

STATE OF NORTH DAKOTA  
BEFORE THE INSURANCE COMMISSIONER

In the Matter of	)	
	)	
Seneca Insurance Company, Inc.,	)	CONSENT ORDER
FEIN 13-2941133,	)	
	)	FILE NO. CO-14-490
Respondent.	)	

TO: Karen Herrmann, Seneca Insurance Company, Inc., 160 Water Street, 16<sup>th</sup> Floor, New York, NY 10038

Insurance Commissioner Adam Hamm (hereinafter "Commissioner") has determined as follows:

1. The Commissioner has authority in this matter pursuant to N.D.C.C. § 26.1-01-03.
2. The Commissioner has jurisdiction over the Respondent and the subject matter of this Consent Order, and this Consent Order is made in the public interest.
3. Seneca Insurance Company, Inc., FEIN 13-2941133, ("Respondent"), at all relevant times, was a foreign insurance company domiciled in New York and licensed to do business in North Dakota.
  3. N.D.C.C. § 26.1-26.6-01 states:

**26.1-26.6-01. Definition.** As used in this chapter, unless the context otherwise requires, "bail bond agent" means any person who has been licensed by the commissioner and appointed by an insurer by power of

attorney to execute or countersign bail bonds for the insurer in connection with the judicial proceedings and charges and receives money for the services.

4. N.D.C.C. § 26.1-26.6-04 states:

**26.1-26.6-04. Qualification and license as bail bond agent – Pledge of property as security – Penalty.**

A person may not act in the capacity of a bail bond agent or perform any of the functions, duties, or powers prescribed for a bail bond agent under this chapter unless that person is qualified and licensed as provided in this chapter. . . . Violation of this section is a class B misdemeanor.

4. The Commissioner has come into information which alleges that Respondent allowed a licensed insurance producer to act in the capacity of a bail bond agent without being properly appointed with Respondent. Specifically, it is alleged that Respondent allowed the bail bond agent to write at least 22 bail bonds without holding an appointment by Respondent as is required by N.D.C.C. §§ 26.1-26.6-01 and 26.1-26.6-04.

5. Respondent may be subject to an administrative penalty pursuant to N.D.C.C. § 26.1-01-03.3 and suspension or revocation pursuant to N.D.C.C. § 26.1-11-08.

8. Respondent acknowledges that at the time of signing the Consent to Entry of Order, it was aware of or had been advised of the right to a hearing in this matter, to consult an attorney, to present argument to the Commissioner, to appeal from any adverse determination after a hearing, and Respondent expressly waives those rights.

9. Respondent has agreed to informal disposition of this matter, without a hearing, as provided under N.D.C.C. § 28-32-22.

10. For purposes of resolving this matter without further administrative proceedings, Respondent has agreed to enter into the following order

NOW, THEREFORE, IT IS HEREBY ORDERED THAT:

1. Respondent agrees to pay a fine in the amount of \$2,200 payable by money order, cashier's check, or credit card to the North Dakota Insurance Department within 20 days of the effective date of this Order.

2. The use of this Consent Order for competitive purposes by an insurance producer or agency holding a license in the State of North 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 the license or authority.

DATED this 17<sup>th</sup> day of November, 2014.



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Adam Hamm  
Insurance Commissioner  
State of North Dakota

### CONSENT TO ENTRY OF ORDER

The undersigned Marc T. Wolin, on behalf of **Seneca Insurance Company, Inc.**, states that the undersigned has read the foregoing Consent Order and is authorized by the Company to consent to the entry of this order. The undersigned, on behalf of the Company, fully understands the contents and effect of the Consent Order. The Company has been advised of its right to be represented by legal counsel, to request a hearing in this matter, to present evidence and arguments to the Commissioner, and of its right to appeal from an adverse determination after hearing. By the signing of this Consent to Entry of Order, the undersigned on behalf of the Company waives those rights in their entirety and voluntarily consents to the entry of

this Consent Order by the Insurance Commissioner and agrees to be bound by it. It is further expressly understood that this Consent Order constitutes the entire settlement agreement between the parties hereto, there being no other promises or agreements either expressed or implied.

DATED this 4th day of November, 2014.



Seneca Insurance Company, Inc.

By: Marc T. Wolin

Its: President and Chief Executive Officer

State of New York

County of New York

Subscribed and sworn to before me

this 4<sup>th</sup> day of November, 2014.

  
Notary Public

My commission expires: 7/31/18

**LUIS E. VEGA**  
Notary Public, State of New York  
No. 01VE6045637  
Qualified in Nassau County  
Commission Expires July 31, 2018