



THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF CONSUMER AFFAIRS AND BUSINESS REGULATION
DIVISION OF INSURANCE

Report on the Comprehensive Market Conduct Examination of

NGM Insurance Company
Main Street America Assurance Company

Jacksonville, Florida

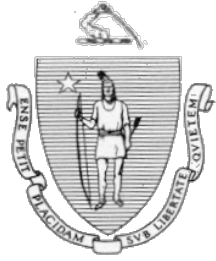
For the Period January 1, 2011 through December 31, 2012

NAIC COMPANY CODE: 14788, 29939

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COMMONWEALTH OF MASSACHUSETTS
Office of Consumer Affairs and Business Regulation
DIVISION OF INSURANCE

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COMMISSIONER OF INSURANCE

November 6, 2014

Honorable Joseph G. Murphy
Commissioner of Insurance
Commonwealth of Massachusetts
Division of Insurance
1000 Washington Street, Suite 810
Boston, Massachusetts 02118-6200

Dear Commissioner Murphy:

Pursuant to your instructions and in accordance with Massachusetts General Laws, Chapter 175, § 4, a comprehensive examination has been made of the market conduct affairs of

NGM INSURANCE COMPANY
MAIN STREET AMERICA ASSURANCE COMPANY

at their home offices located at:

4601 Touchton Road East, Ste, 3400
Jacksonville, Florida 32246

The following report thereon is respectfully submitted.

REPORT OF THE COMPREHENSIVE MARKET CONDUCT EXAMINATION OF
NGM INSURANCE COMPANY
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SCOPE OF EXAMINATION

The Massachusetts Division of Insurance (the “Division”) conducted a comprehensive market conduct examination (“examination”) of NGM Insurance Company (“NGM”) and Main Street America Assurance Company (“MSA”), (collectively, the “Company”) for the period January 1, 2011 to December 31, 2012, with focus on personal lines operations. The examination was called pursuant to authority in Massachusetts General Laws Chapter (“M.G.L. c.”) 175, § 4. The examination also evaluated the Company’s compliance with requirements from a previous Regulatory Settlement Agreement between the Company and the Division. The examination was conducted under the direction, management and control of the market conduct examination staff of the Division. Representatives from the firm of Rudmose & Noller Advisors, LLC (“RNA”) were engaged to complete the examination.

EXAMINATION APPROACH

A tailored examination approach was developed using the guidance and standards of the *2011* and *2012 NAIC Market Regulation Handbooks*, (“the Handbook”) the examination standards of the Division, the Commonwealth of Massachusetts’ insurance laws, regulations and bulletins, and selected Federal laws and regulations. All procedures were performed under the supervision of the market conduct examination staff of the Division, including procedures more efficiently addressed in the domiciliary regulator’s financial examination of the Company. For those objectives, RNA and the market conduct examination staff relied on procedures performed by the domiciliary regulator’s financial examination staff to the extent deemed appropriate to ensure that the market conduct objective was adequately addressed. The operational areas that were reviewed under this examination include company operations/management, complaint handling, marketing and sales, producer licensing, policyholder service, underwriting and rating and claims. This examination report describes the procedures performed in these operational areas and the results of those procedures.

In addition to the processes and procedures guidance in the Handbook, the examination included an assessment of the Company’s related internal controls. While the Handbook approach is designed to detect incidents of deficiency through transaction testing, the internal control assessment provides an understanding of the key controls that the Company’s management uses to operate their business and to meet key business objectives, including complying with applicable laws and regulations related to market conduct activities.

The internal control assessment is comprised of three significant steps: (a) identifying controls; (b) determining whether the control has been reasonably designed to accomplish its intended purpose in mitigating the risk; and (c) verifying that the control is functioning as intended (i.e., review or testing of the controls). The effectiveness of the internal controls was considered when determining sample sizes for transaction testing. The form of this examination report is “Report by Test,” as described in Chapter 15, Section A of the Handbook.

The Division considers a “finding” to be a violation of Massachusetts insurance laws, regulations or bulletins. An “observation” along with a recommendation is considered a departure from an industry best practice. The Division recommends that Company management evaluate any “finding” or “observation” for applicability to other jurisdictions. All unacceptable or non-compliant practices may not have been discovered or noted in this report. Failure to identify unacceptable or non-compliant business practices does not constitute acceptance of such practices. When applicable, corrective actions should be taken in all jurisdictions. The Company shall report to the Division any such corrective actions taken.

EXECUTIVE SUMMARY

This summary of the examination of the Company is intended to provide a high-level overview of the examination results highlighting where recommendations were made or required actions were noted. The body of the report provides details of the scope of the examination, the examination approach, internal controls for each standard, review and test procedures conducted, findings and observations, recommendations and required actions, and if applicable, subsequent Company actions. The body of the report also discusses the Company's compliance with requirements from a previous Regulatory Settlement Agreement between the Company and the Division. Company managerial and supervisory personnel from each operational area should review the examination report for results relating to their specific area.

The following is a summary of all findings and observations, along with related recommendations and required actions and, if applicable, subsequent Company actions noted in this examination report. All Massachusetts laws, regulations and bulletins cited in this report may be viewed on the Division's website at www.mass.gov/doi.

The examination resulted in no recommendations or required actions with regard to complaint handling, marketing and sales, or policyholder service. The examination indicated that the Company is in compliance with all tested Company policies, procedures and statutory requirements addressed in the examination. Further, the tested Company practices appear to meet industry best practices in these areas.

SECTION I-COMPANY OPERATIONS/MANAGEMENT

STANDARD I-18

Findings: None.

Observations: Based upon RNA's review of the Company's 2011 and 2012 data submitted for the examination, the statutorily-required homeowners data reported to the Division, and the Market Conduct Annual Statement ("MCAS") data submitted to the NAIC, the data appears to be reasonably accurate and complete, except that two homeowners and 14 private passenger automobile transactions contained in the company-initiated cancellation examination data were not company-initiated cancellations for underwriting, but were insured-requested cancellations or cancellations for non-payment of premium. Also, six company cancellations for underwriting and two company cancellations for non-payment were incorrectly included in the examination non-renewal data.

Recommendations: The Company should review its procedures for coding and reporting of company-initiated cancellations for underwriting, non-renewals and insured requested cancellations to ensure that such transactions are properly coded for management and regulatory reporting, including MCAS reporting. The Company should also provide training for appropriate personnel, regarding its transaction coding procedures. Additionally, the Company should ensure that its procedures include a thorough review of MCAS filings prior to filing with the NAIC, to ensure that the data is accurate, complete and properly reconciled to underlying data contained in the Company's policy administration, underwriting and claims systems. Finally, the Company should conduct independent monitoring by internal audit, compliance or quality assurance testing staff to ensure that procedures for transaction reporting are adequate and result in accurate and complete management and regulatory reporting.

SECTION IV-PRODUCER LICENSING

STANDARD IV-1

Findings: For 23 homeowners and seven private passenger automobile policies tested, the producers, who were party to agency contracts with the Company, were not appointed as agents in the Division's On-Line Producer Appointment System ("OPRA") system prior to, or concurrent with the sale, in accordance with M.G.L. c. 175, § 162S.

Observations: Based upon testing, except as noted above, the Company's independent agents were properly licensed and appointed at the date of sale, and the agents' appointments were included in the Division's OPRA system.

Required Actions: The Company shall ensure that its producers appointed as agents are reported in the Division's OPRA system, prior to, or concurrent with, the sale in accordance with the Company's contractual obligations under its agency agreements. The Company shall adopt new agency appointment procedures, provide related training, and develop a reconciliation process to identify any missed agency appointments, to ensure that all licensed producers are appointed as agents prior to, or concurrent with, the sale in accordance with the Company's agency agreements.

Subsequent Company Actions: The Company is adopting new procedures and controls to address these required actions. The Company performed a review of its agency appointment guidelines and best practice documents. Process improvements have been identified and controls adopted to ensure that the proper licensing documentation has been received by the Company and that the producer appointments have been entered into the OPRA system prior to, or concurrent with the issuance of an agency code or access to the Company's processing systems. These process improvements will prohibit the issuance of a policy prior to the appointment of the producer. In addition, the Company will review internal processes and procedures associated with the management of agency licensing and appointments with its sales and underwriting employees. Process documents will be stored electronically on the Company's internal website.

Annually agents are randomly selected for on-site agency audits performed by sales representatives to ensure that agents are retaining electronically submitted applications, and that the applications contain signatures of licensed and appointed producers. The audit findings are reported to the Company's Field Operations Support Center for verification of the producer license information. Also, the Field Operations Support Center will perform quarterly self-audits of all new agency appointments processed throughout the year to review and record receipt of the applicable licensing information for each new appointment and new location recorded during the applicable quarter.

STANDARD IV-3

Findings: Three agent appointment terminations were not made with the Division through OPRA timely (within 30 days following the effective date of the termination) in violation of M.G.L. c. 175, § 162T. One termination was processed in OPRA 18 months after the effective date of the termination. For the other two, the terminations in OPRA were so late that the producers were no longer in the OPRA database.

Observations: Except as noted above, the Company properly notified the Division of appointment terminations through the OPRA system in compliance with statutory requirements. For each of the tested appointment terminations, the Company was able to provide evidence of timely notice to the agents in

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compliance with statutory requirements, as appropriate.

RNA noted that four producer licenses were terminated by the Division, and that process terminated the agent appointments for those producers. Finally, 10 agent terminations were included on the Company's list of agent terminations, although none of the producers was ever appointed as agent in the Division's OPRA system.

Required Actions: The Company shall adopt new control procedures to ensure that all agent appointment terminations are reported to the Division in OPRA in accordance with statutory requirements. The Company shall provide guidance or training to staff on these new procedures. Also, the new agent appointment and termination control procedures shall be tested by internal audit or compliance to ensure that they are effectively implemented with the results of the independent testing completed and reported to the Division by June 30, 2015 or another agreed upon date.

Recommendations: The Company should ensure that it timely identifies producer licensing changes that would impact any of the Company's agency appointments. Also, the Company should ensure that its agent appointment and termination lists are accurate and complete.

Subsequent Company Actions: The Company is adopting new procedures and controls to address these required actions. The Company performed a review of its agency termination process and procedures, identified process improvements, and adopted new controls. . The agent termination process workflow has been revised by adding a procedure to set an automated diary following the mailing of the official appointment termination letter. This diary date will alert the Field Operations Support Center processor to complete the appointment termination through the OPRA system. This additional process will fulfill the requirement for terminating the agent appointment through OPRA within the 30 days following the termination date. These procedures will be reviewed by internal audit to ensure that they are effectively implemented with the results of the independent testing completed and reported to the Division by June 30, 2015.

SECTION VI-UNDERWRITING AND RATING

STANDARD VI-1

Findings: RNA testing indicated that for nine of the 100 Board of Appeal vacated surcharges, the surcharges were not properly and timely reversed in accordance with M.G.L. c. 175E, § 7A and Division Bulletin 2010-11. At the request of the Division, the Company reviewed Board of Appeal vacated at-fault accident determinations for the period 2003-2013 and determined that an additional 296 vacated surcharges were not properly reversed in accordance with M.G.L. c. 175E, § 7A and Division Bulletin 2010-11.

RNA's testing of private passenger automobile claims indicated that for four claims, the at-fault operators were not surcharged for at-fault accidents, and the claims were not reported to the Merit Rating Board ("MRB"), in accordance with 211 CMR 134.00. Further, the at-fault operators were not provided a notice of surcharge stating their right to appeal those surcharges in accordance with M.G.L. c. 175E, § 7A. At the request of the Division, the Company reviewed at-fault accident surcharges for the period 2010-2013 and determined that 663 operators were not surcharged for at-fault accidents, and the claims were not reported to the MRB in accordance with 211 CMR 134.00. Also, at-fault operators were not provided a notice of surcharge stating their right to appeal those surcharges in accordance with M.G.L. c. 175E, § 7A. As a result, the Company and the Division entered into a Regulatory Settlement Agreement in November 2014 requiring corrective actions and restitution for these statutory violations. See Appendix

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B.

Observations: Based upon testing, except as noted above, the Company appears to calculate policy premiums, discounts, at-fault accident surcharges and vacated surcharges in compliance with its policies, procedures, and statutory requirements, and in compliance with rates filed with the Division. RNA testing of motorcycle premium noted that original cost new and appropriate depreciation factors were applied to motorcycle policy premiums.

Required Actions: The Company shall provide premium refunds and 6% annual interest to consumers for the 305 vacated at-fault accident determinations not properly reversed. In addition, the Company shall adopt new controls and procedures to ensure that premium refunds for vacated surcharges by the Board of Appeal are timely and properly processed. The Company shall also provide training or guidance to staff about these new controls and procedures. Finally, the Company shall adopt a new procedure to complete an annual review and comparison of their vacated surcharge data with data directly obtained from the Board of Appeal. The review shall include testing to obtain reasonable assurance that the vacated surcharges were accurately and timely reversed with the proper premium credit applied.

The Company shall surcharge the 663 operators, provide notice of the claims to the MRB, and provide surcharge notices to the operators, noting their at-fault accidents and their right to appeal those related surcharges. In addition, the Company shall adopt new controls and procedures to ensure that at-fault accident operators are properly surcharged, such at-fault claims are reported to the MRB, and surcharge appeal notices are provided to at-fault operators. The Company shall also provide training or guidance to staff about these new controls and procedures. The new controls and procedures shall be tested by internal audit or an independent quality assurance function to ensure that they are effectively implemented, with the results of the independent testing reported to the Company's Board of Directors or a committee thereof, and the Division by June 30, 2015 or another agreed upon date. If significant issues are identified in the audit, follow up audits shall continue to be performed with related reports issued, until no significant issues remain.

Subsequent Company Actions: The Company provided \$81,936 in premium refunds and 6% annual interest for the 305 vacated at-fault accident determinations noted above. Further, the Company has provided training to staff and adopted new controls and procedures to ensure that premium refunds for vacated surcharges by the Board of Appeal are timely and properly processed. The Company states that it will complete the annual review of Board of Appeal information as noted above.

The Company is currently surcharging the 663 operators, reporting the claims to the MRB and providing notices to the operators noting their at-fault accidents and their right to appeal those related surcharges. Further, the Company has provided training to staff and adopted new controls and procedures in December 2013 to ensure that at-fault accident operators are properly surcharged with the right of appeal provided to these operators. Also, beginning in January 2014, quarterly quality assurance audits were performed to ensure that controls and processes were effective with these audit results provided to the Division.

These procedures will be reviewed by internal audit to ensure that they are effectively implemented with the results of the independent testing completed and reported to the Division by June 30, 2015. The information will also be reported to the Company's Board of Directors.

STANDARD VI-7

Findings: None.

Observations: Based upon review of the information available, RNA was not able to conduct testing of declinations or refusals to quote homeowners coverage based on insurance scores. The Company's procedures and directives to agents about providing Fair Credit Reporting Act ("FCRA") notices appear adequate and reasonable.

Recommendations: The Company should require agents to retain a copy of FCRA adverse action notices delivered to applicants, allowing the Company to conduct periodic agency audit procedures to ensure that the notices have been properly provided. Also, the Company should ensure that it has basic information on applications declined or refused quoting by the agents on the Company's behalf, to assist the Company in conducting the agency audits.

Subsequent Company Actions: The Company has given notice to agents to retain FCRA notices provided to applicants, and the Company plans to begin conducting agency audits on these notices in the near future. Modifications to the agency audit process to incorporate FCRA notice retention have been identified and will be adopted. Additional agency communication and field operations auditing personal notification is in process.

STANDARD VI-8

Findings: Two private passenger automobile company-initiated cancellation notices were not provided at least 20 days in advance in accordance with M.G.L. c. 175, § 113A. One private passenger automobile non-renewal notice was not provided at least 45 days in advance in accordance with M.G.L. c. 175, § 113F. Also, one homeowners non-renewal notice was not provided at least 45 days in advance in accordance with M.G.L. c. 175, § 193P. Finally, one homeowners non-renewal notice was not adequately specific in accordance with M.G.L. c. 175, § 193P.

Observations: Based on testing, except as noted above, the Company provided timely and adequate notice to policyholders for company-initiated cancellations and non-renewals with the specific reasons properly disclosed. The specific reasons were reasonable and in compliance with statutory and regulatory requirements.

