

STATE OF MICHIGAN

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS



Michigan
Office of Financial and
Insurance Regulation

MARKET CONDUCT EXAMINATION

NUMBER 2011C-0014

JUNE 1, 2011

REPORT OF LIMITED SCOPE MARKET CONDUCT EXAMINATION OF

MIC GENERAL INSURANCE COMPANY

Southfield, MI

For the period from January 1, 2001 through May 31, 2010

NAIC COMPANY CODE: 38660

**REPORT OF EXAMINATION
MIC GENERAL INSURANCE COMPANY**

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June 1, 2011

Honorable R. Kevin Clinton
Commissioner of Insurance
Office of Financial and Insurance Regulation
State of Michigan
611 West Ottawa St.
Lansing, MI 48933-1070

Dear Commissioner Clinton:

Pursuant to Section 500.222, Michigan Statutes, the Michigan Office of Financial and Insurance Regulation (OFIR) has called a target market conduct examination of

MIC General Insurance Company

at its home office located at:

300 Galleria Officentre, Suite 200
Southfield, MI 48034

The following report thereon is respectfully submitted.

HISTORY AND PROFILE

The Company was incorporated on August 14, 1980 under the Indiana Insurance Code as a stock insurance company and began business on January 1, 1981. The Company filed articles of incorporation with OFIR under the provisions of ACT 218 of the Public Acts of 1956, as amended, on November 22, 1996. The redomestication of the Company from Indiana to Michigan was approved on December 20, 1996 with an effective date of December 31, 1996. On June 20, 2000, amended articles of incorporation were approved by OFIR.

On March 1, 2010, American Capital Acquisition Corporation (ACAC) acquired the personal lines operations of GMAC Insurance from GMACI Holdings, Inc. and Motors Insurance Corporation. Nine companies were acquired and pooled under the name of Integon National Group, including National General Insurance Company, National General Assurance Company, GMAC Insurance Company Online, Inc., **MIC General Insurance Corporation**, Integon National Insurance Company, Integon Preferred insurance Company, Integon Indemnity Corporation, Integon Casualty Insurance Company and New South Insurance Company. ACAC is owned by Michael Karfunkel (21.77%), the Michael Karfunkel 2005 GRAT (56.98%) and AMTrust Financial Services, Inc (21.25%).

REPORT OF EXAMINATION MIC GENERAL INSURANCE CORPORATION

The Company's purpose is to engage in the insurance business. The Company is authorized to write disability, property, ocean and inland marine, automobile insurance – limited, casualty, disability (supplemental to auto), and surety and fidelity insurance in accordance with Chapter 6 of the Michigan Insurance Code.

METHODOLOGY

This examination is based on the standards and tests for a Target Market Conduct Examination found in the *NAIC Market Regulation Handbook* (2008 edition) and the Michigan Insurance Statutes, Rules and Regulations as referenced herein.

The Department employed 'Interrogatories' and 'Desk Audit' methods for collection of data and materials for review. A 'Generic' type of review method was used for verification of compliance standards.

A "generic" review indicates that compliance was tested through an analysis of specific data and objective evidence gathered by the examiner, or provided by the examinee in response to queries by the examiner.

SCOPE OF EXAMINATION

The State of Michigan's Office of Financial and Insurance Regulation ("OFIR") or ("the Department") conducted a target market conduct examination of MIC General Insurance Corporation ("the Company") for the period of January 1, 2001 to May 31, 2010. The examination was called pursuant to Section 500.222 of the Michigan Statutes. The market conduct examination was conducted at the direction of, and under the overall management and control of, the market conduct examination staff of the Department. We also conducted concurrent examinations of National General Insurance Company and Integon National Insurance Company.

The examination reviewed the Company's activities related to its Personal Automobile Insurance Coverage practices. The focus of the examination was two-fold. The first was to investigate the Company's use of coordinated benefits penalty deductibles under Personal Injury Protection Coverage of Personal Auto policies issued in Michigan that exceeded the statutory limit and to ensure compliance with Section 3109 and 3109a, being MCL §500.3109 and MCL §500.3109a, respectively. The second was to review the Company's standards and policies for refunding unearned premium for cancelled Personal Auto Policies and to ensure compliance with Section 3020(2), being MCL §500.3020(2).

This examination was limited in scope. This examination report is a report by exception rather than a report by test.

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EXECUTIVE SUMMARY

Overall Review

In response to the examiners inquiry, the Company reported that during the examination period, 156,063 policies were issued with a Coordinated Benefits 'Penalty' deductible greater than \$300.00, the statutory maximum without prior approval. In all cases, the deductible used was \$2,500.00, or \$2,200.00 greater than the statutorily allowed \$300.00 deductible. Additionally, the Company identified 15 policies where a deductible greater than \$300.00 was assessed in response to a claim made by the insured.

The Company provided and OFIR reviewed information detailing 100% of the 15 claims, regarding notification and restitution to each claimant for the errant overcharged deductible amount, including interest calculated to the date the penalty deductible was assessed.

Policyholders that did not incur a claim were not directly impacted by the application of the penalty deductible. All policyholders were provided with new endorsements reflecting the change.

The Company provided an explanation and supporting documentation for their automated procedures for the processing of premium refunds associated with Private Passenger Auto policy cancellations.

EXAMINATION FINDINGS AND RECOMMENDATIONS

There are no findings or recommendations resulting from this examination.

ACKNOWLEDGMENT

This is to certify that the undersigned is duly qualified and has applied certain agreed-upon procedures to the Company's corporate records in order for the OFIR to conduct a target scope market conduct examination of the Company.

The undersigned's participation in this target examination as the Examiner-In-Charge encompassed responsibility for the coordination and direction of the examination. The examination was performed in accordance with, and substantially complied with those standards established by the National Association of Insurance Commissioners (NAIC) and the *NAIC Market Regulation Handbook*. This participation consisted of involvement in the planning (development and supervision), administration and preparation of the limited scope examination report.

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MIC GENERAL INSURANCE CORPORATION**

We appreciate the cooperation and assistance extended by the officers and employees of the Company.

CONCLUSION

The market conduct examination was conducted at the direction of, and under the overall management and control of Regan Johnson of the OFIR. The examination activities were conducted by Michael Draminski, MCM. The examination Report is respectfully submitted.

Michael Draminski
Market Conduct Examiner-in-Charge
For the Office of Financial and Insurance
Regulation
State of Michigan