

5. On April 11, 2023, EVERSPAN filed its 2022 PCCY Experience Reporting data with the OIR.

6. 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.

7. The OIR finds that EVERSPAN has violated Sections 627.915(2) and/or 627.915(5), Florida Statutes. The OIR deems the violation as non-willful warranting a fine in the amount of \$1,000 for the violation pursuant to Section 624.4211(2), Florida Statutes.

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

9. 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.

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

11. EVERSPAN 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 EVERSPAN to appropriate penalties and fines.

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

13. EVERSPAN 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. EVERSPAN 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.

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

15. 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 EVERSPAN.

WHEREFORE, the agreement between EVERSPAN 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 30<sup>th</sup> day of June, 2023.



A handwritten signature in blue ink, which appears to read "Michael Yaworsky", is written over a horizontal line.

Michael Yaworsky, Commissioner  
Office of Insurance Regulation

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

EVERSPAN INSURANCE COMPANY

By: 

[Corporate Seal]

Print Name: Nicholas Scott

Title: General Counsel and Secretary

Date: June 27, 2023

STATE OF New York

COUNTY OF Albany

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

or  online notarization, this 27th day of July 2023, by Nicholas Scott  
(name of person)

as General Counsel and Secretary for Everspan Insurance Company.

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

(company name)

  
(Signature of the Notary)

Sima S. Patel

(Print, Type or Stamp Commissioned Name of Notary)

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

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

My Commission Expires 1/16/2027

**Sima S. Patel**  
**NOTARY PUBLIC, STATE OF NEW YORK**  
Registration No. No. 01PA6159503  
Qualified in Albany County  
Commission Expires January 16, 2027

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