RNA determined that the notice used for company-initiated cancellations and non-renewals is the same, and thus some of the language is unclear and not technically correct for company-initiated cancellations. For example, the notice says "by this notice the policy will be non-renewed" which would not be technically correct for mid-term cancellations. Also, the same notice is used for homeowners and private passenger automobile transactions, and the notice has a paragraph discussing motor vehicle renewals, which is not necessary for homeowners transactions. Finally, RNA noted that for four company-initiated cancellations and one non-renewal, the Company has no documentation about whether FCRA adverse action notices were also provided, although such notices may have been provided along with the underwriting notices.

Required Actions: The Company shall ensure that all company-initiated cancellation and non-renewal notices are provided with adequate time notice and contain reasons that are adequately specific, by reviewing current procedures, making any required changes and providing appropriate training or guidance to staff. Also, the Company shall conduct independent monitoring by internal audit, compliance or quality assurance testing staff to ensure that the Company's process and control procedures are

effective. Finally, the Company shall report the results of these actions to the Division by June 30, 2015, or another agreed upon date.

Recommendations: RNA recommends that the Company revise the underwriting notices to address the comments in the Observations section above to more clearly report these transactions. Also, the Company should review its procedures to ensure that a FCRA adverse action notice is provided for any underwriting action that is based on consumer reports or credit information. Copies of such FCRA notices should be retained with the underwriting notices.

Subsequent Company Actions: To ensure that all Company issued cancellations and non-renewals are compliant and can be clearly understood, the Company is developing separate notices for non-renewals and cancellations. These notices will be specific to the line of business, and once implemented, their proper use will be reviewed in future underwriting quality audits. The issuance of FCRA notices associated with consumer credit adverse action decisions is being reviewed. The Company will identify the process changes to provide the FCRA notices only when credit was involved in the underwriting decision. Additional agency communication and field operations auditing personal notification is in process. These procedures will be reviewed by internal audit to ensure that they are effectively implemented with the results of the independent testing completed and reported to the Division by June 30, 2015.

SECTION VII-CLAIMS

STANDARD VII-4

Findings: None.

Observations: RNA noted that for each of the tested claims, the Company timely responded to claim correspondence. Based upon testing, it appears that the Company's processes for timely responding to claims correspondence are functioning in accordance with its policies, procedures and statutory requirements. The Company also addresses negative comments received on written post-claim payment surveys, but the comments are not summarized for complaint analyses or included on the Company's complaint registers.

Recommendations: The Company should summarize any written negative comments received on post-claim payment surveys for complaint analyses or include those written comments on the Company's complaint registers.

Subsequent Company Actions: The Company has begun tracking negative written comments on post-claim payment surveys quarterly for reporting on the Company's complaint logs.

STANDARD VII-5

Findings: None.

Observations: RNA noted that for each of the tested claims, the Company's claim files adequately documented its claim handling, except for two bodily injury claims, where the settlements were reasonable, the Bodily Injury Evaluation Worksheet ("BIEW") used to develop the settlement range was not located in the claim files. For a third bodily injury claim, the BIEW was not well-developed, such that the first two settlement offers were made below the low end of the developed range. The Company states

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that a preexisting condition aggravated the injury and was a significant qualitative factor not considered in the BIEW. Ultimately, the final settlement was within the BIEW range. Other than BIEW documentation, it appears that the Company's claim handling processes for documenting claim files are generally functioning in accordance with its policies and procedures.

Recommendations: The Company should adopt new controls and procedures to ensure that BIEW analyses are accurately developed and supportive of settlement offers, such that all offers are fair and reasonable. Also, the BIEW documentation should be included in the claim files. As part of the new procedures, the Company should provide guidance and training to staff on the accurate development of the BIEW analyses to ensure they are consistent with the settlement offers, and properly documented.

Subsequent Company Actions: The Company states that it has conducted training on the use and documentation of the BIEW. Supervisors and quality assurance audits are to monitor compliance with these guidelines.

STANDARD VII-6

Findings: Testing indicated that 10 tested homeowners claims over \$1,000 were not properly and timely reported to local building and health authorities to disclose a potentially dangerous condition in accordance with M.G.L. c. 139, § 3B. Also, testing identified one homeowners claim where the required Department of Revenue checks were not completed in violation of M.G.L. c. 175, § 24D, 24E and 24F.

Observations: RNA noted each of the tested claims was handled according to the Company's policies and procedures, except as noted above. Based upon testing, it appears that the Company's processes for handling claims are generally functioning in accordance with its policies, procedures and statutory requirements. Finally, upon evaluation of five claims-related complaints, the related claims appeared to be properly handled.

Required Actions: The Company shall adopt new policies and control procedures to address the requirements of M.G.L. c. 139, § 3B, and review its current policies and controls for compliance with required Department of Revenue checks. Further, the Company shall provide training or guidance to claims adjusters on proper and timely implementation of these related policies and procedures. Finally, the new M.G.L. c. 139, § 3B policies and control procedures shall be tested by internal audit or compliance to ensure that they are effectively implemented, with the results of the independent testing completed and reported to the Division by June 30, 2015, or another agreed upon date.

Subsequent Company Actions: The Company has adopted a new control procedure to ensure compliance with M.G.L. c. 139, § 3B and provided appropriate guidance on control implementation to claims staff. Also, the Company has reviewed its controls and has issued a reminder to staff about the required Department of Revenue checks to ensure compliance with the statutory requirement. These procedures will be reviewed by internal audit to ensure that they are effectively implemented with the results of the independent testing completed and reported to the Division by June 30, 2015.

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COMPANY BACKGROUND

Main Street America Group Mutual Holdings, Inc. (“MSA Group”) is the ultimate controlling mutual holding company for a group of insurers that includes NGM and MSA, and several other affiliated insurance entities. The Company offers a wide range of property and casualty products and services to businesses and individuals through independent agents in the United States, and has been in business for 91 years.

In Massachusetts, the Company offers private passenger automobile, homeowners, and personal umbrella insurance to individuals. The Company also offers business owners, commercial automobile, commercial package, and workers compensation insurance to businesses.

The Company maintains an A.M. Best group financial strength rating of A (Excellent) with a stable outlook. The following financial information is as of, or for the year ended December 31, 2012:

NGM Insurance Company:

Admitted assets	\$2,120.1 million
Statutory surplus	\$838.4 million
Direct written premium	\$400.0 million
Massachusetts business - direct written premium	\$83.6 million

Main Street America Assurance Company:

Admitted assets	\$37.0 million
Statutory surplus	\$35.0 million
Direct written premium	\$259.8 million
Massachusetts business - direct written premium	\$38.2 million

The key objectives of this examination were determined by the Division with emphasis on the following areas.

I. COMPANY OPERATIONS/MANAGEMENT

Evaluation of the Standards in this business area is based on (a) an assessment of the Company's internal control environment, policies and procedures, (b) the Company's response to various information requests, and (c) a review of several types of files at the Company.

Standard I-1. The regulated entity has an up-to-date, valid internal, or external, audit program.
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Objective: This Standard addresses the audit function and its responsibilities. See Appendix A for applicable statutes, regulations and bulletins.

Controls Assessment: The following controls were noted in review of this Standard:

- The Company's statutory financial statements are audited annually by an independent auditor.
- MSA Group's Board of Directors is comprised of 11 directors, including 10 independent directors, and the Chairman, President and Chief Executive Officer. The Board of Directors is responsible for compliance matters and has directed senior management to implement compliance policies and procedures. Coordination of these policies and procedures is performed by the staff of the Company's Law Department with many compliance requirements implemented and managed at the operational areas.
- The Audit Committee is comprised of independent directors in compliance with the requirements of 211 CMR 26.00. The Audit Committee's responsibilities include financial oversight, engagement and communication with the Company's independent auditor, and oversight of the internal audit function. The Audit Committee approves the internal audit charter and plan annually, reviews risk management processes, financial results, actuarial reports on reserves, and reviews internal audit reports.
- The Company's internal audit department includes the Vice President, Internal Audit and three internal auditors. The internal audit plan is risk-focused, based on quantitative and qualitative factors, and primarily includes operational audits, information technology audits, special projects and related training.
- The Company's Risk Management Council is a multi-functional management team that assesses risks in a formal enterprise risk management program. The Risk Management Council reports to senior management periodically and annually to the Board of Directors.
- The Company's underwriting supervisors complete quality assurance audits during three of the four annual quarters with 10 files selected per underwriter each quarter. Reviews include compliance with time and service standards, underwriting quality, and the form and content of cancellation and non-renewal notices. For the remaining quarter, the reviews are conducted by the Company's home office staff. Follow-up audits are conducted within 180 days for areas of non-compliance. These reviews are conducted for training purposes and performance evaluations.
- The Company's claims managers complete quality assurance audits through monthly review of open and closed claim files. The audits include a sample of three claims for each adjuster, to assess adherence to Company policies and procedures. In addition, a home office staff quality assurance audit reviews three claims files per claim manager each month. The results are reported for each adjuster for use by claims management in employee training and performance evaluations. In addition, the quality assurance audit results are provided to the corporate internal audit department annually.
- Monthly complaint audits are completed to ensure that complaints are properly and timely addressed.

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- The Company conducts periodic visits to the independent agencies and performs agency audits to ensure that the agents are maintaining signed applications, supporting discount information, and other required documents.
- The Company is subject to periodic premium and loss data audits by Commonwealth Automobile Reinsurers (“CAR”) for compliance with statutes and CAR Rules of Operation. CAR is the industry-operated residual market and statistical agent for automobile insurance in Massachusetts. Participation in CAR is mandatory for all insurers writing automobile insurance in Massachusetts.

Controls Reliance: Controls tested via documentation inspection, procedure observation and/or corroborating inquiry appear to be sufficiently reliable to be considered in determining the extent of transaction testing procedures.

Transaction Testing Procedure: RNA interviewed Company personnel with responsibility for corporate governance, internal audit, enterprise risk management, compliance risk assessment and quality assurance audit processes. RNA reviewed minutes of Board of Directors meetings, internal audit plans, selected internal audit reports, underwriting and claim quality assurance audit summaries, CAR audits, and independent agency audit summaries.

Transaction Testing Results:

Findings: None.

Observations: The Company has documented its corporate decisions in its Board of Director minutes. Also, the Company appears to have adopted policies and procedures to ensure that appropriate audits or reviews are conducted timely. Audit findings appear to be monitored, and follow-up audits are completed to ensure that findings are properly remediated.

Recommendations: None.

Standard I-2. The regulated entity has appropriate controls, safeguards and procedures for protecting the integrity of computer information.

No work performed. All required activity for this Standard is included in the scope of the domiciliary state’s financial examination of the Company.

Standard I-3. The regulated entity has antifraud initiatives in place that are reasonably calculated to detect, prosecute, and prevent fraudulent insurance acts.
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Objective: This Standard addresses the effectiveness of the Company’s antifraud plan. See Appendix A for applicable statutes, regulations and bulletins.

Controls Assessment: The following controls were noted in review of this Standard:

- The Company’s antifraud efforts are summarized in their antifraud plan, which requires management and employees to take reasonable precautions to prevent, detect and thoroughly investigate potential insurance fraud, and to report potential fraud to the Insurance Fraud Bureau (“IFB”). The Company’s Special Investigative Unit (“SIU”) is partially outsourced to a third

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party vendor that supports the claims operations with field investigations, surveillance and social media searches.

- Claim adjusters are provided training regarding SIU red flags and make needed referrals to SIU with the adjusters maintaining ownership of the claims adjudication. All auto theft claims are reported through Insurance Services Office (“ISO”) to the National Insurance Crime Bureau (“NICB”). The SIU is responsible for coordinating with the IFB, in cases where fraud is believed to have occurred to assist with criminal investigation and prosecution. Finally, Company policy is to comply with CAR’s SIU performance standards.
- The Company’s Employee Handbook contains the Company’s code of conduct and conflict of interest policies. All directors, officers and employees are annually required to attest to compliance with these policies.
- Criminal, education, and employment background checks are performed on all prospective employees.
- The Company has implemented Office of Foreign Asset Control (“OFAC”) compliance initiatives including searches of the Specially Designated Nationals (“SDN”) database for any policyholders, claimants, or vendors that might be included in the SDN database.

Controls Reliance: Controls tested via documentation inspection, procedure observation and/or corroborating inquiry appear to be sufficiently reliable to be considered in determining the extent of transaction testing procedures.

Transaction Testing Procedure: RNA interviewed Company personnel with responsibility for antifraud initiatives, compliance procedures, code of conduct policies and prospective employee hiring. RNA reviewed Company policies and procedures to address antifraud initiatives as part of claims and underwriting testing and supporting documentation.

Transaction Testing Results:

Findings: None.

Observations: The Company has adopted reasonable procedures related to antifraud initiatives, compliance procedures, code of conduct policies and prospective employee hiring. Based upon underwriting and claims testing, it appears that the Company has antifraud initiatives in place that are reasonably designed to detect, prevent and fully investigate fraudulent insurance acts.

Recommendations: None.

<u>Standard I-4.</u> The regulated entity has a valid disaster recovery plan.
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No work performed. All required activity for this Standard is included in the scope of the domiciliary state’s financial examination of the Company.

Standard I-5. Contracts between the regulated entity and entities assuming a business function or acting on behalf of the regulated entity, such as, but not limited to, MGAs, GAs, TPAs and management agreements must comply with applicable licensing requirements, statutes, rules and regulations.

Objective: This Standard addresses the Company's contracts with entities assuming a business function and compliance with licensing and regulatory requirements. See Appendix A for applicable statutes, regulations and bulletins.

Controls Assessment: The following controls were noted in review of this Standard and Standard I-6:

- The Company's sales distribution in Massachusetts is through independent agents. Company policy is to verify that independent agents are licensed as Massachusetts producers prior to contracting with them. Standard independent agent contracts contain terms and conditions that address general authorities, duties, premium accounting, commission rates, application submissions, termination provisions, privacy and general business procedures. The agents have binding authority, and the contracts give the agents exclusive control over expirations and the agents' records. Additionally, the Company requires independent agents to maintain errors and omissions coverage of \$500,000. The independent agents are solely responsible for maintaining their producer licensing and continuing education requirements. Finally, the Company conducts periodic visits to the independent agencies and performs agency audits to ensure that the agents are maintaining signed applications, supporting discount information, and other required documents.
- Independent claim adjusters are utilized as needed to provide on-site-inspections and claim investigations. The independent adjusters are provided written procedures and detailed instructions covering tasks to be performed, timeframes for completion and an approved budget.
- The Company contracts with vendors for services related to auto glass claims, car rental coverage, and roadside assistance claims. The Company's vendor management claim unit manages these vendors and their services.
- The Company's SIU is partially outsourced to a third party vendor that supports the claims operations with field investigations, surveillance and social media searches.
- Certain claims litigation defense duties may be outsourced to various law firms and attorneys. The Company monitors the performance of the law firms and attorneys conducting litigation defense duties.

Controls Reliance: Controls tested via documentation inspection, procedure observation and/or corroborating inquiry appear to be sufficiently reliable to be considered in determining the extent of transaction testing procedures.

Transaction Testing Procedure: RNA interviewed management about its use of third parties to perform Company functions, and the monitoring procedures conducted over these third parties. Further, RNA reviewed such documentation, as applicable, in connection with producer compliance, new and renewal business, and claims testing.

Transaction Testing Results:

Findings: None.

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Observations: Based upon review and testing, it appears that the Company's contracts with entities assuming a business function on its behalf comply with statutory and regulatory requirements.

Recommendations: None.

Standard I-6. The regulated entity is adequately monitoring the activities of any entity that contractually assumes a business function or is acting on behalf of the regulated entity.

Objective: This Standard addresses the Company's efforts to adequately monitor the activities of the contracted entities that perform business functions on its behalf. See Appendix A for applicable statutes, regulations and bulletins.

Controls Assessment: See Standard I-5.

Controls Reliance: See Standard I-5.

Transaction Testing Procedure: RNA interviewed management about its monitoring of third parties that perform Company functions. RNA also reviewed producer documentation that supports the new or renewal business sold. Finally, RNA reviewed claims that involved the use of independent contractors to complete claims duties.

Transaction Testing Results:

Findings: None.

Observations: Based upon testing, it appears that the Company is adequately monitoring the activities of third parties assuming a business function, in compliance with statutory and regulatory requirements.

Recommendations: None.

Standard I-7. Records are adequate, accessible, consistent and orderly and comply with record retention requirements.

