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**BEFORE THE INSURANCE COMMISSIONER
OF THE STATE OF UTAH**

UTAH INSURANCE DEPARTMENT,

Complainant,

vs.

**CASUALTY UNDERWRITERS
INSURANCE COMPANY**
P O Box 9510
Wichita, KS 67277
NAIC ID # 26697

**INTER-AMERICAS INSURANCE
CORPORATION INC.**
P O Box 9510
Wichita, KS 67277
NAIC ID # 298877, 299112

Respondents.

**STIPULATION
AND ORDER**

Docket No. 2016-057 PC
Enforcement Case No. 3756

Judge Gregory Soderberg
Administrative Law Judge

The Utah Insurance Department ("Department"), by and through its attorney, Perri Ann

Babalís, Assistant Attorney General, and Casualty Underwriters Insurance Company and Inter-Americas Insurance Corporation, Inc. (“Respondents”), by and through their attorney, Randall R. Smart, hereby stipulate and agree as follows:

STIPULATION

1. Respondent, Casualty Underwriters Insurance Company (“CUIC”), is a Utah domiciled property and casualty insurance company, NAIC ID #26697. Respondent’s mailing address is P.O. Box 9510, Wichita, KS 67277.

2. Respondent, Inter-Americas Insurance Corporation, Inc. (“IAIC”), is a non-resident third party administrator, NAIC ID # 298877 and 299112.

3. The Department has jurisdiction over the parties and subject matter of this Stipulation.

4. Respondents acknowledge notice of agency action pursuant to Utah Code § 63G-4-201; acknowledge that this Stipulation and Order is an informal proceeding pursuant to Utah Code Section 63G-4-202; and irrevocably waive the right to any hearing, review or appeal concerning this matter.

5. Respondents are represented by legal counsel with regards to this Stipulation, or has waived the right to review this Stipulation with counsel.

6. This signed Stipulation, along with any Findings of Fact and Conclusions of Law, shall not be subject to any reconsideration, renegotiation, modification, hearing or agency review or appeal.

7. The Findings of Fact and Conclusions of Law presented below are accepted by the parties.

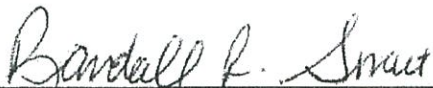
8. The issuance of the signed and adopted Order proposed below is solely for the purpose of disposing of the specific matter entitled herein.

9. The only promises, agreements and understandings that the parties have regarding this matter are contained in this Stipulation.

10. Respondents enter into this Stipulation voluntarily, knowingly, and free from any coercion of any kind.


11. The person signing this Stipulation on behalf of the named parties hereby affirms that he is authorized to sign and bind the parties.

Dated this 27 day of MAY, 2016,



RANDALL R. SMART on behalf of
Casualty Underwriters Insurance Company and
Inter-Americas Insurance Corporation, Inc.

Dated this 31st day of May, 2016.



PERRI ANN BABALIS
Utah Assistant Attorney General for the
Utah Insurance Department

Based upon the foregoing Stipulation and Department file, the Presiding Officer makes

the following Findings of Fact:

FINDINGS OF FACT

1. The Department learned that IAIC, acting on behalf of CUIC, failed to include the appropriate fees for total loss settlements when a covered automobile was deemed a total loss.
2. Respondents failed to include applicable fees on total loss settlements for 83 Utah claimants, resulting in underpayment of the claims. The applicable fees that were not included were registration fees, uniform fees, emission fees, corridor fees, APC fees, safety fees and program fees.
3. Respondents acknowledged that they had not complied with Utah statutes and rules and sent refund checks to the 83 Utah residents in question.

Based upon the foregoing Stipulation and Findings of Fact, the Presiding Officer enters the following Conclusions of Law:

CONCLUSIONS OF LAW

1. Utah Code Ann § 31A-26-303 provides that no insurer may engage in any unfair claim settlement practice.
2. Utah Administrative Code, Rule R590-190-11 provides that an insurer shall fairly, equitably and in good faith attempt to compensate a claimant for all losses incurred including all applicable taxes, license fees and other fees incident to transfer of evidence of ownership of a comparable automobile.
3. Respondents violated the above referenced statute and rule when they failed to include the appropriate fees for total loss settlements when a covered automobile was deemed a

total loss.

4. The proposed administrative forfeiture is appropriate under the circumstances.

Based upon the foregoing Stipulation, Findings of Fact and Conclusions of Law, the Presiding Officer herewith enters the following Order:


ORDER

IT IS HEREBY ORDERED:

1. Respondents, Casualty Underwriters Insurance Company and Inter-Americas Insurance Corporation, Inc., are assessed a forfeiture in the amount of \$9,500.00. The forfeiture shall be paid to the Department within 30 days of the date of this Order.

DATED this 31st day of May, 2016.

TODD E. KISER
Insurance Commissioner



GREGORY SODERBERG
Administrative Law Judge
Utah Department of Insurance
State Office Building, Room 3110
Salt Lake City, UT 84114
Telephone (801) 530-6706

NOTIFICATION TO RESPONDENT

You are hereby notified that a failure to obey an Order of the Commissioner may subject you to further penalties, including forfeitures of up to \$5,000 per violation and the suspension or revocation of your license and the filing of an action in district court, which may impose forfeitures of up to \$10,000 per day for continued violation.

You are further notified that other jurisdictions in which you may be licensed may require that you report this action to them.