

BEFORE THE DIVISION OF INSURANCE
DEPARTMENT OF LABOR AND REGULATION
STATE OF SOUTH DAKOTA

IN THE MATTER OF)	
AMERICAN SAFETY CASUALTY)	CONSENT ORDER
INSURANCE COMPANY)	

In resolution of the above matter and in lieu of issuance of a Notice of Hearing and a formal hearing, the undersigned parties do hereby agree to the following:

AMERICAN SAFETY INSURANCE COMPANY ("AMERICAN SAFETY"), whose address of record is 100 Galleria Parkway SE #700, Atlanta, GA 30339, is an insurance company holding a certificate of authority to transact business in the State of South Dakota;

AMERICAN SAFETY is aware that the South Dakota Division of Insurance ("Division") has conducted an investigation of its insurance-related activities in South Dakota;

The Division has alleged the following with regards to AMERICAN SAFETY:

- 1) AMERICAN SAFETY failed to remit a July 15, 2013 assessment from the South Dakota Insurance Guaranty Association in violation of SDCL §§ 58-29A-75 and 58-29A-78;
- 2) The above-cited conduct constitutes grounds for the revocation or suspension of AMERICAN SAFETY's certificate of authority pursuant to SDCL §§ 58-6-46 and 58-29A-91;

AMERICAN SAFETY is aware of and understands the nature of the charges and has been informed that it has the right to notice, hearing, and appeal, and that by agreeing to and signing this Consent Order waives these rights;

In return for AMERICAN SAFETY agreeing to the provisions of this Consent Order, the Division agrees not to proceed to hearing and agrees that this Consent Order will constitute an informal disposition of this licensing matter pursuant to SDCL § 1-26-20;

AMERICAN SAFETY agrees to a monetary penalty in the amount of \$2,500 pursuant to SDCL § 58-4-28.1, in lieu of contesting this matter formally; and

AMERICAN SAFETY further agrees to conduct itself in accordance with the insurance laws and regulations of the State of South Dakota henceforth; and

AMERICAN SAFETY further agrees that this Consent Order may be considered in any future licensing procedures with the Division and for the purpose of determining the appropriate sanction in any future actions with the Division for any violations of the laws or regulations of the State of South Dakota or for failing to abide by any order of the Director;

Wherefore, good cause appearing from the foregoing, it is hereby ORDERED that AMERICAN SAFETY pay a monetary penalty in the amount of \$2,500 payable to "South Dakota Division of

Insurance” for deposit in the general fund of the State of South Dakota and remitted with this Consent Order; and it is further

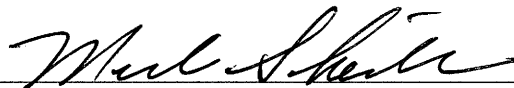
ORDERED that AMERICAN SAFETY pay the SDIGA assessments as noticed on July 15, 2013 with applicable interest as determined by the SDIGA by the time this Consent Order is signed by AMERICAN SAFETY; and it is further

ORDERED that should AMERICAN SAFETY fail to comply with the provisions of this Order, the Division may seek the suspension or revocation of AMERICAN SAFETY’s Certificate of Authority at hearing pursuant to SDCL §§ 58-6-46 and 58-29A-91, or seek other remedies available at law; and it is further

ORDERED that the use of this Consent Order for competitive purposes by an insurance agent or third-party administrator holding a license in the State of South Dakota, or by any company holding a Certificate of Authority, or by anyone on their behalf, may be deemed unfair competition and be grounds for suspension or revocation of said license or authority; and it is further


ORDERED that the provisions of this Consent Order shall be effective from the date the Director signs this Order.

Dated at Pierre, South Dakota this 10th day of November, 2013.


Merle Scheiber, Director
South Dakota Division of Insurance

The undersigned, on behalf of AMERICAN SAFETY, represents it understands the terms of this Consent Order and the waiver of its due process rights and voluntarily enter into this Consent Order.

Dated this 8th day of November, 2013.


Signature of Authorized Representative

MARK N HAUSCHILD
Name of Authorized Representative

Treasurer
Title