Objective: This Standard addresses the adequacy and accessibility of the Company's records. See Appendix A for applicable statutes, regulations and bulletins.

Controls Assessment: The following controls were noted in review of this Standard:

- The Company has adopted record retention requirements for various documents and records.
- The record retention requirements include guidelines for management, maintenance and disposal of records, and the length of time specific documents must be retained.

Controls Reliance: Controls tested via documentation inspection, procedure observation and/or corroborating inquiry appear to be sufficiently reliable to be considered in determining the extent of transaction testing procedures.

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Transaction Testing Procedure: RNA obtained a summary of the Company's record retention policies and procedures, and evaluated them for reasonableness.

Transaction Testing Results:

Findings: None.

Observations: The Company's record retention policies appear reasonable. Testing results relating to documentation evidence are also noted in the various examination standards.

Recommendations: None.

Standard I-8. The regulated entity is licensed for the lines of business that are being written.

Objective: This Standard addresses whether the lines of business written by the Company are in accordance with the lines of business authorized by the Division. See Appendix A for applicable statutes, regulations and bulletins.

Controls Assessment: Due to the nature of this Standard, no controls assessment was performed.

Controls Reliance: Not applicable.

Transaction Testing Procedure: RNA reviewed the Company's certificate of authority, and compared it to the lines of business which the Company writes in the Commonwealth.

Transaction Testing Results:

Findings: None.

Observations: The Company is licensed for the lines of business being written.

Recommendations: None.

Standard I-9. The regulated entity cooperates on a timely basis with examiners performing the examinations.

Objective: This Standard is concerned with the Company's cooperation during the course of the examination. See Appendix A for applicable statutes, regulations and bulletins.

Controls Assessment: Due to the nature of this Standard, no controls assessment was performed.

Controls Reliance: Not applicable.

Transaction Testing Procedure: The Company's level of cooperation and responsiveness to examiner requests was assessed throughout the examination.

Transaction Testing Results:

Findings: None.

Observations: The Company's level of cooperation and responsiveness to examiner requests was adequate.

Recommendations: None.

Standard I-10. The regulated entity has procedures for the collection, use and disclosure of information gathered in connection with insurance transactions to minimize any improper intrusion into the privacy of applicants and policyholders.

Objective: This Standard is concerned with the Company's policies and procedures to ensure it minimizes improper intrusion into the privacy of individuals. See Appendix A for applicable statutes, regulations and bulletins.

Controls Assessment: The following controls were noted in conjunction with the review of this Standard and Standards I-11 through I-16:

- Company policy requires that the consumer privacy notice be provided to applicants when a new personal lines policy is issued. The consumer privacy notice is also annually provided to customers with personal lines renewal notices. Finally, the Company provides its internet privacy policy on its website.
- Company policy allows for the sharing of personal financial and health information with affiliates and non-affiliates who provide services to the Company. The Company does not share information with other companies for marketing purposes, and thus, no opt out notice is required. Company policy is to disclose information as required or permitted by law to regulators, law enforcement agencies, antifraud organizations, and third parties who assist the Company in processing business transactions for its customers.

Controls Reliance: Controls tested via documentation inspection, procedure observation and/or corroborating inquiry appear to be sufficiently reliable to be considered in determining the extent of transaction testing procedures.

Transaction Testing Procedure: RNA interviewed Company personnel with responsibility for privacy and information security compliance, reviewed documentation supporting its privacy and information security policies and procedures, and sought any evidence of improper privacy practices as part of personal lines underwriting and claims testing.

Transaction Testing Results:

Findings: None.

Observations: Based upon review and completion of underwriting and claims testing, the Company's privacy and information security practices appear to minimize any improper intrusion into individuals' privacy in accordance with the Company's policies and procedures.

Recommendations: None.

Standard I-11. The regulated entity has developed and implemented written policies, standards and procedures for the management of insurance information.

Objective: This Standard addresses whether the Company has developed and implemented written standards for the management of insurance information. This standard relates to privacy matters and is evaluated elsewhere in this section. See Appendix A for applicable statutes, regulations and bulletins.

Standard I-12. The regulated entity has policies and procedures to protect the privacy of nonpublic personal information relating to its customers, former customers and consumers that are not customers.

Objective: This Standard addresses policies and procedures to ensure privacy of nonpublic personal information. See Appendix A for applicable statutes, regulations and bulletins.

Controls Assessment: See Standard I-10.

Controls Reliance: See Standard I-10.

Transaction Testing Procedure: RNA interviewed Company personnel with responsibility for privacy compliance, and reviewed documentation supporting its privacy policies and procedures. As part of underwriting and claims testing, RNA reviewed underwriting documentation for any evidence that the Company improperly provided personal information to inappropriate parties.

Transaction Testing Results:

Findings: None.

Observations: Based upon RNA's review, the Company's policies and procedures adequately protect consumers' nonpublic personal information. RNA noted no instances where the Company improperly provided personal information to inappropriate parties in conjunction with underwriting and claims testing.

Recommendations: None.

Standard I-13. The regulated entity provides privacy notices to its customers and, if applicable, to its consumers who are not customers regarding treatment of nonpublic personal financial information.

Objective: This Standard addresses the Company's practice of providing privacy notices to customers and consumers. See Appendix A for applicable statutes, regulations and bulletins.

Controls Assessment: See Standard I-10.

Controls Reliance: See Standard I-10.

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Transaction Testing Procedure: RNA interviewed Company personnel with responsibility for privacy compliance, reviewed documentation supporting privacy policies and procedures, and examined whether the privacy notice provided sufficient information and disclosures. RNA selected 50 private passenger automobile and 50 homeowners policies issued and renewed during the examination period, to test whether a consumer privacy notice was provided.

Transaction Testing Results:

Findings: None.

Observations: Based upon review and testing, the Company provides a sufficient consumer privacy notice to customers that discloses its treatment of non-public personal financial information.

Recommendations: None.

Standard I-14. If the regulated entity discloses information subject to an opt out right, the company has policies and procedures in place so that nonpublic personal financial information will not be disclosed when a consumer who is not a customer has opted out, and the company provides opt out notices to its customers and other affected consumers.

Objective: This Standard addresses policies and procedures with regard to opt out rights. See Appendix A for applicable statutes, regulations and bulletins.

Controls Assessment: See Standard I-10.

Controls Reliance: See Standard I-10.

Transaction Testing Procedure: RNA interviewed Company personnel with responsibility for privacy compliance, and reviewed documentation supporting its privacy policies and procedures including those for the use of opt out notices.

Transaction Testing Results:

Findings: None.

Observations: The Company does not provide opt out notices to consumers as nonpublic personal financial information is not shared for marketing purposes.

Recommendations: None.

Standard I-15. The regulated entity's collection, use and disclosure of nonpublic personal financial information are in compliance with applicable statutes, rules and regulations.

Objective: This Standard is concerned with the Company's collection and use of nonpublic personal financial information. See Appendix A for applicable statutes, regulations and bulletins.

Controls Assessment: See Standard I-10.

Controls Reliance: See Standard I-10.

Transaction Testing Procedure: RNA interviewed Company personnel with responsibility for privacy compliance, and reviewed documentation supporting its privacy policies and procedures. RNA also reviewed underwriting and claims documentation for any evidence that the Company improperly collected, used or disclosed nonpublic personal financial information in conjunction with testing of underwriting and claims.

Transaction Testing Results:

Findings: None.

Observations: Based upon RNA's review and testing in conjunction with underwriting and claims, the Company's policies and procedures provide reasonable assurance that the Company properly collects, uses and discloses nonpublic personal financial information.

Recommendations: None.

Standard I-16. In states promulgating the health information provisions of the NAIC model regulation, or providing equivalent protection through other substantially similar laws under the jurisdiction of the insurance department, the regulated entity has policies and procedures in place so that nonpublic personal health information will not be disclosed except as permitted by law, unless a customer or a consumer who is not a customer has authorized the disclosure.

Objective: This Standard addresses efforts to maintain privacy of nonpublic personal health information. See Appendix A for applicable statutes, regulations and bulletins.

Controls Assessment: See Standard I-10.

Controls Reliance: See Standard I-10.

Transaction Testing Procedure: RNA interviewed Company personnel with responsibility for privacy compliance, and reviewed supporting documentation. RNA also sought any evidence that the Company improperly disclosed nonpublic personal health information in conjunction with testing of underwriting and claims.

Transaction Testing Results:

Findings: None.

Observations: Based upon testing, RNA noted no instances where the Company improperly disclosed nonpublic personal health information in conjunction with testing of underwriting and claims.

Recommendations: None.

Standard I-17. Each licensee shall implement a comprehensive written information security program for the protection of nonpublic customer information.

Objective: This Standard is concerned with the Company's information security efforts to ensure that nonpublic consumer information is protected. See Appendix A for applicable statutes, regulations and bulletins.

Controls Assessment: The following controls were noted in review of this Standard:

- The Company has developed and implemented information technology security policies and practices to safeguard nonpublic personal and health information. The Company periodically conducts internal audits of its information technology systems access and security. All prospective employees, current officers and employees are required to annually attest to compliance with the Company's privacy and information technology security policies.
- Only individuals approved by Company management are granted access to the Company's electronic and operational areas where non-public personal financial and health information is located. Access is frequently and strictly monitored.

Controls Reliance: Controls tested via documentation inspection, procedure observation and/or corroborating inquiry appear to be sufficiently reliable to be considered in determining the extent of transaction testing procedures.

Transaction Testing Procedure: RNA interviewed Company personnel with responsibility for information security compliance, and reviewed documentation supporting its information security policies and procedures.

Transaction Testing Results:

Findings: None.

Observations: Based upon RNA's review of the Company's information security policies and procedures, it appears that the Company has implemented an information security program, which appears to provide reasonable assurance that its information systems protect nonpublic customer information.

Recommendations: None.

Standard I-18. All data required to be reported to departments of insurance is complete and accurate.

Objective: This Standard is concerned with the Company's annual reporting of statutorily-required homeowners underwriting and claims data and the Market Conduct Annual Statement ("MCAS") personal lines data. See Appendix A for applicable statutes, regulations and bulletins.

Controls Assessment: The following controls were noted in review of this Standard:

- The Company's policy administration and claims systems compile and retain homeowners underwriting and claims data for inclusion in the annual homeowners data submission to the Division.
- The Company's policy administration and claims systems compile and retain underwriting and claims data for inclusion in the MCAS.

Controls Reliance: Controls tested via documentation inspection, procedure observation and/or corroborating inquiry appear to be sufficiently reliable to be considered in determining the extent of transaction testing procedures.

Transaction Testing Procedure: RNA interviewed Company personnel with responsibility for underwriting and claims processing. RNA reviewed the statutorily-required homeowners underwriting and claims data submitted to the Division in 2011 and 2012, the 2011 and 2012 data submitted for the examination, and MCAS data submitted to the NAIC for unusual results and concerns.

Transaction Testing Results:

Findings: None.

Observations: Based upon RNA's review of the Company's 2011 and 2012 data submitted for the examination, the statutorily-required homeowners data reported to the Division, and the MCAS data submitted to the NAIC, the data appears to be reasonably accurate and complete, except that two homeowners and 14 private passenger automobile transactions contained in the company-initiated cancellation examination data were not company-initiated cancellations for underwriting, but were insured-requested cancellations or cancellations for non-payment of premium. Also, six company cancellations for underwriting and two company cancellations for non-payment were incorrectly included in the examination non-renewal data.

Recommendations: The Company should review its procedures for coding and reporting of company-initiated cancellations for underwriting, non-renewals and insured requested cancellations to ensure that such transactions are properly coded for management and regulatory reporting, including MCAS reporting. The Company should also provide training for appropriate personnel, regarding its transaction coding procedures. Additionally, the Company should ensure that its procedures include a thorough review of MCAS filings prior to filing with the NAIC, to ensure that the data is accurate, complete and properly reconciled to underlying data contained in the Company's policy administration, underwriting and claims systems. Finally, the Company should conduct independent monitoring by internal audit, compliance or quality assurance testing staff to ensure that procedures for transaction reporting are adequate and result in accurate and complete management and regulatory reporting.

II. COMPLAINT HANDLING

Evaluation of the Standards in this business area is based on (a) an assessment of the Company's internal control environment, policies and procedures, (b) the Company's response to various information requests, and (c) a review of several types of files at the Company.

Standard II-1. All complaints are recorded in the required format on the regulated entity's complaint register.

Objective: This Standard addresses whether the Company formally tracks complaints or grievances as required by statute. See Appendix A for applicable statutes, regulations and bulletins.

Controls Assessment: The following controls were noted in review of all complaint Standards:

- The Company defines a complaint contained within the Company's complaint register as any written correspondence expressing a grievance. Complaints are managed within the Law Department by the Company's Complaint Coordinator, who maintains the Company's complaint register. The Complaints coordinator forwards the complaint to the appropriate operational area for review and preparation of the response. When the response is complete and approved by at least one manager, the response is returned to the Complaints Coordinator. As needed, the complaint and response will be reviewed by Law Department legal staff. Once complete, the response is sent to the Division or complainant, and the remaining complaint data points are entered into the Company's complaint register.
- The Company's complaint register includes the state, state file number, Company name, complainant, date received, date response due, date closed, operational staff responding, line of business, disposition code and reason code and any additional comments.
- The Company provides a telephone number and address in its written responses to complaints, inquiries and on its web-site. Also, complaints may be sent through the Company's website.
- The Company generally does not use social media to receive customer feedback.
- Monthly complaint audits are completed to ensure that complaints are properly and timely addressed.

Controls Reliance: Controls tested via documentation inspection, procedure observation and/or corroborating inquiry appear to be sufficiently reliable to be considered in determining the extent of transaction testing procedures.

Transaction Testing Procedure: RNA interviewed management and staff responsible for complaint handling, and examined evidence of the Company's related processes and controls. RNA reviewed the Company's complaint registers for 2011-2013 to evaluate the Company's compliance with statutory complaint requirements. RNA also reviewed the Company's complaint registers for 2011-2012 to determine whether they properly contained all Division complaints.

Transaction Testing Results:

Findings: None.

Observations: Based on testing, the Company's complaint registers included all statutorily-required database elements. Also, the Company's complaint registers properly included all Division complaints.

Recommendations: None.

Standard II-2. The regulated entity has adequate complaint handling procedures in place and communicates such procedures to policyholders.

Objective: This Standard addresses whether the Company has adequate complaint handling procedures, and communicates those procedures to policyholders and consumers. See Appendix A for applicable statutes, regulations and bulletins.

Controls Assessment: See Standard II-1.

Controls Reliance: See Standard II-1.

Transaction Testing Procedure: RNA interviewed management and staff responsible for complaint handling, and examined evidence of the Company's related processes and controls. RNA reviewed 13 regulatory and Company-received complaints from 2011-2013, to evaluate the Company's compliance with statutory complaint requirements. RNA reviewed the complaint handling for these complaints, including the adequacy of documentation supporting the facts and resolution of the complaints. In addition, RNA reviewed the Company's website and communications to consumers, to determine whether the Company provides contact information for consumer inquiries.

Transaction Testing Results:

Findings: None.

Observations: Based upon testing, RNA noted that the Company has adequate procedures in place to address complaints, and adequately communicates such procedures to consumers.

Recommendations: None.

Standard II-3. The regulated entity takes adequate steps to finalize and dispose of the complaint in accordance with applicable statutes, rules and regulations, and contract language.

Objective: This Standard addresses whether the Company's response to the complaint fully addresses the issues raised, and whether policyholders or consumers with similar fact patterns are treated consistently and fairly. See Appendix A for applicable statutes, regulations and bulletins.

Controls Assessment: See Standard II-1.

Controls Reliance: See Standard II-1.

Transaction Testing Procedure: RNA interviewed management and staff responsible for complaint handling, and examined evidence of the Company's related processes and controls. RNA reviewed 13 regulatory and Company-received complaints from 2011-2013, to evaluate the Company's efforts to properly dispose of complaints.

Transaction Testing Results:

Findings: None.

Observations: RNA noted that the Company fully addressed the issues raised in the complaints tested. Documentation for the complaints appeared complete, including the original complaints and related correspondence.

Recommendations: None.

Standard II-4. The time frame within which the regulated entity responds to complaints is in accordance with applicable statutes, rules and regulations.

