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Montana State Auditor  
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Attorneys for the CSI

**BEFORE THE COMMISSIONER OF SECURITIES AND INSURANCE  
MONTANA STATE AUDITOR**

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IN THE MATTER OF	)	CASE NO. INS-2013-131
TRAVELERS CASUALTY AND	)	<b>CONSENT AGREEMENT</b>
SURETY COMPANY, TRAVELERS	)	
CASUALTY AND SURETY COMPANY	)	
OF AMERICA, THE TRAVELERS	)	
CASUALTY COMPANY, TRAVELERS	)	
CASUALTY COMPANY OF	)	
CONNECTICUT, TRAVELERS	)	
CASUALTY INSURANCE COMPANY	)	
OF AMERICA, TRAVELERS	)	
COMMERCIAL CASUALTY	)	
COMPANY, TRAVELERS	)	
COMMERCIAL INSURANCE	)	
COMPANY, AND TRAVELERS	)	
CONSTITUTION STATE INSURANCE	)	
COMPANY,	)	
Respondents.	)	

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This Consent Agreement and Final Order (Agreement) is entered into by the Office of the Commissioner of Securities and Insurance, Montana State Auditor (CSI), acting pursuant to the authority of the Montana Insurance Code, Mont. Code Ann. § 33-1-101 et seq. (Insurance Code), and the above-captioned Travelers Companies (Respondent).

**RECITALS**

WHEREAS, on May 17, 2013, the CSI requested information from Respondent via certified mail that the Respondent received on May 20, 2013;

WHEREAS, the request included a response deadline of May 31, 2013;

WHEREAS, Respondent ultimately provided requested information but failed to do so by the stated deadline of May 31, 2013;

WHEREAS, the CSI alleged that Respondent violated Mont. Code Ann. § 33-1-315(5) by failing to answer and procure records, documents, or other evidence requested by the Commissioner of Securities and Insurance, Montana State Auditor (Commissioner), or the Commissioner's designee; and

WHEREAS, the CSI and Respondent agree that the best interests of the public would be served by entering into this Agreement;

NOW, THEREFORE, in consideration of the mutual undertakings contained in this Agreement, the CSI and Respondent hereby agree to settle this matter pursuant to the following terms and conditions:

### **STIPULATIONS AND CONSENTS**

I. Without admitting or denying any of the CSI's allegations, the Respondent stipulates and consents to the following:

A. Within ten days from the execution of this Agreement, Respondent shall pay a \$5,000 fine to the state of Montana. The fine should be made payable to the "State of Montana" and sent to the CSI, c/o Brett O'Neil, Attorney, 840 Helena Avenue, Helena, MT 59601.

B. Respondent shall timely answer the CSI's future requests for information and shall implement procedures to ensure compliance with Mont. Code Ann. § 33-1-315.

C. Respondent shall comply with the terms and conditions of this Agreement, the Insurance Code, and all other regulations of the state of Montana.

D. Respondent fully and forever releases and discharges the CSI from any and all actions, claims, causes of action, demands, or expenses for damages or injuries, whether asserted or unasserted, known or unknown, foreseen or unforeseen, arising out of this Agreement.

E. Respondent specifically and affirmatively waives a contested case hearing and all rights to appeal under the Montana Administrative Procedure Act, Mont. Code Ann. § 2-4-101 et seq., and elects to resolve this matter on the terms and conditions set forth herein.

II. All parties to this Agreement stipulate and consent as follows:

A. The Commissioner and the CSI have jurisdiction over the subject matter of the above-entitled proceeding.

B. This Agreement is entered without adjudication of any issue, law, or fact. It is entered into solely for the purpose of resolving the CSI's allegations and is not intended to be used for any other purpose. For any person or entity not a party to this Agreement, this Agreement does not limit or create any private rights or remedies against the Respondent including limit or create liability of Respondent, or limit or create defenses of Respondent, to any claims.

C. This Agreement constitutes the entire agreement between the parties and no other promises or agreements, either express or implied, have been made by the CSI

or by any member, officer, agent or representative of the CSI to induce Respondent to enter into this Agreement.

D. This Agreement may not be modified orally, and any subsequent modifications to this Agreement must be mutually agreed upon in writing to be effective.

E. This Agreement shall be incorporated into and made a part of the attached Final Order issued by the Commissioner herein.

F. This Agreement shall be effective upon signing of the Final Order.

G. The Agreement is a public record under Montana law and as such may not be sealed or otherwise withheld from the public.

DATED this 14<sup>th</sup> day of August, 2013

**COMMISSIONER OF SECURITIES AND  
INSURANCE, MONTANA STATE AUDITOR**

By:   
\_\_\_\_\_  
BRETT O'NEIL  
Attorney

DATED this 12<sup>th</sup> day of August, 2013

**TRAVELERS COMPANIES**

By:   
\_\_\_\_\_

Its:   
\_\_\_\_\_

**FINAL ORDER**

Pursuant to the authority vested by Mont. Code Ann. § 2-4-603 and § 33-1-101 et seq.,  
and upon review of the foregoing Consent Agreement and good cause appearing,

IT IS HEREBY ORDERED that the foregoing Consent Agreement between the CSI and  
Respondent Travelers Companies is adopted as if set forth fully herein.

DATED this 4<sup>th</sup> day of August, 2013.

MONICA J. LINDEEN  
Commissioner of Securities and Insurance  
Montana State Auditor

By: \_\_\_\_\_

  
ADAM SCHAFER  
Deputy Commissioner

cc: Travelers Companies