

STATE OF INDIANA )  
 ) SS:  
 COUNTY OF MARION )  
 )  
 )  
**THE MATTER OF:** )  
 )  
**Universal Property and Casualty** )  
**Insurance Company** )  
 1110 W. Commercial Blvd. Ste A )  
 Ft. Lauderdale, FL 33309 )  
**NAIC ID: 10861** )  
 )  
**Universal Adjusting Corporation** )  
 1110 W. Commercial Blvd. Ste A )  
 Ft. Lauderdale, FL 33309 )  
**License Number: 3187656** )  
 )  
**Respondents.** )  
 )  
**Type of Agency Action: Enforcement** )  
 )

**BEFORE THE INDIANA**  
**COMMISSIONER OF INSURANCE**  
**Cause Number: 16505-CO17-1120-003**

**FILED**  
 JUN 08 2018  
 STATE OF INDIANA  
 DEPT. OF INSURANCE

**FINAL ORDER**

The Enforcement Division of the Indiana Department of Insurance (“Department”), by counsel, Erica J. Dobbs, Universal Property and Casualty Insurance Company (“Respondent”), a property and casualty insurer, NAIC ID 10861, holding a valid Indiana certificate of authority and Universal Adjusting Corporation, a licensed nonresident independent adjuster organization holding license number 3187656, signed an Agreed Entry which purports to resolve all issues involved in the above-captioned cause number, and which has been submitted to the Commissioner of the Indiana Department of Insurance (“Commissioner”) for approval.

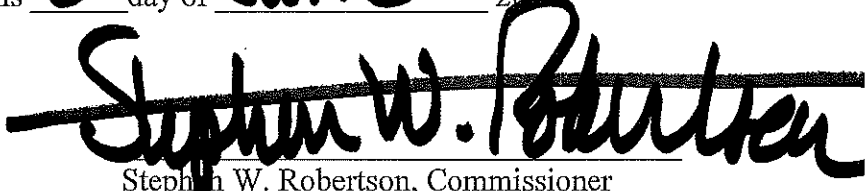
The Commissioner, after reviewing the Agreed Entry, which imposes a two thousand five hundred dollar (\$2,500) administrative penalty and requires the Respondents to submit to the

Department for review and approval a corrective action plan that includes training requirements for claim adjusters specific to water-related losses.

IT IS THEREFORE ORDERED by the Commissioner as follows:

1. Respondent shall pay an administrative fine of two thousand five hundred dollars (\$2,500) within thirty (30) days after the Commissioner signs the Final Order.
2. Respondent submit to the Department for review and approval, not more than thirty (30) days from the date of the Commissioner's Final Order in this matter, a corrective action plan that includes training requirements for claim adjusters specific to water-related losses.
3. The Department agrees to accept this agreement as full resolution of this matter.

ALL OF WHICH IS ORDERED this 8 day of June 2017

  
Stephen W. Robertson, Commissioner  
Indiana Department of Insurance

Distribution:

Dennis Wood, Insurance Investigator  
Indiana Department of Insurance  
311 West Washington St, Suite 103  
Indianapolis, Indiana 46204-2787

Universal Property and Casualty Ins.  
1110 W. Commercial Blvd. Ste A  
Ft. Lauderdale, FL 33309

STATE OF INDIANA )  
 ) SS:  
COUNTY OF MARION )

BEFORE THE INDIANA  
COMMISSIONER OF INSURANCE

CAUSE NO: 16505-CO17-1120-003

IN THE MATTER OF: )  
 )  
Universal Property and Casualty )  
Insurance Company )  
1110 W. Commercial Blvd. Ste A )  
Ft. Lauderdale, FL 33309 )  
NAIC ID: 10861 )  
 )  
Universal Adjusting Corporation )  
1110 W. Commercial Blvd. Ste A )  
Ft. Lauderdale, FL 33309 )  
License Number: 3187656 )  
 )  
Respondents. )  
 )  
Type of Agency Action: Enforcement )

**FILED**

JUN 08 2018

STATE OF INDIANA  
DEPT. OF INSURANCE

AGREED ENTRY

This Agreed Entry is executed by and between the Enforcement Division of the Indiana Department of Insurance ("Department"), by counsel, Erica J. Dobbs; and Universal Property and Casualty Insurance Company and Universal Adjusting Corporation (collectively "Respondents"), to resolve all issues in the above-captioned cause number. This Agreed Entry is subject to the review and approval of Stephen W. Robertson, Commissioner of the Indiana Department of Insurance ("Commissioner").

