

1 **BEFORE THE INSURANCE COMMISSIONER**

2 **STATE OF CALIFORNIA**

3
4 In the Matter of the Licenses and Licensing

File No. UPA 2011-00001

5 Rights of:

STIPULATION AND WAIVER

6 New Hampshire Insurance Company

7 and

8 York Services Group,

9 Respondents.

10
11 Respondents New Hampshire Insurance Company ("New Hampshire") and York Risk
12 Services Group, Inc. ("York") and the California Department of Insurance ("Department") do
13 hereby enter this Stipulation and Waiver in the above-entitled matter and hereby stipulate as
14 follows:

15 1. Respondent New Hampshire is a Property and Casualty insurer holding a
16 certificate of authority issued by the Department; Company Identification Number 0135-4.

17 Respondent York holds an agency license issued by the Department; License Number 2E11380

18 2. On or about March 5, 2012, the Department served on Respondents an Order to
19 Show Cause, Statement of Charges/Accusation and Notice of Monetary Penalty alleging that
20 Respondents had violated provisions of the Fair Claims Settlement Practices Regulations (CCR,
21 Title 10, Chapter 5, Sections 2695.1 et seq.) and the California Insurance Code (Section
22 790.03(h).)

23 3. Respondents deny the allegations contained in said Order to Show Cause,
24 Statement of Charges/Accusation, and Notice of Monetary Penalty and nothing herein, or in any
25 order adopting this Stipulation and Waiver, shall be construed as an admission to the truth of any
26 allegation made by the Department. However, Respondents acknowledge that the allegations, if
proven to be true in an administrative hearing, may constitute grounds for the imposition of a
monetary penalty and an Order to Cease and Desist from engaging in those methods, acts, or

1 practices found to be unfair or deceptive pursuant to the provisions of the Insurance Code of the
2 State of California. No administrative hearing has been commenced on this matter and no
3 allegation has been proven to be true. Nothing contained in this Stipulation and Waiver
4 constitutes a finding or determination by the Commissioner or Department that Respondents
5 engaged in any wrongdoing.

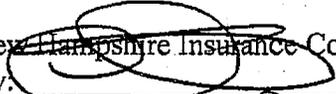
6 4. In settlement of the dispute raised by the Order to Show Cause Respondents agree
7 that, in lieu of other disciplinary action, the Insurance Commissioner, by his written order to be
8 made and filed herein, without further notice to Respondents; issue an Order of Monetary Penalty
9 in the amount of one hundred forty-two thousand five hundred dollars (\$142,500) to New
10 Hampshire and one hundred forty-two thousand five hundred dollars (\$142,500) to York for a
11 total of two-hundred and eighty-five thousand dollars (\$285,000).

12 5. Payment by Respondents shall be made within thirty days of receipt of the invoice
13 from the Department of Insurance, (payment to be sent to the following: California Department
14 of Insurance, Division of Accounting, 300 Capitol Mall, 13th Floor, Sacramento, CA, 95814).

15 6. Respondents acknowledge that this Stipulation and Waiver, in settlement of this
16 matter with the Department, is subject to approval by the Insurance Commissioner pursuant to
17 Section 12921 of the California Insurance Code.

18 7. Respondents and the Commissioner acknowledge that this Stipulation
19 is a public record as required by section 11517(e) of the California Government Code. It is
20 accessible to the public pursuant to the Public Records Act, section 6250 et seq. of the California
21 Government Code. This Stipulation will also be posted on the Department's internet web site
22 pursuant to California Insurance Code section 12968.

23
24 New Hampshire Insurance Company

By: 

Its: Senior Vice President

Date August 31, 2012

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York Risk Services Group, Inc.
By: _____
Its: _____
Date: _____

Approved as to form

California Department of Insurance
By _____
Attorney
Date: _____

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York Risk Services Group, Inc.

By: *[Signature]*

Its: Anthony J. Galante
President and CEO

Date: 8/30/2012

Approved as to form

California Department of Insurance

By: *[Signature]*

Attorney

Date: 8/31/2012