

FEB 10 2022

BEFORE THE DEPARTMENT OF INSURANCE
STATE OF NEBRASKA

FILED

STATE OF NEBRASKA)	
DEPARTMENT OF INSURANCE,)	
)	
PETITIONER,)	CONSENT ORDER
)	
VS.)	
)	
PROGRESSIVE UNIVERSAL)	CAUSE NO. C-2727
INSURANCE COMPANY,)	
)	
RESPONDENT.)	

In order to resolve this matter, the Nebraska Department of Insurance ("Department"), by and through its representative, Michael W. Anderson, and Progressive Universal Insurance Company, ("Respondent"), mutually stipulate and agree as follows:

JURISDICTION

1. The Department has jurisdiction over the subject matter and Respondent pursuant to Neb. Rev. Stat. §44-101.01, §44-303 and §44-4047, et seq.
2. Respondent was licensed as an insurer under the laws of Nebraska at all times material hereto.

STIPULATIONS OF FACT

1. The Department initiated this administrative proceeding by filing a petition styled State of Nebraska Department of Insurance vs. Progressive Universal Insurance Company, Cause Number C-2727 on November 5, 2021. A copy of the petition was served upon the Respondent, at the Respondent's address registered with the Department by certified mail, return receipt requested.
2. The petition alleges that Respondent violated Title 210 NAC Ch. 60 §§ 008.01, 008.02, and 008.04 as a result of the following conduct:

- a. On July 12, 2021, the Department received a complaint regarding a property and casualty claim. This claim concerned an accident in which the complainant was rear-ended by a motorist insured through Respondent. In this accident, complainant suffered damage to bicycles that were located on a hitch-mounted rack on the back of complainant's vehicle.
- b. The accident at issue occurred on May 25, 2021, and the complainant opened the claim with Respondent concerning the bicycles between June 2 and 9, 2021.
- c. On June 15, 2021, Respondent assumed full liability for the May 25 accident.
- d. Beginning on June 9, 2021, when the claim was opened, the claim was bounced between Respondent's auto claims department, fixed property department, inbound subrogation department, and local adjuster group, finally arriving back at the fixed property department for handling on July 28, 2021.
- e. On June 28, 2021, the company requested and received from the complainant pictures and estimates for the bicycles damaged in the accident.
- f. Despite having accepted full liability from the May 25, 2021 accident, and receiving the requested proof of loss on June 28, 2021, no offer to settle the claim was made until July 28, 2021 after Petitioner's office became involved in the matter.

3. Respondent was informed of the right to a public hearing. Respondent waives that right, and enters into this Consent Order freely and voluntarily. Respondent understands and acknowledges that by waiving its right to a public hearing, Respondent also waives its right to confrontation of witnesses, production of evidence, and judicial review.

4. Respondent is agreeing to this Order in the interest of compromise and nothing herein should be construed as an admission of wrongdoing.

CONCLUSIONS OF LAW

The conduct of Progressive Universal Insurance Company, as alleged above, constitutes violations of Title 210 NAC Ch. 60 §§ 008.01, 008.02, and 008.04, and subjects Progressive to disciplinary action pursuant to Neb. Rev. Stat. §§44-1542.

CONSENT ORDER

It is therefore ordered by the Director of Insurance and agreed to by Respondent, that Respondent shall pay an administrative fine in the amount of one thousand dollars (\$1,000). The Respondent has thirty days from the date of approval of this consent order by the Nebraska Director of Insurance to pay the fine. The Nebraska Department of Insurance shall retain jurisdiction of this matter for the purpose of enabling the Department to make application for such further orders as may be necessary.

In witness of their intention to be bound by this Consent Order, each party has executed this document by subscribing their signatures below.



Michael W. Anderson, #67618
Department of Insurance
1526 "K" Street, Suite 200
Lincoln, Nebraska 68501
(402) 471-4649

2/10/2022

Date



Progressive Universal Insurance Company

2/2/2022

Date

State of Ohio)
County of Summit) ss.

On this 2nd day of February, 2022 Progressive Universal Insurance Company personally appeared before me and read this Consent Order, executed the same and acknowledged the same to be their voluntary act and deed.

Paul E. Lynch
Notary Public

My Commission has
no expiration date
- Ohio Attorney



CERTIFICATE OF ADOPTION

I hereby certify that the foregoing Consent Order is adopted as the Final Order of the Nebraska Department of Insurance in the matter of State of Nebraska Department of Insurance vs. Progressive Universal Insurance Company, Cause No. C-2727.

STATE OF NEBRASKA
DEPARTMENT OF INSURANCE


Eric Dunning
Director of Insurance

2/10/21
Date

CERTIFICATE OF SERVICE

I hereby certify that a copy of the executed Consent Order was sent to the Respondent at P.O. Box 89490, Cleveland, Ohio, 44101-6490, by certified mail, return receipt requested on this 10th day of February, 2021.

