

No. 2017- 5066

**OFFICIAL ORDER  
of the  
TEXAS COMMISSIONER OF INSURANCE**

Date: ~~MAY 0 5 2017~~

**Subject Considered:**

AMERICAN BANKERS INSURANCE COMPANY OF FLORIDA  
11222 Quail Roost Drive  
Miami, FL 33157

**CONSENT ORDER**  
TDI ENFORCEMENT FILE NO. 10007

**General remarks and official action taken:**

The commissioner of insurance considers whether disciplinary action should be taken against American Bankers Insurance Company of Florida (ABIC), which holds a certificate of authority issued by the department.

**WAIVER**

ABIC acknowledges that the Texas Insurance Code and other applicable law provide certain rights. ABIC waives all of these rights and any other applicable, procedural rights in consideration of the entry of this consent order. Pursuant to TEX. INS. CODE § 82.055(b), ABIC agrees to this consent order with the express reservation that it does not admit to a violation of the code or of a rule and that the existence of a violation is in dispute.

**FINDINGS OF FACT**

1. ABIC is a fire and casualty insurance company holding a certificate of authority to transact business in Texas.
2. ABIC made a rate, rule, and form filing with the department on September 15, 2015, under state SERFF identification nos. ASPX-G130215498 (form), ASPX-G130215462 (rate), and ASPX-G130215543 (rule), with a program effective date of January 15, 2016.
3. The filings related to an identity fraud blanket policy ABIC issued to CSIdentity Corporation (CSID), Consumer Assist Network Association, Inc. (CANAN), and Health Advocates Alliance (HAA).
4. The ABIC policy is issued in Delaware as a Delaware Identity Fraud Blanket policy and the proper filings were made in that state at the time the programs were first marketed and sold to consumers. Thus, ABIC filed the appropriate forms and rates in its home state prior to use.

5. ABIC was unaware of Texas' separate filing requirements as to the identity theft insurance.
6. CSID offered the ABIC identity fraud insurance through an identity theft protection program to its members in Texas since July 1, 2015. There are approximately 67,000 residents enrolled at this time.
7. Similarly, CANA offered the ABIC identity fraud insurance to its members beginning in July 2006. Since its inception, a total of 1,888 Texas members have enrolled in a CANA membership product, of which only approximately 238 remain.
8. HAA offered the ABIC identity fraud insurance as part of one of three discount plans offered to its members, which was distributed online and marketed to Texas residents beginning in October 2009. The policy issued to HAA expired on December 1, 2015, and was not renewed.
9. There were no claims filed by Texas members prior to ABIC's filing the rate, rules, and forms in Texas.

#### CONCLUSIONS OF LAW

1. The commissioner has jurisdiction over this matter pursuant to TEX. INS. CODE chs. 706, 861, 2251 and 2301; TEX. INS. CODE §§ 82.051-82.055 and 84.021-84.051; and TEX. GOV'T CODE §§ 2001.051-2001.178.
2. The commissioner has the authority to dispose of this matter informally, as set forth in TEX. GOV'T CODE § 2001.056; TEX. INS. CODE §§ 36.104 and 82.055; and 28 TEX. ADMIN. CODE § 1.47.
3. ABIC has waived all procedural requirements for the entry of an order in this matter, including but not limited to the issuance and service of a notice of intention to institute disciplinary action, a notice of hearing, a public hearing, a proposal for decision, rehearing by the commissioner, and judicial review.
4. ABIC violated TEX. INS. CODE § 706.004 by failing to file rates and forms for identity theft insurance prior to use in accordance with TEX. INS. CODE §§ 2251.101 and 2301.006.

The commissioner orders American Bankers Insurance Company of Florida to pay an administrative penalty of \$35,000 within 30 days from the date of this order. The administrative penalty must be paid by cashier's check or money order payable to the State of Texas. American Bankers Insurance Company of Florida must mail the administrative penalty to the Texas Department of Insurance, Attn: Enforcement Section, Division 40111, MC 9999, P.O. Box 149104, Austin, TX 78714-9104.

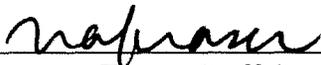
2017-5066

COMMISSIONER'S ORDER  
American Bankers Insurance Company of Florida  
Page 3 of 4



Kevin Brady  
Deputy Commissioner For Agency Affairs  
Texas Department of Insurance  
Delegation Order 4506

APPROVED AS TO FORM AND CONTENT:



Whitney A. Fraser, Staff Attorney  
Legal & Enforcement Division, Enforcement Section  
Texas Department of Insurance

AFFIDAVIT

STATE OF Florida §  
COUNTY OF Dade §

BEFORE ME, the undersigned authority, personally appeared the affiant, who being by me duly sworn, deposed as follows:

1. "My name is Dawn Lamnin. I am of sound mind, capable of making this statement, and personally acquainted with the facts stated herein.
2. I hold the office of Vice President. I am the authorized representative of American Bankers Insurance Company of Florida and am duly authorized to execute this affidavit.
3. American Bankers Insurance Company of Florida has knowingly and voluntarily entered into the foregoing consent order and agrees with and consent to the issuance and service of the foregoing consent order by the commissioner of insurance of the state of Texas."

Dawn Lamnin  
Affiant

SWORN TO AND SUBSCRIBED before me on this 29 day of March, 2017.

Loures M. Hernandez  
Signature of Notary Public

(NOTARY STAMP)