Objective: This Standard addresses the time required for the Company to process each complaint. See Appendix A for applicable statutes, regulations and bulletins.

Controls Assessment: See Standard II-1.

Controls Reliance: See Standard II-1.

Transaction Testing Procedure: RNA interviewed management and staff responsible for complaint handling, and examined evidence of the Company's related processes and controls. RNA reviewed 13 regulatory and Company-received complaints from 2011-2013, to evaluate the Company's complaint response times.

Transaction Testing Results:

Findings: None.

Observations: The Company generally addressed the tested regulatory complaints within 14 days, or with additional time as allowed by the Division. The Company appears to respond to complaints in a timely manner in accordance with its policies, procedures, and regulatory requirements.

Recommendations: None.

III. MARKETING AND SALES

Evaluation of the Standards in this business area is based on (a) an assessment of the Company's internal control environment, policies and procedures, (b) the Company's response to various information requests, and (c) a review of several types of files at the Company.

Standard III-1. All advertising and sales materials are in compliance with applicable statutes, rules and regulations.

Objective: This Standard is concerned with whether the Company maintains a system of control over the content, form and method of dissemination for all advertising materials. See Appendix A for applicable statutes, regulations and bulletins.

Controls Assessment: The following controls were noted as part of this Standard and Standard III-4:

- Advertising to the general public is through co-op advertising developed by the Company for independent agents and through social media. Marketing materials such as brochures, flyers and fact sheets are created for use by agents. The Company also will periodically place advertisements in trade journals. All advertising is developed and approved by Company's Corporate Communications Department with technical assistance of product teams, field sales management and regional management. The Company's Law Department staff review and document approval of all sales materials, which are tracked in a sales materials log.
- The Company provides affinity group discounts for Massachusetts private passenger automobile and homeowners policies.
- The Company discloses its name and address on its website.

Controls Reliance: Controls tested via documentation inspection, procedure observation and/or corroborating inquiry appear to be sufficiently reliable to be considered in determining the extent of transaction testing procedures.

Transaction Testing Procedure: RNA interviewed Company personnel with responsibility for reviewing, approving and maintaining sales and advertising materials, and obtained supporting documentation. RNA selected three advertising and sales materials utilized during the examination period and reviewed them for accuracy and reasonableness. Further, RNA reviewed the Company's website for disclosure of its name and address. Finally, RNA reviewed any sales and marketing materials noted as part of new and renewal business testing for any evidence of use of unapproved sales and marketing materials.

Transaction Testing Results:

Findings: None.

Observations: RNA noted that the tested materials appeared accurate and reasonable, and the Company's website disclosure complies with Division requirements. Finally, RNA noted no evidence of the use of unapproved sales materials as part of new and renewal business testing.

Recommendations: None.

Standard III-2. Regulated entity internal producer training materials are in compliance with applicable statutes, rules and regulations.

Objective: This Standard is concerned with whether the Company's producer training materials are in compliance with state statutes, rules and regulations. See Appendix A for applicable statutes, regulations and bulletins.

Controls Assessment: The following controls were noted as part of this Standard and Standard III-3:

- The Company's sales distribution in Massachusetts is through independent agents.
- Training, general guidance and communications to agents are provided by technical teams, underwriting management and sales management through on-site visits and webinars. This information is available to agents through the Company's agent internet portal.

Controls Reliance: Controls tested via documentation inspection, procedure observation and/or corroborating inquiry appear to be sufficiently reliable to be considered in determining the extent of transaction testing procedures.

Transaction Testing Procedure: RNA interviewed Company personnel with responsibility for developing and distributing agent training materials to understand the nature and breadth of the Company's producer training. RNA selected three agent communications utilized during the examination period and reviewed them for accuracy and reasonableness. Also, RNA reviewed agent communications as part of new and renewal business testing for reasonableness.

Transaction Testing Results:

Findings: None.

Observations: Based upon review and testing, the Company's agent training process and agent communications appear adequate and reasonable. RNA noted no evidence of unreasonable agent communications as part of new and renewal business testing.

Recommendations: None.

Standard III-3. Regulated entity communications to producers are in compliance with applicable statutes, rules and regulations.

Objective: This Standard is concerned with whether the written and electronic communication between the Company and its producers is in accordance with Company policies and procedures. See Appendix A for applicable statutes, regulations and bulletins.

Controls Assessment: See Standard III-2.

Controls Reliance: See Standard III-2.

Transaction Testing Procedure: RNA interviewed Company personnel with responsibility for developing and distributing employee and independent agent communications to understand the nature and breadth of such communications. RNA selected three agent communications utilized during the examination period

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and reviewed them for accuracy and reasonableness. Also, RNA reviewed agent communications as part of new and renewal business testing for reasonableness.

Transaction Testing Results:

Findings: None.

Observations: Based on review and testing, agent communications appear appropriate and reasonable. RNA noted no evidence of unreasonable agent communications as part of new and renewal business testing.

Recommendations: None.

Standard III-4. The regulated entity's mass marketing of property/casualty insurance is in compliance with applicable statutes, rules and regulations.

Objective: This Standard is concerned with whether marketing to groups by the Company and its producers is in accordance with Company policies and procedures. See Appendix A for applicable statutes, regulations and bulletins.

Controls Assessment: See Standard III-1.

Controls Reliance: See Standard III-1.

Transaction Testing Procedure: RNA interviewed Company personnel with responsibility for developing and distributing group marketing communications to understand the nature and breadth of such communications. RNA reviewed group marketing communications as part of new and renewal business testing for reasonableness.

Transaction Testing Results:

Findings: None.

Observations: Based on review and testing, procedures for group marketing communications appear appropriate and reasonable. RNA noted no evidence of unreasonable group marketing communications as part of new and renewal business testing.

Recommendations: None.

IV. PRODUCER LICENSING

Evaluation of the Standards in this business area is based on (a) an assessment of the Company's internal control environment, policies and procedures, (b) the Company's response to various information requests, and (c) a review of several types of files at the Company.

Standard IV-1. Regulated entity records of licensed and appointed (if applicable) producers and in jurisdictions where applicable, licensed company or contracted independent adjusters agree with insurance department records.

Objective: The Standard addresses licensing and appointment of the Company's producers. See Appendix A for applicable statutes, regulations and bulletins.

Controls Assessment: The following controls were noted in review of this Standard, Standard IV-2, and Standard IV-4:

- The Company sells personal and commercial lines policies in Massachusetts through its network of independent agencies.
- Company policy is to verify that independent agents are licensed as Massachusetts producers prior to contracting with them.
- Standard independent agent contracts contain terms and conditions that address general authorities, duties, premium accounting, commission rates, application submissions, termination provisions, privacy and general business procedures. The agents have binding authority, and the contracts give the agents exclusive control over expirations and the agents' records. Additionally, the Company requires independent agents to maintain errors and omissions coverage of \$500,000. Finally, the independent agents are solely responsible for maintaining their producer licensing and continuing education requirements.
- The Company conducts periodic visits to the independent agencies and performs agency audits to ensure that the agents are maintaining signed applications, supporting discount information, and other required documents.
- The Company's policy is to use the Division's On-Line Producer Appointment System ("OPRA") system to process agent appointments. That information is to be periodically compared to OPRA data, with record corrections made as necessary.

Controls Reliance: Controls tested via documentation inspection, procedure observation and/or corroborating inquiry appear to be sufficiently reliable to be considered in determining the extent of transaction testing procedures.

Transaction Testing Procedure: RNA interviewed individuals with responsibility for producer contracting and processing of agent appointments. RNA selected 50 private passenger automobile and 50 homeowners policies issued or renewed during the examination period, to determine whether the independent agents involved in these sales were included on the Division's list of the Company's appointed agents.

Transaction Testing Results:

Findings: For 23 homeowners and seven private passenger automobile policies tested, the producers, who were party to agency contracts with the Company, were not appointed as agents in the Division's OPRA system prior to, or concurrent with the sale, in accordance with M.G.L. c.

175, § 162S.

Observations: Based upon testing, except as noted above, the Company's independent agents were properly licensed and appointed at the date of sale, and the agents' appointments were included in the Division's OPRA system.

Required Actions: The Company shall ensure that its producers appointed as agents are reported in the Division's OPRA system, prior to, or concurrent with, the sale in accordance with the Company's contractual obligations under its agency agreements. The Company shall adopt new agency appointment procedures, provide related training, and develop a reconciliation process to identify any missed agency appointments, to ensure that all licensed producers are appointed as agents prior to, or concurrent with, the sale in accordance with the Company's agency agreements.

Subsequent Company Actions: The Company is adopting new procedures and controls to address these required actions. The Company performed a review of its agency appointment guidelines and best practice documents. Process improvements have been identified and controls adopted to ensure that the proper licensing documentation has been received by the Company and that the producer appointments have been entered into the OPRA system prior to, or concurrent with the issuance of an agency code or access to the Company's processing systems. These process improvements will prohibit the issuance of a policy prior to the appointment of the producer. In addition, the Company will review internal processes and procedures associated with the management of agency licensing and appointments with its sales and underwriting employees. Process documents will be stored electronically on the Company's internal website.

Annually agents are randomly selected for on-site agency audits performed by sales representatives to ensure that agents are retaining electronically submitted applications, and that the applications contain signatures of licensed and appointed producers. The audit findings are reported to the Company's Field Operations Support Center for verification of the producer license information. Also, the Field Operations Support Center will perform quarterly self-audits of all new agency appointments processed throughout the year to review and record receipt of the applicable licensing information for each new appointment and new location recorded during the applicable quarter.

Standard IV-2. The producers are properly licensed and appointed and have appropriate continuing education (if required by state law) in the jurisdiction where the application was taken.

Objective: The Standard addresses licensing and appointment of the Company's producers and continuing education requirements. See Standard IV-1 for testing of producer licensing and agent appointment. See Appendix A for applicable statutes, regulations and bulletins.

Controls Assessment: See Standard IV-1.

Controls Reliance: See Standard IV-1.

Transaction Testing Procedure: RNA interviewed individuals with responsibility for producer contracting, appointments and terminations. RNA reviewed the standard independent agent contract for responsibility related to agent continuing education compliance.

Transaction Testing Results:

Findings: None.

Observations: Based upon testing, independent agents are solely responsible for monitoring and maintaining compliance with the Division's producer continuing education requirements.

Recommendations: None.

Standard IV-3. Termination of producers complies with applicable standards, rules and regulations regarding notification to the producer and notification to the state, if applicable.

Objective: This Standard addresses the Company's termination of agents in accordance with applicable statutes requiring notification to the state and the agent. See Appendix A for applicable statutes, regulations and bulletins.

Controls Assessment: The following controls were noted in review of this Standard and Standards IV-4 and IV-5:

- The Company's appointment terminations are generally due to lack of production or profitability, or at the request of the agent. Agent terminations are to be processed in accordance with the agency contract, which requires 180 days to terminate the appointment in most instances. The Company's policy is to give required written notice to all agents whose appointments are terminated.
- Agency appointment terminations are to be reported on the termination effective date to the Division through the OPRA System. After the termination effective date, new business is no longer accepted. An agent is allowed to service existing business for nine months after the effective termination date.
- The Company's policy is to give additional information to the Division about agents whose appointments are terminated "for cause" including the reason for the terminations.
- The Company's agent termination information is to be periodically compared to OPRA data, with record corrections made as necessary.

Controls Reliance: Controls tested via documentation inspection, procedure observation and/or corroborating inquiry appear to be sufficiently reliable to be considered in determining the extent of transaction testing procedures.

Transaction Testing Procedure: RNA interviewed individuals with responsibility for agent supervision, producer contracting and appointment termination processing. RNA selected 17 business entity appointment terminations and compared that information to corresponding information in the Company's appointment termination listings and the Division's OPRA system. Finally, RNA reviewed evidence that notices to the Division and the agents complied with statutory requirements.

Transaction Testing Results:

Findings: Three agent appointment terminations were not made with the Division through OPRA timely (within 30 days following the effective date of the termination) in violation of M.G.L. c. 175, § 162T. One termination was processed in OPRA 18 months after the effective date of the termination. For the other two, the terminations in OPRA were so late that the producers were no

longer in the OPRA database.

Observations: Except as noted above, the Company properly notified the Division of appointment terminations through the OPRA system in compliance with statutory requirements. For each of the tested appointment terminations, the Company was able to provide evidence of timely notice to the agents in compliance with statutory requirements, as appropriate.

RNA noted that four producer licenses were terminated by the Division, and that process terminated the agent appointments for those producers. Finally, 10 agent terminations were included on the Company's list of agent terminations, although none of the producers was ever appointed as agent in the Division's OPRA system.

Required Actions: The Company shall adopt new control procedures to ensure that all agent appointment terminations are reported to the Division in OPRA in accordance with statutory requirements. The Company shall provide guidance or training to staff on these new procedures. Also, the new agent appointment and termination control procedures shall be tested by internal audit or compliance to ensure that they are effectively implemented with the results of the independent testing completed and reported to the Division by June 30, 2015 or another agreed upon date.

Recommendations: The Company should ensure that it timely identifies producer licensing changes that would impact any of the Company's agency appointments. Also, the Company should ensure that its agent appointment and termination lists are accurate and complete.

Subsequent Company Actions: The Company is adopting new procedures and controls to address these required actions. The Company performed a review of its agency termination process and procedures, identified process improvements, and adopted new controls. . The agent termination process workflow has been revised by adding a procedure to set an automated diary following the mailing of the official appointment termination letter. This diary date will alert the Field Operations Support Center processor to complete the appointment termination through the OPRA system. This additional process will fulfill the requirement for terminating the agent appointment through OPRA within the 30 days following the termination date. These procedures will be reviewed by internal audit to ensure that they are effectively implemented with the results of the independent testing completed and reported to the Division by June 30, 2015.

Standard IV-4. The regulated entity's policy of producer appointments and terminations does not result in unfair discrimination against policyholders.

Objective: The Standard addresses the Company's policy for ensuring that agent appointments and terminations do not unfairly discriminate against policyholders. See Appendix A for applicable statutes, regulations and bulletins.

Controls Assessment: See Standards IV-1 and IV-3.

Controls Reliance: See Standards IV-1 and IV-3.

Transaction Testing Procedure: RNA interviewed individuals with responsibility for producer contracting, appointments and terminations. In conjunction with testing of 50 private passenger automobile and 50 homeowners policies issued or renewed during the examination period, and testing of 17 business entity agent appointment terminations, RNA reviewed documentation for any evidence of

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unfair discrimination against policyholders resulting from the Company's agent appointment and termination policies.

Transaction Testing Results:

Findings: None.

Observations: Based upon testing, no evidence of unfair discrimination against policyholders was noted as a result of the Company's agent appointment and termination policies.

Recommendations: None.

Standard IV-5. Records of terminated producers adequately document the reasons for terminations.

Objective: The Standard addresses the Company's documentation of the reasons for agent terminations. See Appendix A for applicable statutes, regulations and bulletins.

Controls Assessment: See Standard IV-3.

Controls Reliance: See Standard IV-3.

Transaction Testing Procedure: RNA interviewed individuals with responsibility for agent contracting and appointment termination processing. RNA selected 17 business entity appointment terminations during the examination period, and reviewed the reasons for each appointment termination. RNA also inquired about any agent that was terminated "for cause" during the examination period.

Transaction Testing Results:

Findings: None.

Observations: Based upon testing, the Company's internal records adequately document reasons for appointment terminations. No agent appointment terminations "for cause" were noted.

Recommendations: None.

Standard IV-6. Producer account balances are in accordance with the producer's contract with the insurer.
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No work performed. This Standard is not covered in the scope of examination because the Company direct bills most premium, and agent advances are not provided. Thus, excessive debit account balances are not a significant issue.

V. POLICYHOLDER SERVICE

Evaluation of the Standards in this business area is based on (a) an assessment of the Company's internal control environment, policies and procedures, (b) the Company's response to various information requests, and (c) a review of several types of files at the Company.

Standard V-1. Premium notices and billing notices are sent out with an adequate amount of advance notice.
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Objective: This Standard is concerned with whether the Company provides policyholders with sufficient advance notice of premiums due. See Appendix A for applicable statutes, regulations and bulletins.