WHEREAS, Respondents are a property and casualty insurer, NAIC ID 10861, holding a valid Indiana certificate of authority, and a nonresident independent adjuster organization, holding license number 3187656;

WHEREAS, Respondent Universal Property and Casualty Insurance Company, through Respondent Universal Adjusting Corporation, adjusted a water-related claim at a residence in South Bend, Indiana, for a loss occurring on or about June 13, 2017 (the "Claim");

WHEREAS, on or about August 7, 2017, Respondents denied the claim stating the loss was due to ground surface water, a peril excluded in the policy;

WHEREAS, on or about August 16, 2017, White House Mitigation and Remediation ("Complainant") filed a complaint with the Consumer Services Division of the Department citing improper denial of the claim as the loss was the result of a sanitary sewer drain backup and should have been a covered loss in accordance with the policy;

WHEREAS, on or about September 26, 2017, the Consumer Services Division escalated the complaint to the Enforcement Division for additional review;

WHEREAS, on or about October 27, 2017, Respondents subsequently paid the claim;

WHEREAS, during review of the complaint, certain disputes arose between the Department and Respondents regarding the adjudication of the claim and Respondents' claims review practices;

WHEREAS, Indiana Code § 27-4-1-4.5(4) states that it is an unfair claims settlement practice to refuse to pay claims without conducting a reasonable investigation based upon all available evidence;

WHEREAS, the Department asserts Respondents' handling of the claim was in violation of Indiana Code § 27-4-1-4.5(4);

WHEREAS, Respondents maintain that their claims review practices do not violate Indiana insurance law;

WHEREAS, Stephen Donaghy, Chief Operating Officer and Secretary, is authorized to act on behalf of both Respondents and obligate them each to perform in accordance with this agreement; and

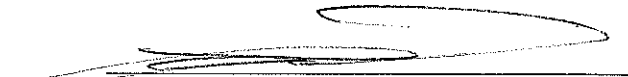
WHEREAS, the Department and Respondents (collectively, the "Parties") desire to resolve this matter without the necessity of a hearing,

IT IS, THEREFORE, NOW AGREED by and between the Parties as follows:

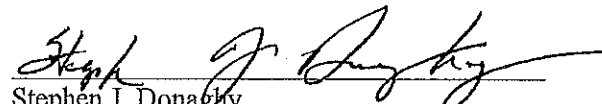
1. The Commissioner has jurisdiction over the subject matter and the Parties to this Agreed Entry.
2. This Agreed Entry is executed voluntarily by the Parties.
3. Respondents voluntarily and freely waive the right to a public hearing on the issues in this matter.
4. Respondents voluntarily and freely waive the right to judicial review of this matter.
5. Respondent Universal Adjusting Corporation shall submit to the Department for review and approval, not more than thirty (30) days from the date of the Commissioner's Final Order in this matter, a corrective action plan that includes training requirements for claim adjusters specific to water-related losses.
6. Respondent Universal Property and Casualty Insurance Company shall make an administrative payment in the amount of Two Thousand Five Hundred Dollars (\$2,500) within thirty (30) days from the date of the Commissioner's Final Order in this matter.
7. The Department agrees to accept Respondents' compliance with this agreement as full satisfaction of this matter.

8. Respondents have carefully read and examined this agreement and fully understand its terms.
9. Respondents have entered into this agreement freely, and have not been subject to duress, threat or undue influence.
10. Should this Agreed Entry not be accepted by the Commissioner, it is agreed that presentation to and consideration of this Agreed Entry by the Commissioner shall not unfairly or illegally prejudice the Commissioner from further participation in or resolution of these proceedings.
11. Respondents are aware that failure to comply with any of the terms of this agreement will result in the matter being set for a hearing.

5/31/18  
Date Signed

  
Erica J. Dobbs, Attorney #30588-49  
Indiana Department of Insurance

5/17/18  
Date Signed

  
Stephen J. Donaghy  
Chief Operating Officer and Secretary  
On Behalf of the Respondents

STATE OF FLORIDA )  
COUNTY OF Broward ) SS:

Before me a Notary Public for Broward County, State of Florida, personally appeared Stephen J. Donaghy, Chief Operating Officer and Secretary, on behalf of Universal Property and Casualty Insurance Company and Universal Adjusting Corporation, and being first duly sworn by me upon their oath, says that the facts alleged in the foregoing instrument are true.

Signed and sealed this 17 day of May, 2018.

*Maria E. Denslow*  
Signature

Maria E. Denslow  
Printed

My Commission expires: Sep. 23, 2020

County of Residence: Broward

