

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

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IN THE MATTER ACUITY A                                    )  
MUTUAL INSURANCE COMPANY                            )

CONSENT ORDER

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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:

ACUITY A MUTUAL INSURANCE COMPANY (“ACUITY”), whose address of record is 2800 S Taylor Dr., Sheboygan, WI 53081, is an insurance company holding a certificate of authority to transact business in the State of South Dakota;

ACUITY is aware that the South Dakota Division of Insurance (“Division”), part of the Department of Labor and Regulation (“DLR”), has conducted an investigation of its insurance-related activities in South Dakota;

The Division has alleged the following:

- 1) ACUITY failed to timely file a First Report of Injury concerning DLR claim number 1002733 in violation of SDCL § 62-6-3;
- 2) ACUITY failed to timely respond to Division inquiries dated February 27, 2014, and March 27, 2014 in violation of SDCL §§ 58-33-66(1) and 58-33-68;
- 3) Any of the above-cited conduct provides grounds for the revocation or suspension of ACUITY’s certificate of authority in South Dakota pursuant to SDCL § 58-6-46;

ACUITY 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 ACUITY 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 licensing matter pursuant to SDCL § 1-26-20;

ACUITY 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

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

ACUITY 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 ACUITY 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

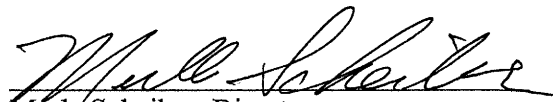
ORDERED that should ACUITY fail to comply with the provisions of this Order, the Division may seek the suspension or revocation of ACUITY's Certificate of Authority at hearing pursuant to SDCL § 58-6-46, or seek other remedies available at law; and it is further

ORDERED that ACUITY abide by the agreements made by it in this Consent Order; 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 July, 2014.

  
Merle Scheiber, Director  
South Dakota Division of Insurance

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

Dated this 16<sup>th</sup> day of July, 2014.

  
Signature of Authorized Representative  
John D. Fleck  
Printed Name  
WC Manager  
Title