Controls Assessment: The following controls were noted in review of this Standard:

- The Company's billing and payment methods include payment in full at inception or direct bill in installments. Payments are accepted using a check, credit card, debit card or electronic funds transfer ("EFT"). For new business, a down payment of 20% to 25% is generally required, depending on policy type, payment plan selected and the consumer's payment history.
- For billed installments, the initial bill is sent approximately 20 days prior to the due date. If not paid, a notice of pending cancellation is sent approximately 30 days after the initial bill is sent. The customer has approximately 24 days to make the minimum payment. If payment is still not received in 24 days, the policy is cancelled in the next seven days. For recurring EFT transactions, an insufficient funds notice from the bank will trigger one additional attempt to process. If the account still has insufficient funds, the Company asks the agent to contact the customer and make other payment arrangements. If a customer has a significant history of non-payment, the customer may be required to pay the premium in full. If financing is needed, the customer must obtain financing from an unaffiliated premium finance company.
- The Company has developed standards for billing and collections, and monitors compliance with those standards.

Controls Reliance: Controls tested via documentation inspection, procedure observation and/or corroborating inquiry appear to be sufficiently reliable to be considered in determining the extent of transaction testing procedures.

Transaction Testing Procedure: RNA interviewed Company personnel with responsibility for policyholder service and reviewed billing notice dates in conjunction with new and renewal business testing.

Transaction Testing Results:

Findings: None.

Observations: Based upon review, billing notices appeared to be mailed with an adequate amount of advance notice.

Recommendations: None.

Standard V-2. Policy issuance and insured-requested cancellations are timely.

Objective: This Standard is concerned with whether the Company has procedures to ensure that policyholder cancellation requests are processed timely. Policy issuance testing is included in Standard VI-6. Return of premium testing is included in Standard V-7. See Appendix A for applicable statutes, regulations and bulletins.

Controls Assessment: The following controls were noted in review of this Standard and Standard V-7:

- Company policy is to process insured-requested policy cancellations and applicable premium refunds in a timely manner and generally within five days of request. Policy cancellation requests from customers must be made through the independent agents, who are generally able to process the requests electronically, or who will forward the request to the Company.
- All unearned premium is refunded to the policyholder on a short rate or a pro-rata basis.
- Automobile policyholders may cancel their policy only after filing a Form 2A-Notice of Transfer of Coverage, proof that the vehicle has been taken out of service, or evidence that they have moved out of Massachusetts.

Controls Reliance: Controls tested via documentation inspection, procedure observation and/or corroborating inquiry appear to be sufficiently reliable to be considered in determining the extent of transaction testing procedures.

Transaction Testing Procedure: RNA interviewed Company personnel with responsibility for policyholder service and tested 20 private passenger automobile and 20 homeowner insured-requested cancellations from the examination period, to ensure that the cancellation requests were processed accurately and timely.

Transaction Testing Results:

Findings: None.

Observations: Based upon testing, the insured-requested cancellations were processed accurately and timely.

Recommendations: None.

Standard V-3. All correspondence directed to the regulated entity is answered in a timely and responsive manner by the appropriate department.

Objective: This Standard addresses the Company's procedures for providing timely and responsive information to customers by the appropriate department. Complaints are covered in the Complaint Handling section, and claims are covered in the Claims section. See Appendix A for applicable statutes, regulations and bulletins.

Controls Assessment: The following controls were noted in review of this Standard:

- The Company considers its independent agents as having the primary relationship with policyholders, who must request endorsements and policy changes through the agents. If a policyholder requests such changes directly with the Company, the policyholder will be referred to the agent for servicing. Any such changes needing underwriting approval will be requested by the agents and processed through the Company's underwriting work flow system.
- The Company's call center representatives can make billing address changes or premium billing changes.
- The Company has underwriting representatives who may assist independent agents with policyholders' general questions about their policies.
- The Company has developed performance and work flow standards for underwriting and policyholder service and monitors compliance with those standards.

Controls Reliance: Controls tested via documentation inspection, procedure observation and/or corroborating inquiry appear to be sufficiently reliable to be considered in determining the extent of transaction testing procedures.

Transaction Testing Procedure: RNA discussed procedures with Company personnel and obtained documentation of underwriting service standards. RNA reviewed customer correspondence in conjunction with new and renewal business and claims testing.

Transaction Testing Results:

Findings: None.

Observations: Based upon the review of the above information and review of general correspondence between policyholders and the Company regarding underwriting, policyholder service and claims matters, it appears that the Company has adequate resources and procedures to handle customer inquiries. Correspondence directed to the Company appears to be answered in a timely and responsive manner.

Recommendations: None.

Standard V-4. Whenever the regulated entity transfers the obligations of its contracts to another regulated entity pursuant to an assumption reinsurance agreement, the regulated entity has gained the prior approval of the insurance department and the regulated entity has sent the required notices to affected policyholders.

No work performed. The Company does not enter into assumption reinsurance agreements.

Standard V-5. Policy transactions are processed accurately and completely.

Objective: This Standard addresses procedures for the accurate and complete processing of policy transactions. Objectives pertaining to policy issuance, renewals and endorsements are included in Standard VI-6. Billing transactions are reviewed in Standard V-1. Insured-requested cancellations and return of premium are tested in Standard V-2. Company-initiated cancellations and non-renewals are tested in Standard VI-8. See Appendix A for applicable statutes, regulations and bulletins.

Standard V-6. Reasonable attempts to locate missing policyholders or beneficiaries are made.

Objective: This Standard addresses efforts to locate missing policyholders or beneficiaries, and to comply with escheatment and reporting requirements. See Appendix A for applicable statutes, regulations and bulletins.

Controls Assessment: The following controls were noted in review of this Standard:

- The Company addresses returned mail such as policies, required notices, premium refunds and billing notices by sending the item to the agent, and asking the agent to locate the customer. For any outstanding claim checks, the Company's forwards the claim check to the claims adjuster to locate the claimant. When premium refund and claim checks are outstanding for 90 days, a letter is sent to the payee notifying them of the outstanding check. After eight months outstanding, additional research of the Company's electronic systems and file records is performed to locate a better address for the payee. Annually, all outstanding checks are uploaded using vendor software that tracks all states' unclaimed property reporting requirements for holding until escheatment.
- At 90 days prior to escheatment, a final letter is sent to the payee at the best available address notifying him or her that the check is still outstanding. Once these efforts are exhausted and after three years, the funds are deemed abandoned property and escheated in accordance with Massachusetts Law.
- The Company annually reports escheatable funds to the Massachusetts State Treasurer by November 1st as required by statute.

Controls Reliance: Controls tested via documentation inspection, procedure observation and/or corroborating inquiry appear to be sufficiently reliable to be considered in determining the extent of transaction testing procedures.

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Transaction Testing Procedure: RNA discussed the Company's procedures for locating missing policyholders and claimants and escheating funds. RNA also reviewed supporting documentation. RNA compared the Company's policies and procedures to the Division's best practices in these areas. Finally, RNA reviewed the 2011 and 2012 escheatment filings with the Massachusetts State Treasurer.

Transaction Testing Results:

Findings: None.

Observations: Based upon review, the Company appears to report unclaimed items and escheat them as required by statute. The Company also appears to have processes for locating missing policyholders and claimants, and appears to make efforts to locate such individuals.

Recommendations: None.

Standard V-7. Unearned premiums are correctly calculated and returned to the appropriate party in a timely manner and in accordance with applicable statutes, rules and regulations.

Objective: This Standard addresses return of the correctly calculated unearned premium in a timely manner when policies are cancelled. See Standard V-2 for review and testing of the calculation and return of unearned premium. See Appendix A for applicable statutes, regulations and bulletins.

Standard V-8. Claims history and loss information is provided to the insured in timely manner.

Objective: This Standard addresses the Company's procedures to provide history and loss information to insureds in a timely manner. See Appendix A for applicable statutes, regulations and bulletins.

Controls Assessment: The following controls were noted in review of this Standard:

- The Company's claims personnel and independent agents have access to policyholders' claims history and paid loss information.
- The Company's policy is to directly provide a policyholder with his or her claims history and paid loss information upon request, or refer the policyholder to the agent for such information.

Controls Reliance: Controls tested via documentation inspection, procedure observation and/or corroborating inquiry appear to be sufficiently reliable to be considered in determining the extent of transaction testing procedures.

Transaction Testing Procedure: RNA discussed with Company personnel its policies and procedures for responding to policyholder inquiries regarding claims history and paid loss information. Further, RNA reviewed claim documentation for any evidence of the Company being non-responsive to policyholder inquiries on claim history and paid loss information in testing of underwriting and rating, claims, complaints and policyholder service.

Transaction Testing Results:

Findings: None.

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Observations: Based upon testing in underwriting and rating, claims, complaints and policyholder service, RNA noted no evidence that the Company was non-responsive to any policyholder inquiries. Policies and procedures relating to how the Company responds to policyholder inquiries on claims history and paid loss information appear adequate and reasonable.

Recommendations: None.

VI. UNDERWRITING AND RATING

Evaluation of the Standards in this business area is based on (a) an assessment of the Company's internal control environment, policies and procedures, (b) the Company's response to various information requests, and (c) a review of several types of files at the Company.

Standard VI-1. The rates charged for the policy coverage are in accordance with filed rates (if applicable) or the regulated entity's rating plan.

Objective: This Standard addresses whether the Company is charging premiums using properly filed rates. See Appendix A for applicable statutes, regulations and bulletins.

Controls Assessment: The following controls were noted in review of this Standard and Standards VI-4 and VI-10:

- The Company has written underwriting and rating policies and procedures designed to reasonably assure consistency in classification and rating.
- The Company has provided agents with personal lines underwriting requirements for use in evaluating risks. Agents have binding authority.
- Agents may obtain private passenger automobile and homeowners quotes using the Company's agent internet portal or other third party comparative rating tools. Agents electronically submit application information with the signed applications retained in the agents' files. The standard forms for the applications are approved by the Division. The Company uses automated underwriting guidelines to accept or reject private passenger automobile and homeowners risks.
- Company policy prohibits unfair discrimination in the application of premium discounts and surcharges, and in the application of its general rating methodology, in accordance with statutory and regulatory requirements.
- Personal lines rates are filed with the Division and approved prior to use. All approved rates are loaded in the Company's underwriting and policy administration systems and are tested prior to use.
- Private passenger automobile underwriting criteria include license status, driving history, and driver experience, among other factors. The Company does not use credit or insurance scores in private passenger automobile underwriting or rating.
- The Company adheres to Massachusetts regulatory standards of fault in determining at-fault accidents and is to ensure that at-fault drivers are appropriately surcharged for such accidents. Surcharged drivers are to be notified of the right to appeal the surcharge. The Company does not report the at-fault indicator to consumer reporting agencies.
- The Company's third party administrator identifies vacated surcharges and completes processing for those transactions. An exception report is prepared to identify any vacated surcharges with endorsements that may impact vacated surcharge processing and refund calculation.
- Private passenger automobile rates are based on Automobile Insurers Bureau of Massachusetts ("AIB") base rates with deviations using actuarial guidelines and principles.
- Homeowners underwriting and rating criteria include territory, coverage amount and type, property age, protection class, structure type as well as discounts for security features, safety features, non-smokers, and higher deductibles. The Company uses a minimum insurance score, which is based on credit, in homeowners new business underwriting. Beginning in 2012, inspections were required for all new homeowners business.
- Homeowners rates are based on Massachusetts ISO data and the Company's competitive analysis of market rates.

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- The Company's underwriting supervisors complete quality assurance audits during three of the four annual quarters with 10 files selected per underwriter each quarter. Reviews include compliance with time and service standards, underwriting quality, and the form and content of cancellation and non-renewal notices. For the remaining quarter, the reviews are conducted by the Company's home office staff. Follow-up audits are conducted within 180 days for areas of non-compliance. These reviews are conducted for training purposes and performance evaluations.
- The Company conducts periodic visits to the independent agencies and performs agency audits to ensure that the agents are maintaining signed applications, supporting discount information, and other required documents.
- The Company is subject to periodic premium data audits by CAR for compliance with statutes and CAR Rules of Operation.

Controls Reliance: Controls tested via documentation inspection, procedure observation and/or corroborating inquiry appear to be sufficiently reliable to be considered in determining the extent of transaction testing procedures.

Transaction Testing Procedure: RNA interviewed Company personnel with responsibility for the underwriting and rating processes. RNA selected 50 private passenger automobile and 50 homeowners policies issued or renewed during the examination period, to test rate classifications and underlying policy information. From these test selections, RNA selected 26 private passenger automobile and 24 homeowners policies and verified that each policy's premium, discounts and surcharges complied with statutory and regulatory requirements and that premium charges were accurate.

RNA also tested 100 vacated at-fault accident determinations by the Board of Appeal from the examination period for accurate and timely reversal of the vacated at-fault accident determinations. Additionally, RNA reviewed Company-prepared data at the Division's request on vacated at-fault accident determinations for the period 2003-2013 to ensure that all were timely identified and properly processed. Finally, during private passenger automobile claims testing, RNA tested to ensure that at-fault accident surcharges were properly applied in accordance with regulatory requirements. The Division requested that the Company review at-fault accident surcharges from 2010-2013 to ensure that all at-fault accident surcharges were applied, with proper operator notice provided of the right to appeal the surcharges.

To test compliance with the April 2011 Regulatory Settlement Agreement between the Company and the Division related to valuation of motorcycles and premium rating, RNA selected 25 motorcycle policies to test rates charged and motorcycle valuations used for comprehensive and collision coverages.

Transaction Testing Results:

Findings: RNA testing indicated that for nine of the 100 Board of Appeal vacated surcharges, the surcharges were not properly and timely reversed in accordance with M.G.L. c. 175E, § 7A and Division Bulletin 2010-11. At the request of the Division, the Company reviewed Board of Appeal vacated at-fault accident determinations for the period 2003-2013 and determined that an additional 296 vacated surcharges were not properly reversed in accordance with M.G.L. c. 175E, § 7A and Division Bulletin 2010-11.

RNA's testing of private passenger automobile claims indicated that for four claims, the at-fault operators were not surcharged for at-fault accidents, and the claims were not reported to the Merit Rating Board ("MRB"), in accordance with 211 CMR 134.00. Further, the at-fault operators were

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not provided a notice of surcharge stating their right to appeal those surcharges in accordance with M.G.L. c. 175E, § 7A. At the request of the Division, the Company reviewed at-fault accident surcharges for the period 2010-2013 and determined that 663 operators were not surcharged for at-fault accidents, and the claims were not reported to the MRB in accordance with 211 CMR 134.00. Also, at-fault operators were not provided a notice of surcharge stating their right to appeal those surcharges in accordance with M.G.L. c. 175E, § 7A. As a result, the Company and the Division entered into a Regulatory Settlement Agreement in November 2014 requiring corrective actions and restitution for these statutory violations. See Appendix B.

Observations: Based upon testing, except as noted above, the Company appears to calculate policy premiums, discounts, at-fault accident surcharges and vacated surcharges in compliance with its policies, procedures, and statutory requirements, and in compliance with rates filed with the Division. RNA testing of motorcycle premium noted that original cost new and appropriate depreciation factors were applied to motorcycle policy premiums.

Required Actions: The Company shall provide premium refunds and 6% annual interest to consumers for the 305 vacated at-fault accident determinations not properly reversed. In addition, the Company shall adopt new controls and procedures to ensure that premium refunds for vacated surcharges by the Board of Appeal are timely and properly processed. The Company shall also provide training or guidance to staff about these new controls and procedures. Finally, the Company shall adopt a new procedure to complete an annual review and comparison of their vacated surcharge data with data directly obtained from the Board of Appeal. The review shall include testing to obtain reasonable assurance that the vacated surcharges were accurately and timely reversed with the proper premium credit applied.

The Company shall surcharge the 663 operators, provide notice of the claims to the MRB, and provide surcharge notices to the operators, noting their at-fault accidents and their right to appeal those related surcharges. In addition, the Company shall adopt new controls and procedures to ensure that at-fault accident operators are properly surcharged, such at-fault claims are reported to the MRB, and surcharge appeal notices are provided to at-fault operators. The Company shall also provide training or guidance to staff about these new controls and procedures. The new controls and procedures shall be tested by internal audit or an independent quality assurance function to ensure that they are effectively implemented, with the results of the independent testing reported to the Company's Board of Directors or a committee thereof, and the Division by June 30, 2015 or another agreed upon date. If significant issues are identified in the audit, follow up audits shall continue to be performed with related reports issued, until no significant issues remain.

