

BEFORE THE DIVISION OF INSURANCE  
DEPARTMENT OF LABOR AND REGULATION  
STATE OF SOUTH DAKOTA

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IN THE MATTER OF	)	
NORTH POINTE	)	CONSENT ORDER
INSURANCE COMPANY	)	

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In resolution of the above matter and in lieu of issuance of a Notice of Hearing and a formal hearing, the undersigned parties do hereby agree to the following:

NORTH POINTE INSURANCE COMPANY (“NORTH POINTE”), whose address of record is 88 Pine Street, New York, NY 10005, is an insurance company holding a certificate of authority to transact business in the State of South Dakota;

NORTH POINTE is aware that the South Dakota Division of Insurance (“Division”) has conducted an investigation of its insurance-related activities in South Dakota;

The Division has alleged the following:

- 1) NORTH POINTE, failed to respond to a Division inquires consisting of an invoice and for a South Dakota Fraud Assessment Fee, dated December 4, 2013, and an additional Division letter, dated January 22, 2014, in violation of SDCL §§ 58-33-66 and 58-33-68;
- 2) NORTH POINTE failed to timely remit the invoiced South Dakota Fraud Assessment Fee in violation of SDCL § 58-4A-14;
- 3) The above-cited conduct constitutes grounds for the revocation or suspension of NORTH POINTE’s certificate of authority pursuant to SDCL § 58-6-46;

NORTH POINTE is aware of and understands the nature of the charges and has been informed that it has the right to notice, hearing, and appeal, and that by agreeing to and signing this Consent Order waives these rights;

In return for NORTH POINTE agreeing to the provisions of this Consent Order, the Division agrees not to proceed to hearing and agrees that this Consent Order will constitute an informal disposition of this matter pursuant to SDCL § 1-26-20;

NORTH POINTE agrees to a monetary penalty in the amount of \$2,500 pursuant to SDCL § 58-4-28.1, in lieu of contesting this matter formally; and

NORTH POINTE further agrees to conduct itself in accordance with the insurance laws and regulations of the State of South Dakota; and

NORTH POINTE further agrees that this Consent Order may be considered for the purpose of determining the appropriate sanction in any future actions with the Division for any violations of the laws or regulations of the State of South Dakota or for failing to abide by any order of the Director;

Wherefore, good cause appearing from the foregoing, it is hereby ORDERED that NORTH POINTE pay a monetary penalty in the amount of \$2,500 payable to "South Dakota Division of Insurance" for deposit in the general fund of the State of South Dakota; and it is further


ORDERED that NORTH POINTE submit the invoiced South Dakota Fraud Assessment Fee of \$250 in a separate check and remitted with the completed Consent Order; and it is further

ORDERED that should NORTH POINTE fail to comply with the provisions of this Order, the Division may seek the suspension or revocation of NORTH POINTE's Certificate of Authority at hearing pursuant to SDCL § 58-6-46, or seek other administrative action or remedies available at law; and it is further

ORDERED that the use of this Consent Order for competitive purposes by an insurance agent or third-party administrator holding a license in the State of South Dakota, or by any company holding a Certificate of Authority, or by anyone on their behalf, may be deemed unfair competition and be grounds for suspension or revocation of said license or authority; and it is further

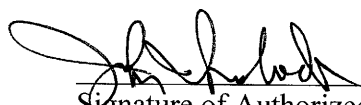
ORDERED that the provisions of this Consent Order shall be effective from the date the Director signs this Order.

Dated at Pierre, South Dakota this 23<sup>rd</sup> day of April, 2014.

  
Merle Scheiber, Director  
South Dakota Division of Insurance

The undersigned, on behalf of NORTH POINTE, represents it understands the terms of this Consent Order and the waiver of its due process rights and voluntarily enters into this Consent Order.

Dated this 23<sup>rd</sup> day of April, 2014.

  
Signature of Authorized Representative

John Srobona  
Printed Name

Senior Vice President  
Title