

**STATE OF MAINE
DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION
BUREAU OF INSURANCE**

IN RE:

Great Midwest Insurance Company
NAIC Co. Code: 18694
ME License No. PCF82030

Docket No. INS-23-203

**CONSENT AGREEMENT
AND ORDER**

Great Midwest Insurance Company (“Great Midwest” or “Company”), the Superintendent of the Maine Bureau of Insurance (“the Superintendent”), and the Office of the Maine Attorney General (“the Attorney General”) hereby enter into this Consent Agreement pursuant to 10 M.R.S. § 8003(5)(B) to resolve, without resort to an adjudicatory proceeding, violations of the Maine Insurance Code. As set forth in more detail below, Great Midwest violated the Code when it failed to timely file its actuarial certification as required by Bureau of Insurance Rule Chapter 135 (“Bureau Rule Ch. 135”).

APPLICABLE LAW

1. Under 24-A M.R.S. § 12-A, the Superintendent may assess civil penalties, issue a cease and desist order, or take any combination of these and other actions listed within this section against any person who violates any law enforced by the Superintendent; any rule lawfully adopted by the Superintendent; or any lawful order of the Superintendent.
2. Pursuant to 10 M.R.S. § 8003(5)(B), the Superintendent may resolve an investigation without further proceedings by entering into a consent agreement with a licensee and with the consent of the Attorney General.
3. Bureau Rule Ch. 135 § 6 requires the filing of an actuarial certification on or before April 1st by any insurer that has issued or renewed an employee benefit excess insurance policy subject to the rule at any time during the prior calendar year.

STATEMENT OF FACTS

4. On April 10, 2023, the Bureau notified Great Midwest that it had failed to file its actuarial certification on or before April 1, 2023, as required by Bureau Rule Ch. 135 § 6.
5. In this message, the Bureau informed Great Midwest that this violation of Bureau Rule Ch. 135 could be enforced pursuant to 24-A M.R.S. § 12-A.

6. On April 11, 2023, Great Midwest acknowledged the message and asked where to file the form.
7. The Bureau directed the company to SERFF and provided additional information in response to questions about the type of insurance field in SERFF.
8. On April 18, 2023, Great Midwest asked the Bureau to provide a sample certification. A sample was provided that same day.
9. After correcting a certification that had been emailed to the Bureau on April 25, 2023, Great Midwest ultimately filed its actuarial certification on May 3, 2023, under SERF #DLSN-133631510

VIOLATIONS OF LAW

10. As set forth in paragraphs 4 through 9, Great Midwest violated Bureau Rule Ch. 135 by failing to timely file its actuarial certification.

COVENANTS

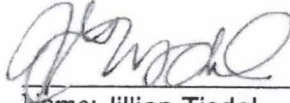
11. Great Midwest agrees to the Statement of Facts and Violations of Law and agrees that it is subject to disciplinary action.
12. Great Midwest accepts as disciplinary action the imposition of a civil penalty in the amount of two hundred fifty dollars (\$250). No later than thirty (30) days after executing this Consent Agreement, Great Midwest will remit to the Maine Bureau of Insurance a company check in the amount of two hundred fifty dollars (\$250) payable to the Treasurer of the State of Maine.
13. This Consent Agreement is not subject to appeal. Great Midwest waives any right it might have to appeal any matter that is a subject of this Consent Agreement.
14. This Consent Agreement constitutes an Order of the Superintendent. A violation of its terms is enforceable by the Superintendent pursuant to 24-A M.R.S. §§ 12-A and 211.
15. This Consent Agreement is also enforceable by an action in Maine Superior Court pursuant to 24-A M.R.S. § 214, 10 M.R.S. § 8003(5)(B), and 14 M.R.S. § 3138.
16. The effective date of this Consent Agreement is the date of the Superintendent's signature hereto.
17. This Consent Agreement may be modified only by a written agreement executed by all the parties hereto. Any decision to modify, continue or terminate any provision of this Consent Agreement rests in the discretion of the Superintendent and the Attorney General.

18. This Consent Agreement is a public record as that term is defined by 1 M.R.S. § 402(3). It is subject to the provisions of the Maine Freedom of Access Act, 1 M.R.S. §§ 401 through 410, and it will be available for public inspection and copying as provided for by 1 M.R.S. § 408-A.
19. This Consent Agreement is also an adverse action and will be reported to the Regulatory Information Retrieval System (“RIRS”) database at the National Association of Insurance Commissioners (“NAIC”).
20. Nothing in this Consent Agreement shall be construed to affect any right or interest of any person not a party hereto.
21. Terms of this Consent Agreement constitute the entire agreement between and among the parties.
22. If any provision of this Consent Agreement is for any reason determined to be invalid, the effectiveness and enforceability of all other provisions of the Consent Agreement shall not be affected by such determination.
23. This Consent Agreement may be signed in counterparts, with all counterparts together constituting one original instrument.
24. By the duly-authorized signature of its representative on this Consent Agreement, Great Midwest warrants that it has consulted with counsel before signing the Consent Agreement or has knowingly and voluntarily decided to proceed in this matter without consulting counsel, that it understands this Consent Agreement, and that it enters into the Consent Agreement voluntarily and without coercion of any kind from any person.
25. As consideration for Great Midwest’s execution of and compliance with the terms of this Consent Agreement, the Superintendent and the Attorney General agree to forego pursuing further disciplinary measures or other civil or administrative sanctions for the specific conduct described above in this Consent Agreement. However, should Great Midwest fail to comply with any term or condition of this Consent Agreement, it may be subject to any available remedy under the law for such a failure or violation.

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GREAT MIDWEST INSURANCE COMPANY

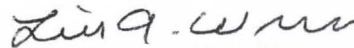
Dated: June 23, 2023



Name: Jillian Tisdel
Title: Corporate Counsel

FOR THE OFFICE OF THE ATTORNEY GENERAL

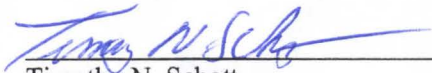
Dated: July 14, 2023



Name: Lisa Wilson
Assistant Attorney General

THE SUPERINTENDENT OF THE MAINE BUREAU OF INSURANCE

Dated: July 17, 2023



Timothy N. Schott
Acting Superintendent