Subsequent Company Actions: The Company provided \$81,936 in premium refunds and 6% annual interest for the 305 vacated at-fault accident determinations noted above. Further, the Company has provided training to staff and adopted new controls and procedures to ensure that premium refunds for vacated surcharges by the Board of Appeal are timely and properly processed. The Company states that it will complete the annual review of Board of Appeal information as noted above.

The Company is currently surcharging the 663 operators, reporting the claims to the MRB and providing notices to the operators noting their at-fault accidents and their right to appeal those related surcharges. Further, the Company has provided training to staff and adopted new controls and procedures in December 2013 to ensure that at-fault accident operators are properly surcharged with the right of appeal provided to these operators. Also, beginning in January 2014, quarterly quality assurance audits were performed to ensure that controls and processes were effective with these audit results provided to the Division.

These procedures will be reviewed by internal audit to ensure that they are effectively implemented with the results of the independent testing completed and reported to the Division by June 30, 2015. The information will also be reported to the Company's Board of Directors.

Standard VI-2. All mandated disclosures are documented and in accordance with applicable statutes, rules and regulations.
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Objective: This Standard addresses whether all mandated disclosures for rates and coverages are timely provided to insureds in accordance with statutes and regulations. See Appendix A for applicable statutes, regulations and bulletins.

Controls Assessment: The following controls were noted in review of this Standard:

- The Company has written policies and procedures for processing new and renewal business.
- The Company's supervisory procedures and system's controls are designed to ensure that new business submissions are accurate and complete, including the use of all Company-required forms and instructions.
- The Company's insurance policies provide disclosures as required by statutory and regulatory guidelines.
- The Company provides private passenger automobile information guides to consumers.

Controls Reliance: Controls tested via documentation inspection, procedure observation and/or corroborating inquiry appear to be sufficiently reliable to be considered in determining the extent of transaction testing procedures.

Transaction Testing Procedure: RNA interviewed Company personnel with responsibility for the underwriting process. RNA selected 50 private passenger automobile and 50 homeowners policies issued or renewed during the examination period, to test for timely disclosure of rates and coverages.

Transaction Testing Results:

Findings: None.

Observations: Based upon testing, the Company provides required coverage disclosures to insureds upon initial application and renewal, in accordance with its policies, procedures, and statutory requirements.

Recommendations: None.

Standard VI-3. The regulated entity does not permit illegal rebating, commission cutting or inducements.

Objective: This Standard addresses illegal rebating, commission cutting or inducements, and requires that broker commissions adhere to the commission schedule. See Appendix A for applicable statutes, regulations and bulletins.

Controls Assessment: The following controls were noted in review of this Standard:

- The Company has procedures for paying commissions to independent agents in accordance with written contracts.
- The Company's independent agent contracts, policies and procedures are designed to comply with statutory underwriting and rating requirements, which prohibit special inducements and rebates.

Controls Reliance: Controls tested via documentation inspection, procedure observation and/or corroborating inquiry appear to be sufficiently reliable to be considered in determining the extent of transaction testing procedures.

Transaction Testing Procedure: RNA interviewed individuals with responsibility for producer licensing, agent appointment and agent compensation. In connection with the review of producer contracts, RNA inspected new business materials, advertising materials, producer training materials and manuals for indications of rebating, commission cutting or improper inducements. RNA selected 50 private passenger automobile and 50 homeowners policies issued or renewed during the examination period for indications of rebating, commission cutting or improper inducements.

Transaction Testing Results:

Findings: None.

Observations: Based upon review and testing, the Company's processes for prohibiting illegal acts, including special inducements and rebates, are functioning in accordance with its policies, procedures and statutory requirements.

Recommendations: None.

Standard VI-4. The regulated entity underwriting practices are not unfairly discriminatory. The company adheres to applicable statutes, rules and regulations and regulated entity guidelines in the selection of risks.

Objective: This Standard addresses whether unfair discrimination is occurring in insurance underwriting, primarily related to rating. See Standard VI-1 for testing of premium rating, Standard VI-7 for testing of declinations and Standard VI-8 for testing of company-initiated cancellations and non-renewals. See Appendix A for applicable statutes, regulations and bulletins.

Standard VI-5. All forms including contracts, riders, endorsement forms and certificates are filed with the insurance department, if applicable.

Objective: This Standard addresses whether policy forms and endorsements are filed with the Division for approval. See Appendix A for applicable statutes, regulations and bulletins.

Controls Assessment: The following controls were noted in review of this Standard and Standard VI-19:

- Company policy requires the use of the standard Massachusetts automobile policy forms and endorsements. The Company uses the AIB Massachusetts Private Passenger Automobile Form, which has been approved by the Division.
- Company policy requires the use of standard homeowners policy forms, many based on ISO forms. Homeowners policy forms and endorsements are filed with, and approved by, the Division prior to use.
- Approved forms and endorsements are required to be used when providing quotes to customers.

Controls Reliance: Controls tested via documentation inspection, procedure observation and/or corroborating inquiry appear to be sufficiently reliable to be considered in determining the extent of transaction testing procedures.

Transaction Testing Procedure: RNA interviewed Company personnel with responsibility for the underwriting process. RNA selected 50 private passenger automobile and 50 homeowners policies issued or renewed during the examination period, to test for the use of approved policy forms and endorsements in compliance with statutory requirements.

Transaction Testing Results:

Findings: None.

Observations: Based upon testing, the Company is using approved policy forms and endorsements in compliance with its policies, procedures, and statutory requirements.

Recommendations: None.

Standard VI-6. Policies, riders and endorsements are issued or renewed accurately, timely and completely.

Objective: This Standard addresses whether the Company issues policies and endorsements timely and accurately. See Appendix A for applicable statutes, regulations and bulletins.

Controls Assessment: The following controls were noted in review of this Standard:

- The Company has written underwriting and rating policies and procedures designed to reasonably assure consistency in classification and rating.
- The Company's underwriting and policy administration systems are used for quoting, rating and underwriting policy applications.
- Pre-insurance inspections are required for new coverage of used private passenger automobiles unless a qualified exemption is met or a waiver is obtained.

Controls Reliance: Controls tested via documentation inspection, procedure observation and/or corroborating inquiry appear to be sufficiently reliable to be considered in determining the extent of transaction testing procedures.

Transaction Testing Procedure: RNA interviewed Company personnel with responsibility for the underwriting process. RNA selected 50 private passenger automobile and 50 homeowners policies issued or renewed during the examination period, to test whether new and renewal policies and endorsements were issued timely, accurately and completely. RNA also tested for compliance with vehicle inspection requirements.

Transaction Testing Results:

Findings: None.

Observations: Based upon testing, the Company issues new and renewal policies and endorsements timely, accurately and completely. Also, private passenger automobile policies were issued in compliance with vehicle inspection requirements.

Recommendations: None.

Standard VI-7. Rejections and declinations are not unfairly discriminatory.
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Objective: This Standard addresses the fairness of application rejections and declinations including issuance of proper declination notices. See Appendix A for applicable statutes, regulations and bulletins.

Controls Assessment: The following controls were noted in review of this Standard:

- Company policy prohibits unfair discrimination in underwriting in accordance with statutory requirements. Written Company underwriting guidelines are designed to reasonably assure appropriate acceptance and rejection of risks on a consistent and fair basis.
- Applications for private passenger and homeowners coverage may be declined by the independent agent on the Company's behalf or by the underwriting department if the risks do not meet the Company's underwriting guidelines.
- The Company uses a minimum insurance score, which is based on credit, in homeowners new business underwriting. Any applicant declined coverage or refused a quote for an unacceptable insurance score is to be provided a Fair Credit Reporting Act ("FCRA") adverse action notice by the agent. Also, agents are also instructed to provide a FCRA adverse action notice if the rate quoted is not the best available rate.
- Other than of the FCRA adverse action notice, agents may provide either a written or oral declination notice to the applicant for other declination reasons.

Controls Reliance: Controls tested via documentation inspection, procedure observation and/or corroborating inquiry appear to be sufficiently reliable to be considered in determining the extent of transaction testing procedures.

Transaction Testing Procedure: RNA interviewed Company personnel with responsibility for the underwriting process. For applications during the examination period, RNA requested applications declined or instances where the agents could not provide a quote based on the applicants' credit-based insurance scores. The Company does not have declination information for applicants declined by the agents, or for applicants refused a homeowners quote due to an unacceptable insurance score.

Transaction Testing Results:

Findings: None.

Observations: Based upon review of the information available, RNA was not able to conduct testing of declinations or refusals to quote homeowners coverage based on insurance scores. The Company's procedures and directives to agents about providing FCRA notices appear adequate and reasonable.

Recommendations: The Company should require agents to retain a copy of FCRA adverse action notices delivered to applicants, allowing the Company to conduct periodic agency audit procedures to ensure that the notices have been properly provided. Also, the Company should ensure that it has basic information on applications declined or refused quoting by the agents on the Company's behalf, to assist the Company in conducting the agency audits.

Subsequent Company Actions: The Company has given notice to agents to retain FCRA notices provided to applicants, and the Company plans to begin conducting agency audits on these notices in the near future. Modifications to the agency audit process to incorporate FCRA notice retention have been identified and will be adopted. Additional agency communication and field operations auditing personal notification is in process.

Standard VI-8. Cancellation/non-renewal, discontinuance and declination notices comply with policy provisions, state laws and regulated entity guidelines.

Objective: This Standard addresses notices to policyholders for company-initiated cancellations and non-renewals, including advance notice before expiration for cancellations and non-renewals. Declination notices are tested in Standard VI-7. See Appendix A for applicable statutes, regulations and bulletins.

Controls Assessment: The following controls were noted in review of this Standard:

- Company-initiated cancellations of private passenger automobile policies for underwriting reasons are a result of driver license suspension, vehicle registration violations or material misrepresentation, with most occurring within the first 60 days of coverage. Written notice of cancellation with the specific reason for the cancellation is to be sent to the policyholder and the agent at least 23 days prior to the cancellation effective date.
- Company-initiated cancellations of homeowners policies for underwriting reasons are generally a result of changes in the risk, failure to address inspection deficiencies, or material misrepresentation, with most occurring within the first 60 days of coverage. Written notice of cancellation with the specific reason for the cancellation is to be sent to the policyholder and the agent at least 23 days prior to the cancellation effective date.
- Written non-renewal notices for unacceptable renewals of private passenger automobile and homeowners risks are to be provided to policyholders and the agents at least 45 days prior to the non-renewal effective date. The notices are to state the specific reasons for the non-renewals.

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- The Company's underwriting supervisors complete quality assurance audits during three of the four annual quarters with 10 files selected per underwriter each quarter. Reviews include compliance with time and service standards, underwriting quality, and the form and content of cancellation and non-renewal notices. For the remaining quarter, the reviews are conducted by the Company's home office staff. Follow-up audits are conducted within 180 days for areas of non-compliance. These reviews are conducted for training purposes and performance evaluations.

Controls Reliance: Controls tested via documentation inspection, procedure observation and/or corroborating inquiry appear to be sufficiently reliable to be considered in determining the extent of transaction testing procedures.

Transaction Testing Procedure: RNA interviewed Company personnel with responsibility for the underwriting process. RNA tested 33 private passenger automobile and 33 homeowners transactions coded as company-initiated cancellations for testing. In addition, RNA selected 33 private passenger automobile and 33 homeowners transactions coded as non-renewals for testing. All transactions were evaluated for compliance with statutory and Company policy requirements.

Transaction Testing Results:

Findings: Two private passenger automobile company-initiated cancellation notices were not provided at least 20 days in advance in accordance with M.G.L. c. 175, § 113A. One private passenger automobile non-renewal notice was not provided at least 45 days in advance in accordance with M.G.L. c. 175, § 113F. Also, one homeowners non-renewal notice was not provided at least 45 days in advance in accordance with M.G.L. c. 175, § 193P. Finally, one homeowners non-renewal notice was not adequately specific in accordance with M.G.L. c. 175, § 193P.

Observations: Based on testing, except as noted above, the Company provided timely and adequate notice to policyholders for company-initiated cancellations and non-renewals with the specific reasons properly disclosed. The specific reasons were reasonable and in compliance with statutory and regulatory requirements.

RNA determined that the notice used for company-initiated cancellations and non-renewals is the same, and thus some of the language is unclear and not technically correct for company-initiated cancellations. For example, the notice says "by this notice the policy will be non-renewed" which would not be technically correct for mid-term cancellations. Also, the same notice is used for homeowners and private passenger automobile transactions, and the notice has a paragraph discussing motor vehicle renewals, which is not necessary for homeowners transactions. Finally, RNA noted that for four company-initiated cancellations and one non-renewal, the Company has no documentation about whether FCRA adverse action notices were also provided, although such notices may have been provided along with the underwriting notices.

Required Actions: The Company shall ensure that all company-initiated cancellation and non-renewal notices are provided with adequate time notice and contain reasons that are adequately specific, by reviewing current procedures, making any required changes and providing appropriate training or guidance to staff. Also, the Company shall conduct independent monitoring by internal audit, compliance or quality assurance testing staff to ensure that the Company's process and control procedures are effective. Finally, the Company shall report the results of these actions to the Division by June 30, 2015, or another agreed upon date.

Recommendations: RNA recommends that the Company revise the underwriting notices to address the comments in the Observations section above to more clearly report these transactions. Also, the Company should review its procedures to ensure that a FCRA adverse action notice is provided for any underwriting action that is based on consumer reports or credit information. Copies of such FCRA notices should be retained with the underwriting notices.

Subsequent Company Actions: To ensure that all Company issued cancellations and non-renewals are compliant and can be clearly understood, the Company is developing separate notices for non-renewals and cancellations. These notices will be specific to the line of business, and once implemented, their proper use will be reviewed in future underwriting quality audits. The issuance of FCRA notices associated with consumer credit adverse action decisions is being reviewed. The Company will identify the process changes to provide the FCRA notices only when credit was involved in the underwriting decision. Additional agency communication and field operations auditing personal notification is in process. These procedures will be reviewed by internal audit to ensure that they are effectively implemented with the results of the independent testing completed and reported to the Division by June 30, 2015.

<u>Standard VI-9. Rescissions are not made for non-material misrepresentation.</u>

Objective: This Standard addresses whether decisions to rescind and cancel coverage are made appropriately. See Appendix A for applicable statutes, regulations and bulletins.

Controls Assessment: The following controls were noted in review of this Standard:

- Company policy requires compliance with underwriting guidelines in accordance with statutory requirements.
- Written Company underwriting guidelines are designed to reasonably assure appropriate acceptance and rejection of risks.
- The Company states that, although quite rare, rescissions may be given only for significant material misrepresentations or fraud and only with approval of the Law Department.

Controls Reliance: Controls tested via documentation inspection, procedure observation and/or corroborating inquiry appear to be sufficiently reliable to be considered in determining the extent of transaction testing procedures.

Transaction Testing Procedure: RNA interviewed Company personnel with responsibility for the underwriting process and inquired about procedures for issuing rescissions.

Transaction Testing Results:

Findings: None.

Observations: Based upon review, policies and procedures for rescissions appear reasonable.

Recommendations: None.

Standard VI-10. Credits, debits and deviations are consistently applied on a non-discriminatory basis.

Objective: This Standard addresses whether unfair discrimination is occurring in the application of premium discounts and surcharges. See Standard VI-1 for testing of premium rating. See Appendix A for applicable statutes, regulations and bulletins.

Standard VI-11. Schedule rating or individual risk premium modification plans, where permitted, are based on objective criteria with usage supported by appropriate documentation.

No work performed. This Standard is not covered in the scope of examination as the Division limited the scope of this examination to personal lines business only.

Standard VI-12. Verification of use of the filed expense multipliers; the regulated entity should be using a combination of loss costs and expense multipliers filed with the insurance department.

No work performed. This Standard is not covered in the scope of examination as the Division limited the scope of this examination to personal lines business only.

Standard VI-13. Verification of premium audit accuracy and the proper application of rating factors.

No work performed. This Standard is not covered in the scope of examination as the Division limited the scope of this examination to personal lines business only.

Standard VI-14. Verification of experience modification factors.

No work performed. This Standard is not covered in the scope of examination as the Division limited the scope of this examination to personal lines business only.

Standard VI-15. Verification of loss reporting.

No work performed. This Standard is not covered in the scope of examination as the Division limited the scope of this examination to personal lines business only.

