

No. 2017- 5229

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

Date: SEP 2 2 2017

Subjects Considered:

EMPLOYERS INSURANCE COMPANY OF WAUSAU
175 Berkeley St.
Boston, MA 02116

CONSENT ORDER
TDI ENFORCEMENT FILE NO. 13592

General remarks and official action taken:

This order is in consideration of whether disciplinary action should be taken against Employers Insurance Company of Wausau.

WAIVER

Employers Insurance Company of Wausau acknowledges that the Texas Insurance Code and other applicable law provide certain rights. Employers Insurance Company of Wausau waives all of these rights, and any other applicable procedural rights, in consideration of the entry of this consent order.

FINDINGS OF FACT

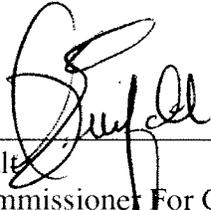
1. Employers Insurance Company of Wausau is a foreign fire and casualty insurance company holding a certificate of authority to transact business in Texas.
2. Pursuant to TEX. INS. CODE § 2251.101, each insurer shall file with the commissioner all rates, applicable rating manuals, supplementary rating information, and additional information as required by the commissioner. An insurer may use a rate filed on and after the date the rate is filed.
3. On April 3, 2017, Employers Insurance Company of Wausau made a rate filing with TDI (SERFF LWCM-130985207; TDI Filing S639185) with an effective date of July 1, 2017, for new and renewal business for its commercial multi-peril policies.
4. The original filing included a notation of "Refer to Company" in the base rate tables for "Commercial Property and Crime" and "General Liability and Liquor Liability."

5. On April 14, 2017, in response to an objection by TDI staff, Employers Insurance Company of Wausau revised the tables to include a rate. The company stated that it had previously used rates not on file to write two policies.

CONCLUSIONS OF LAW

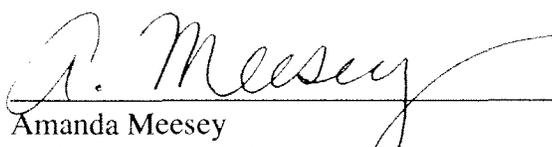
1. The commissioner has jurisdiction over this matter pursuant to TEX. INS. CODE §§ 82.051 – 82.055, 84.021– 84.044, and 801.052-801.053.
2. The commissioner has the authority to informally dispose of this matter as set forth in TEX. GOV'T CODE § 2001.056; TEX. INS. CODE §§ 36.104 and 82.055; and 28 TEX. ADMIN. CODE § 1.47.
3. Employers Insurance Company of Wausau has knowingly and voluntarily waived all procedural rights to which it may have been entitled regarding the entry of this order, including, but not limited to, issuance and service of notice of intention to institute disciplinary action, notice of hearing, a public hearing, a proposal for decision, rehearing by the commissioner, and judicial review.
4. Employers Insurance Company of Wausau violated TEX. INS. CODE § 2251.101 by using a rate not on file with the department.

Employers Insurance Company of Wausau is ordered to pay an administrative penalty of \$30,000. The administrative penalty must be paid within 30 days from the date of this order. The administrative penalty must be paid by cashier's check or money order made payable to the "State of Texas." Mail the administrative penalty to the Texas Department of Insurance, Attn: Enforcement Section, Division 60851, MC 9999, P.O. Box 149104, Austin, Texas 78714-9104.



Mark Einfalt
Deputy Commissioner For Compliance
Texas Department of Insurance
Delegation Order 4506

APPROVED AS TO FORM AND CONTENT:



Amanda Meesey
Staff Attorney, Enforcement Section
Texas Department of Insurance

