

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

IN THE MATTER OF THE TARGET)	
MARKET CONDUCT EXAMINATION OF)	
AMERICAN ZURICH INSURANCE)	CONSENT ORDER
COMPANY, EMPIRE FIRE AND MARINE)	
INSURANCE COMPANY, AND ZURICH)	
AMERICAN INSURANCE COMPANY)	

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:

ZURICH AMERICAN INSURANCE COMPANY, AMERICAN ZURICH INSURANCE COMPANY, and EMPIRE FIRE AND MARINE INSURANCE COMPANY (hereinafter referred to as "THE COMPANIES"), whose addresses of record are 1400 American Lane, Schaumburg, Illinois 60196 are insurance companies holding Certificates of Authority to transact business in the State of South Dakota;

THE COMPANIES are aware the South Dakota Division of Insurance has conducted an examination of their insurance-related activities in South Dakota;

The South Dakota Division of Insurance has alleged violations of South Dakota Insurance Law, including SDCL §§ 58-3-7, 58-12-16(3), 58-24-10, 58-24-25, and 58-33-60 by THE COMPANIES between January 1, 2009 and June 30, 2012;

THE COMPANIES are aware of and understand the nature of the allegations and have been informed of the right to notice, hearing, and appeal;

THE COMPANIES hereby agree to informal disposition of this matter without a hearing pursuant to SDCL § 1-26-20 and to a monetary penalty of \$100,000 pursuant to SDCL § 58-4-28.1 in lieu of contesting this matter formally;

THE COMPANIES further agree to conduct business in accordance with the insurance laws and regulations of the State of South Dakota;

THE COMPANIES further agree that nothing in this Consent Order shall be construed to limit the South Dakota Division of Insurance's ability to perform any examination or investigation of THE COMPANIES as authorized by law;

THE COMPANIES further agree this Consent Order may be considered for the purpose of determining the appropriate sanction in any future actions with the South Dakota Division of Insurance 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 THE COMPANIES pay a monetary penalty in the amount of \$100,000 payable to "South Dakota Division of Insurance"

for deposit in the general fund of the State of South Dakota to be remitted at the time of the remittance of this Consent Order to the Division; and it is further

ORDERED that if THE COMPANIES fail to comply with the provisions of this Order, the South Dakota Division of Insurance may seek the suspension or revocation of THE COMPANIES' Certificates of Authority at hearing pursuant to SDCL § 58-6-46, or seek other remedies available at law; and it is further

ORDERED that THE COMPANIES abide by the agreements made by them in this Consent Order; and it is further

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


Dated this 30th day of October, 2015.



Larry Deiter, Director
South Dakota Division of Insurance

The undersigned, on behalf of THE COMPANIES, represents THE COMPANIES understand the terms of this Consent Order and the waiver of due process rights and voluntarily enter into this Consent Order.

Dated this 23 day of SEPTEMBER, 2015.



Signature of Authorized Representative
DAMIAN SEPANIK

Name of Authorized Representative
CHIEF COMPLIANCE OFFICER

Title of Authorized Representative