Standard VI-16. Verification of regulated entity data provided in response to the NCCI call on deductibles.

No work performed. This Standard is not covered in the scope of examination as the Division limited the scope of this examination to personal lines business only.

Standard VI-17. Underwriting, rating and classification are based on adequate information developed at or near inception of the coverage rather than near expiration, or following a claim.

Objective: This Standard addresses whether underwriting, rating and classification decisions are based on adequate information developed at or near inception of the coverage, rather than near expiration or following a claim. See Appendix A for applicable statutes, regulations and bulletins.

Controls Assessment: The following controls were noted in review of this Standard:

- Company policy and practice prohibits unfair discrimination in underwriting and rating in accordance with statutory requirements.
- Written Company policies and procedures are designed to reasonably assure consistency in the application of underwriting guidelines, rating classifications, premium discounts and surcharges determined at or near the inception of coverage.
- Written Company underwriting guidelines are designed to reasonably assure appropriate acceptance and rejection of risks on a proper, consistent and fair basis.
- The Company's underwriting supervisors complete quality assurance audits during three of the four annual quarters with 10 files selected per underwriter each quarter. Reviews include compliance with time and service standards, underwriting quality, and the form and content of cancellation and non-renewal notices. For the remaining quarter, the reviews are conducted by the Company's home office staff. Follow-up audits are conducted within 180 days for areas of non-compliance. These reviews are conducted for training purposes and performance evaluations.

Controls Reliance: Controls tested via documentation inspection, procedure observation and/or corroborating inquiry appear to be sufficiently reliable to be considered in determining the extent of transaction testing procedures.

Transaction Testing Procedure: RNA interviewed Company personnel with responsibility for the underwriting process. RNA selected 50 private passenger automobile and 50 homeowners policies issued or renewed during the examination period to test whether underwriting, rating and classification are based on adequate information developed at or near inception of coverage. RNA also sought evidence of complaints to ensure that underwriting is completed at or near inception of the coverage.

Transaction Testing Results:

Findings: None.

Observations: Based upon testing, the Company is using underwriting, rating and classification guidelines based on adequate information developed at or near inception of coverage.

Recommendation: None.

Standard VI-18. Audits, when required, are conducted accurately and timely.

Objective: This Standard addresses whether audits are conducted accurately and timely. See Standard I-1 for external audits, internal audits and quality assurance audits within the Company's operational areas. See Appendix A for applicable statutes, regulations and bulletins.

Standard VI-19. All forms and endorsements, forming a part of the contract are listed on the declaration page and should be filed with the insurance department (if applicable).

Objective: This Standard addresses whether policy forms and endorsements are filed with the Division for approval. See Standard VI-5 for testing. See Appendix A for applicable statutes, regulations and bulletins.

Standard VI-20. The regulated entity verifies that the VIN number submitted with the application is valid and that the correct symbol is utilized.

Objective: This Standard addresses whether the Company verifies that the VIN and vehicle symbol submitted with the application is valid and accurate. See Appendix A for applicable statutes, regulations and bulletins.

Controls Assessment: The following controls were noted in review of this Standard:

- The Company has written underwriting and rating policies and procedures, which are designed to reasonably assure consistency in classification and rating.
- The Company's customer service representatives and independent agents are responsible for obtaining the VIN and vehicle symbol when the applications are completed.
- The Company's underwriting system compares the VIN and vehicle symbol to electronic databases to ensure that both are accurate.

Controls Reliance: Controls tested via documentation inspection, procedure observation and/or corroborating inquiry appear to be sufficiently reliable to be considered in determining the extent of transaction testing procedures.

Transaction Testing Procedure: RNA interviewed Company personnel with responsibility for the underwriting process. RNA selected 50 private passenger automobile policies issued or renewed during the examination period, to determine whether the Company verifies the VIN and vehicle symbol at policy issuance.

Transaction Testing Results:

Findings: None.

Observations: Based upon testing, the Company verifies VIN and vehicle symbol at policy issuance in accordance with its policies, procedures, and statutory requirements.

Recommendations: None.

Standard VI-21. The regulated entity does not engage in collusive or anti-competitive underwriting practices.

Objective: This Standard addresses whether the Company has engaged in any collusive or anti-competitive underwriting practices. See Appendix A for applicable statutes, regulations and bulletins.

Controls Assessment: The following controls were noted in review of this Standard:

- Company policy requires that the underwriting department apply consistent underwriting practices, and that no underwriter or producer shall engage in collusive or anti-competitive practices.
- Company policy and practice prohibits unfair discrimination in underwriting in accordance with statutory requirements.
- Written Company underwriting guidelines are designed to reasonably assure appropriate acceptance and rejection of risks on a proper, consistent and fair basis.
- The Company's underwriting supervisors complete quality assurance audits during three of the four annual quarters with 10 files selected per underwriter each quarter. Reviews include compliance with time and service standards, underwriting quality, and the form and content of cancellation and non-renewal notices. For the remaining quarter, the reviews are conducted by the Company's home office staff. Follow-up audits are conducted within 180 days for areas of non-compliance. These reviews are conducted for training purposes and performance evaluations.

Controls Reliance: Controls tested via documentation inspection, procedure observation and/or corroborating inquiry appear to be sufficiently reliable to be considered in determining the extent of transaction testing procedures.

Transaction Testing Procedure: RNA interviewed Company personnel with responsibility for the underwriting process. RNA selected 50 private passenger automobile and 50 homeowners policies issued or renewed during the examination period to determine whether any underwriting practices appeared collusive or anti-competitive.

Transaction Testing Results:

Findings: None.

Observations: Based upon testing, the Company's underwriting policies and practices do not appear to be collusive or anti-competitive.

Recommendations: None.

Standard VI-22. The regulated entity underwriting practices are not unfairly discriminatory. The regulated entity adheres to applicable statutes, rules and regulations in application of mass marketing plans.

Objective: This Standard addresses whether unfair discrimination is occurring in insurance underwriting for mass marketing plans offered to employer or other groups. See Standard VI-7 for testing of declinations. See Appendix A for applicable statutes, regulations and bulletins.

Controls Assessment: The following controls were noted in review of this Standard:

- The Company has written underwriting and rating policies and procedures designed to reasonably assure consistency in classification and rating for mass marketing plans offered to employer and affinity groups.
- The Company's mass marketing plans offered to employer and affinity groups are filed with the Division for approval.
- Company policy prohibits unfair discrimination in the application of premium discounts and surcharges, and in the application of its general rating methodology, in accordance with statutory and regulatory requirements for mass marketing plans offered to employer and affinity groups.

Controls Reliance: Controls tested via documentation inspection, procedure observation and/or corroborating inquiry appear to be sufficiently reliable to be considered in determining the extent of transaction testing procedures.

Transaction Testing Procedure: RNA interviewed Company personnel with responsibility for the underwriting process. RNA selected 50 private passenger automobile and 50 homeowners policies issued or renewed during the examination period, to ensure that underwriting practices for mass marketing plans offered to employer or affinity groups were not unfairly discriminatory. During this testing, RNA sought evidence of any unfair discrimination in underwriting these policies and examined evidence of the Division's approval of the affinity premium discounts.

Transaction Testing Results:

Findings: None.

Observations: Based upon testing, RNA noted no evidence that the Company's underwriting practices for mass marketing plans offered to employer or other groups are unfairly discriminatory. All affinity premium discounts were approved by the Division.

Recommendations: None.

Standard VI-23. All group personal lines property and casualty policies and programs meet minimum requirements.

Objective: This Standard addresses whether mass marketing policies meet statutory and regulatory requirements. See Standard VI-22 for this testing. See Appendix A for applicable statutes, regulations and bulletins.

Standard VI-24. Cancellation/non-renewal notices comply with policy provisions and state laws, including the amount of advance notice provided to the insured and other parties to the contract.

Objective: This Standard addresses notices to policyholders for company-initiated cancellations and non-renewals, including advance notice before policy expiration. See Standard VI-8 for testing of this Standard. See Appendix A for applicable statutes, regulations and bulletins.

Standard VI-25. All policies are correctly coded.

Objective: This Standard addresses the accuracy of statistical coding. See Appendix A for applicable statutes, regulations and bulletins.

Controls Assessment: The following controls were noted in review of this Standard:

- The Company has written underwriting policies and procedures, which are designed to reasonably assure consistency in classification and rating.
- The Company's policies and procedures require that Company personnel confirm that certain coding elements reported by the agents are correct and current.
- The Company has a process to correct data coding errors and to make subsequent changes, as needed.
- The Company has policies and procedures to report complete and accurate premium data timely in the required formats to rating bureaus such as the AIB, CAR and ISO.
- The Company is subject to periodic audits by CAR for compliance with statutes and CAR Rules, including statistical coding requirements related to premiums.
- The Company's underwriting supervisors complete quality assurance audits during three of the four annual quarters with 10 files selected per underwriter each quarter. Reviews include compliance with time and service standards, underwriting quality, and the form and content of cancellation and non-renewal notices. For the remaining quarter, the reviews are conducted by the Company's home office staff. Follow-up audits are conducted within 180 days for areas of non-compliance. These reviews are conducted for training purposes and performance evaluations.

Controls Reliance: Controls tested via documentation inspection, procedure observation and/or corroborating inquiry appear to be sufficiently reliable to be considered in determining the extent of transaction testing procedures.

Transaction Testing Procedure: RNA interviewed Company personnel with responsibility for the underwriting process and the statistical reporting process. RNA selected 50 private passenger automobile and 50 homeowners policies issued or renewed during the examination period to test data coding for selected policy determinants.

Transaction Testing Results:

Findings: None.

Observations: Based upon testing, premium data determinants appear to be properly coded.

Recommendations: None.

Standard VI-26. Application or enrollment forms are properly, accurately and fully completed, including any required signatures, and file documentation supports underwriting decisions made.
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Objective: This Standard addresses whether policy file documentation adequately supports decisions made in underwriting and rating. See Appendix A for applicable statutes, regulations and bulletins.

Controls Assessment: The following controls were noted in review of this Standard:

- Company policy requires that the underwriting files support underwriting and rating decisions.
- The Company's independent agents are responsible for completing and retaining applications for new business and obtaining information needed to properly underwrite and rate the policies.
- The Company conducts periodic visits to the independent agencies and performs agency audits to ensure that the agents are maintaining signed applications, supporting discount information, and other required documents.
- The Company's underwriting supervisors complete quality assurance audits during three of the four annual quarters with 10 files selected per underwriter each quarter. Reviews include compliance with time and service standards, underwriting quality, and the form and content of cancellation and non-renewal notices. For the remaining quarter, the reviews are conducted by the Company's home office staff. Follow-up audits are conducted within 180 days for areas of non-compliance. These reviews are conducted for training purposes and performance evaluations.

Controls Reliance: Controls tested via documentation inspection, procedure observation and/or corroborating inquiry appear to be sufficiently reliable to be considered in determining the extent of transaction testing procedures.

Transaction Testing Procedure: RNA interviewed Company personnel with responsibility for the underwriting process. RNA selected 50 private passenger automobile and 50 homeowners policies issued or renewed during the examination period to test data coding for selected policy determinants. RNA also sought evidence of complaints related to unusual underwriting decisions.

Transaction Testing Results:

Findings: None.

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Observations: Based upon testing, application information was generally properly submitted, and policy files adequately supported the Company's decisions. No evidence of complaints related to unusual underwriting decisions was noted.

Recommendations: None.

VII. CLAIMS

Evaluation of the Standards in this business area is based on (a) an assessment of the Company's internal control environment, policies and procedures (b) the Company's response to various information requests, and (c) a review of several types of files at the Company.

Standard VII-1. The initial contact by the regulated entity with the claimant is within the required time frame.

Objective: This Standard addresses the timeliness of the Company's initial contact with the claimant. See Appendix A for applicable statutes, regulations and bulletins.

Controls Assessment: The following controls were noted in review of this Standard through Standard VII-13:

- The Company's personal lines claims handling process is organized in four primary units including casualty, personal injury protection and medical payments, automobile physical damage, and property. Additionally, the Company has shared services for salvage and subrogation, vendor management and SIU. The Company's SIU is partially outsourced to a third party vendor that supports the claims operations with field investigations, surveillance and social media searches. Finally, the first notice of loss ("FNOL") is generally reported through a call center in Auburn, MA.
- Written policies and procedures govern claims handling processes. Claim FNOL is generally reported through the Company's 800 phone number by the claimant or the agent. A claim number is established, and key information, such as the claimant's name, policyholder information, policy number, accident date, location, and extent of injuries is obtained and recorded in the electronic claims processing system, which includes a claim diary and history notes.
- Claims are investigated to determine existence of coverage, so that an initial liability determination can be made. Independent claim adjusters are utilized as needed to provide on-site-inspections and claim investigations. The independent adjusters are provided written procedures and detailed instructions covering tasks to be performed, timeframes for completion and an approved budget. The Company contracts with vendors for services related to auto glass claims, car rental coverage, and roadside assistance claims.
- The Company has adopted a supervisory structure to ensure that settlement authorities and procedures are followed. Individual claim settlement authority limits are assigned commensurate with claims adjusters' experience. Staff adjusters are responsible for verifying coverage, coordinating claim investigations, establishing liability and determining damages.
- Bodily injury claims are evaluated using a Bodily Injury Evaluation Worksheet ("BIEW") which documents a range of settlement values. Bodily injury reserves are generally set at the midpoint of the BIEW range. For litigated claims, internal or outside counsel may be used as considered necessary. The Company monitors the performance of any law firms and attorneys conducting litigation defense duties.
- Company policy is to comply with claim settlement performance standards established by CAR and those set forth in statute. The Company is subject to audits from CAR for compliance with the standards, which specify time frames for assigning an appraiser, inspecting a vehicle, and paying a claim. The Company follows standard industry and CAR claim handling guidelines in its claim investigations including Massachusetts standards of fault. Information from police reports, witness statements, photographic evidence and consumer reporting agencies are used to evaluate the claim.

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- The Company requires that at-fault accident drivers receive notices of their at-fault accident surcharges and their right to appeal these determinations. Surcharges appealed and vacated by the Division Board of Appeal are to be reversed timely by the Company. The Company does not report at-fault accident determinations to consumer reporting agencies.
- Company policy is to comply with CAR's SIU performance standards. Claim adjustors are provided training regarding SIU red flags and make needed referrals to SIU with the adjustors maintaining ownership of the claims adjudication. All auto theft claims are reported through ISO to the NCIB. The SIU is responsible for coordinating with the IFB, in cases where fraud is believed to have occurred to assist with criminal investigation and prosecution.
- The Company has implemented OFAC compliance initiatives including searches of the SDN database for any policyholders, claimants, or vendors that might be included in the SDN database.
- Reservation of rights and excess of loss letters are issued when potential coverage issues arise. Department of Revenue checks are performed as required by statute and are documented in the claim files. Also, underwriting risk referrals are made to the underwriting department as necessary.
- Third party property damage claimants are generally not required to sign a liability release unless there is a settlement dispute or general damages awarded. Releases are routinely required from third party bodily injury claimants.
- Criteria for supervisor and manager periodic reviews of the claim adjustors' work have been established, and such reviews are documented in the claim system.
- The Company reports all closed automobile bodily injury claims to the AIB Detail Claims Database, and reports required claims to the Merit Rating Board as required in Massachusetts.
- The claim system produces data for the monthly claims reporting of key service and quality metrics using such as cycle time, claim volume, pending claim counts, average paid losses and loss expenses to monitor claim activity.
- The Company's claims managers complete quality assurance audits through monthly review of open and closed claim files. The audits include a sample of three claims for each adjustor, to assess adherence to Company policies and procedures. In addition, a home office staff quality assurance audit reviews three claims files per claim manager each month. The results are reported for each adjustor for use by claims management in employee training and performance evaluations. In addition, the quality assurance audit results are provided to the corporate internal audit department annually.
- The Company is subject to periodic loss data audits by CAR for compliance with statutes and CAR Rules of Operation.
- The Company conducts post-claim payment surveys of approximately 400 insureds per quarter. The written survey results are summarized for management reporting. Any negative comments from respondents are addressed.

Controls Reliance: Controls tested via documentation inspection, procedure observation and/or corroborating inquiry appear to be sufficiently reliable to be considered in determining the extent of transaction testing procedures.

Transaction Testing Procedure: RNA interviewed Company personnel to understand its claim handling processes, and obtained documentation supporting such processes. RNA selected private passenger automobile claims including 24 paid claims, eight denied or closed-without-payment claims, and 18 open claims for testing. Also, RNA selected homeowners claims including 24 paid claims, eight denied or closed-without-payment claims, and 18 open claims for testing. RNA verified the date each selected claim was recorded by the Company, and noted whether the initial contact with the claimant was timely acknowledged.

Transaction Testing Results:

Findings: None.

Observations: RNA noted each of the tested claims was processed according to the Company's policies and procedures, with timely initial contact from the Company. Based upon testing, it appears that the Company's processes for providing timely initial contact with claimants are functioning in accordance with its policies, procedures, and statutory requirements.

Recommendations: None.

Standard VII-2. Timely investigations are conducted.

Objective: The Standard addresses the timeliness and completeness of the Company's claim investigations. See Appendix A for applicable statutes, regulations and bulletins.

Controls Assessment: Refer to Standard VII-1.

Controls Reliance: Refer to Standard VII-1.

Transaction Testing Procedure: RNA interviewed Company personnel to understand its claim handling processes, and obtained documentation supporting such processes. RNA selected private passenger automobile claims including 24 paid claims, eight denied or closed-without-payment claims, and 18 open claims for testing. Also, RNA selected homeowners claims including 24 paid claims, eight denied or closed-without-payment claims, and 18 open claims for testing. RNA tested each selected claim noting whether the investigations were conducted in a timely manner and whether the investigations were complete.

Transaction Testing Results:

Findings: None.

Observations: RNA noted each of the tested claims was timely reported and investigated according to the Company's policies and procedures. Based upon testing, it appears that the Company's processes for timely investigating claims are functioning in accordance with its policies, procedures, and statutory requirements.

Recommendations: None.

Standard VII-3. Claims are resolved in a timely manner.

Objective: The Standard addresses the timeliness of the Company's claim settlements. See Appendix A for applicable statutes, regulations and bulletins.

Controls Assessment: Refer to Standard VII-1.

Controls Reliance: Refer to Standard VII-1.

Transaction Testing Procedure: RNA interviewed Company personnel to understand its claim handling processes, and obtained documentation supporting such processes. RNA selected private passenger automobile claims including 24 paid claims, eight denied or closed-without-payment claims, and 18 open claims for testing. Also, RNA selected homeowners claims including 24 paid claims, eight denied or closed-without-payment claims, and 18 open claims for testing. RNA tested each selected claim noting whether the claims were resolved in a timely manner.

Transaction Testing Results:

Findings: None.

Observations: RNA noted each of the tested claims was resolved in a timely manner. Based upon testing, it appears that the Company's processes for timely resolving claims are functioning in accordance with its policies, procedures, and statutory requirements.

Recommendations: None.

<u>Standard VII-4. The regulated entity responds to claim correspondence in a timely manner.</u>

Objective: The Standard addresses the timeliness of the Company's response to claim correspondence. See Standard VII-6 for testing of statutorily-required claim correspondence. See Appendix A for applicable statutes, regulations and bulletins.

Controls Assessment: Refer to Standard VII-1.

Controls Reliance: Refer to Standard VII-1.

Transaction Testing Procedure: RNA interviewed Company personnel to understand its claim handling processes, and obtained documentation supporting such processes. RNA selected private passenger automobile claims including 24 paid claims, eight denied or closed-without-payment claims, and 18 open claims for testing. Also, RNA selected homeowners claims including 24 paid claims, eight denied or closed-without-payment claims, and 18 open claims for testing. RNA tested each selected claim noting whether the Company timely responded to claim correspondence.

Transaction Testing Results:

Findings: None.

Observations: RNA noted that for each of the tested claims, the Company timely responded to claim correspondence. Based upon testing, it appears that the Company's processes for timely responding to claims correspondence are functioning in accordance with its policies, procedures and statutory requirements. The Company also addresses negative comments received on written post-claim payment surveys, but the comments are not summarized for complaint analyses or included on the Company's complaint registers.

Recommendations: The Company should summarize any written negative comments received on post-claim payment surveys for complaint analyses or include those written comments on the Company's complaint registers.

Subsequent Company Actions: The Company has begun tracking negative written comments on post-claim payment surveys quarterly for reporting on the Company's complaint logs.

<u>Standard VII-5. Claim files are adequately documented.</u>
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Objective: The Standard addresses the adequacy of information maintained in the Company's claim files. See Appendix A for applicable statutes, regulations and bulletins.

Controls Assessment: Refer to Standard VII-1.

Controls Reliance: Refer to Standard VII-1.

Transaction Testing Procedure: RNA interviewed Company personnel to understand its claim handling processes, and obtained documentation supporting such processes. RNA selected private passenger automobile claims including 24 paid claims, eight denied or closed-without-payment claims, and 18 open claims for testing. Also, RNA selected homeowners claims including 24 paid claims, eight denied or closed-without-payment claims, and 18 open claims for testing. RNA reviewed the file for each selected claim, and noted whether its documentation was adequate.

Transaction Testing Results:

Findings: None.

Observations: RNA noted that for each of the tested claims, the Company's claim files adequately documented its claim handling, except for two bodily injury claims, where the settlements were reasonable, the BIEW used to develop the settlement range was not located in the claim files. For a third bodily injury claim, the BIEW was not well-developed, such that the first two settlement offers were made below the low end of the developed range. The Company states that a pre-existing condition aggravated the injury and was a significant qualitative factor not considered in the BIEW. Ultimately, the final settlement was within the BIEW range. Other than BIEW documentation, it appears that the Company's claim handling processes for documenting claim files are generally functioning in accordance with its policies and procedures.

Recommendations: The Company should adopt new controls and procedures to ensure that BIEW analyses are accurately developed and supportive of settlement offers, such that all offers are fair and reasonable. Also, the BIEW documentation should be included in the claim files. As part of the new procedures, the Company should provide guidance and training to staff on the accurate development of the BIEW analyses to ensure they are consistent with the settlement offers, and properly documented.

Subsequent Company Actions: The Company states that it has conducted training on the use and documentation of the BIEW. Supervisors and quality assurance audits are to monitor compliance with these guidelines.

Standard VII-6. Claims are properly handled in accordance with policy provisions and applicable statutes (including HIPPA), rules and regulations.

Objective: The Standard addresses whether the claim appears to have been paid for the appropriate amount to the appropriate claimant/payee. See Appendix A for applicable statutes, regulations and bulletins.

Controls Assessment: Refer to Standard VII-1.

Controls Reliance: Refer to Standard VII-1.

Transaction Testing Procedure: RNA interviewed Company personnel to understand its claim handling processes, and obtained documentation supporting such processes. RNA selected private passenger automobile claims including 24 paid claims, eight denied or closed-without-payment claims, and 18 open claims for testing. Also, RNA selected homeowners claims including 24 paid claims, eight denied or closed-without-payment claims, and 18 open claims for testing. RNA reviewed the file for each selected claim, and noted whether the claim was properly handled in accordance with policy provisions and statutory requirements. Finally, RNA reviewed the Company's complaint log for complaints that were claim-related.

Transaction Testing Results:

Findings: Testing indicated that 10 tested homeowners claims over \$1,000 were not properly and timely reported to local building and health authorities to disclose a potentially dangerous condition in accordance with M.G.L. c. 139, § 3B. Also, testing identified one homeowners claim where the required Department of Revenue checks were not completed in violation of M.G.L. c. 175, § 24D, 24E and 24F.

Observations: RNA noted each of the tested claims was handled according to the Company's policies and procedures, except as noted above. Based upon testing, it appears that the Company's processes for handling claims are generally functioning in accordance with its policies, procedures and statutory requirements. Finally, upon evaluation of five claims-related complaints, the related claims appeared to be properly handled.

Required Actions: The Company shall adopt new policies and control procedures to address the requirements of M.G.L. c. 139, § 3B, and review its current policies and controls for compliance with required Department of Revenue checks. Further, the Company shall provide training or guidance to claims adjusters on proper and timely implementation of these related policies and procedures. Finally, the new M.G.L. c. 139, § 3B policies and control procedures shall be tested by internal audit or compliance to ensure that they are effectively implemented, with the results of the independent testing completed and reported to the Division by June 30, 2015, or another agreed upon date.

Subsequent Company Actions: The Company has adopted a new control procedure to ensure compliance with M.G.L. c. 139, § 3B and provided appropriate guidance on control implementation to claims staff. Also, the Company has reviewed its controls and has issued a reminder to staff about the required Department of Revenue checks to ensure compliance with the statutory requirement. These procedures will be reviewed by internal audit to ensure that they are effectively implemented with the results of the independent testing completed and reported to the Division by June 30, 2015.

Standard VII-7. Regulated entity claim forms are appropriate for the type of product.

Objective: The Standard addresses the Company's use of claim forms that are proper for the type of product. See Appendix A for applicable statutes, regulations and bulletins.

Controls Assessment: Refer to Standard VII-1.

Controls Reliance: Refer to Standard VII-1.

Transaction Testing Procedure: RNA interviewed Company personnel to understand its claim handling processes, and obtained documentation supporting such processes. RNA selected private passenger automobile claims including 24 paid claims, eight denied or closed-without-payment claims, and 18 open claims for testing. Also, RNA selected homeowners claims including 24 paid claims, eight denied or closed-without-payment claims, and 18 open claims for testing. RNA reviewed the file for each selected claim, and verified that required claim forms were appropriately used.

Transaction Testing Results:

Findings: None.

Observations: RNA noted each of the tested claims appropriately used the required claim forms in accordance with the Company's policies and regulatory requirements.

Recommendations: None.

Standard VII-8. Claim files are reserved in accordance with the regulated entity's established procedures.

Objective: The Standard addresses the Company's process to establish and monitor claim reserves for reported losses. See Appendix A for applicable statutes, regulations and bulletins.

Controls Assessment: Refer to Standard VII-1.

Controls Reliance: Refer to Standard VII-1.

Transaction Testing Procedure: RNA interviewed Company personnel to understand its claim handling processes, and obtained documentation supporting such processes. RNA selected private passenger automobile claims including 24 paid claims, eight denied or closed-without-payment claims, and 18 open claims for testing. Also, RNA selected homeowners claims including 24 paid claims, eight denied or closed-without-payment claims, and 18 open claims for testing. RNA reviewed the file for each selected claim, and noted whether claim reserves were evaluated, established and adjusted in a reasonably timely manner.

Transaction Testing Results:

Findings: None.

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Observations: RNA noted that reserves for each of the tested claims were evaluated, established and adjusted according to the Company's policies and procedures. Based upon testing, it appears that the Company's processes for evaluating, establishing and adjusting reserves are functioning in accordance with its policies and procedures.

Recommendations: None.

Standard VII-9. Denied and closed-without-payment claims are handled in accordance with policy provisions and state law.

Objective: The Standard addresses the adequacy of the Company's decision making and documentation of denied and closed-without-payment claims. See Appendix A for applicable statutes, regulations and bulletins.

Controls Assessment: Refer to Standard VII-1.

Controls Reliance: Refer to Standard VII-1.

Transaction Testing Procedure: RNA interviewed Company personnel to understand its claim handling processes, and obtained documentation supporting such processes. RNA selected denied or closed-without-payment claims including eight private passenger automobile claims and eight homeowners claims for testing. RNA evaluated whether the Company handled these claims timely and properly before closing or denying them.

Transaction Testing Results:

Findings: None.

Observations: RNA noted each of the tested claims was handled according to the Company's policies and procedures. Based upon testing, it appears that the Company's claim handling and denial practices are appropriate and are functioning in accordance with its policies, procedures, and statutory requirements.

Recommendations: None.

Standard VII-10. Cancelled benefit checks and drafts reflect appropriate claim handling practices.

Objective: The Standard addresses the Company's procedures for issuing claim checks as it relates to appropriate claim handling practices. See Appendix A for applicable statutes, regulations and bulletins.

Controls Assessment: Refer to Standard VII-1.

Controls Reliance: Refer to Standard VII-1.

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Transaction Testing Procedure: RNA interviewed Company personnel to understand its claim handling processes, and obtained documentation supporting such processes. RNA reviewed procedures regarding the use of claim payment checks for the claimant to attest to full claim settlement by endorsing the claim check.

Transaction Testing Results:

Findings: None.

Observations: RNA noted that the Company does not use claim payment checks for the claimant to attest to full claim settlement by endorsing the claim check. Based upon review, it appears that the Company's processes for issuing claim payment checks are appropriate and functioning in accordance with its policies and procedures.

Recommendations: None.

Standard VII-11. Claim handling practices do not compel claimants to institute litigation, in cases of clear liability and coverage, to recover amounts due under policies by offering substantially less than is due under the policy.

Objective: The Standard addresses whether the Company's claim handling practices force claimants to (a) institute litigation for the claim payment, or (b) accept a settlement that is substantially less than due under the policy. See Appendix A for applicable statutes, regulations and bulletins.

Controls Assessment: Refer to Standard VII-1.

Controls Reliance: Refer to Standard VII-1.

Transaction Testing Procedure: RNA interviewed Company personnel to understand its claim handling processes, and obtained documentation supporting such processes. RNA selected private passenger automobile claims including 24 paid claims, eight denied or closed-without-payment claims, and 18 open claims for testing. Also, RNA selected homeowners claims including 24 paid claims, eight denied or closed-without-payment claims, and 18 open claims for testing. RNA reviewed the file for each selected claim, and noted whether claim practices appeared to compel claimants to institute litigation to recover amounts due under the policies by offering substantially less than would be due under the policies, and whether the Company attempted to settle claims for less than reasonable amounts due under the policies.

Transaction Testing Results:

Findings: None.

Observations: Based upon review of procedures and testing, the Company did not appear to compel claimants to institute litigation to recover amounts due under the policies by offering substantially less than would be due under the policies, and the generally Company did not attempt to settle claims for less than reasonable amounts due under the policies.

Recommendations: None.

Standard VII-12. Regulated entity uses the reservation of rights and excess of loss letters, when appropriate.

Objective: The Standard addresses the Company's use of reservation of rights letters, and its procedures for notifying an insured when it is apparent that the amount of loss will exceed policy limits. See Appendix A for applicable statutes, regulations and bulletins.

Controls Assessment: Refer to Standard VII-1.

Controls Reliance: Refer to Standard VII-1.

Transaction Testing Procedure: RNA interviewed Company personnel to understand its claim handling processes, and obtained documentation supporting such processes. RNA selected private passenger automobile claims including 24 paid claims, eight denied or closed-without-payment claims, and 18 open claims for testing. Also, RNA selected homeowners claims including 24 paid claims, eight denied or closed-without-payment claims, and 18 open claims for testing. RNA reviewed the file for each selected claim, and noted whether reservation of rights or excess of loss letters were warranted and issued as appropriate.

Transaction Testing Results:

Findings: None.

Observations: Based upon testing, RNA found four instances where reservation of rights or excess of loss letters were used. The use of these letters appeared appropriate. RNA noted no instances where reservation of rights or excess of loss letters should have been used, but were not. The Company's appears to have reasonable policies and procedures for the use of reservation of rights and excess of loss letters.

Recommendations: None.

Standard VII-13. Deductible reimbursement to insureds upon subrogation recovery is made in a timely and accurate manner.

Objective: The Standard addresses whether the Company accurately and timely issues deductible reimbursements upon subrogation recovery. See Appendix A for applicable statutes, regulations and bulletins.

Controls Assessment: Refer to Standard VII-1.

Controls Reliance: Refer to Standard VII-1.

Transaction Testing Procedure: RNA interviewed Company personnel to understand its claim handling processes, and obtained documentation supporting such processes. RNA selected private passenger automobile claims including 24 paid claims, eight denied or closed-without-payment claims, and 18 open claims for testing. Also, RNA selected homeowners claims including 24 paid claims, eight denied or closed-without-payment claims, and 18 open claims for testing. RNA reviewed each selected claim file, and noted whether deductible reimbursement to insureds upon subrogation recoveries were reasonably timely and accurate.

Transaction Testing Results:

Findings: None.

Observations: RNA noted that deductible reimbursement to insureds, upon subrogation recoveries, for three tested claims was timely, accurate and processed according to the Company's policies and procedures. Based upon testing, it appears that the Company's processes for making deductible reimbursement to insureds upon subrogation recoveries are functioning in accordance with its policies and procedures.

Recommendations: None.

<u>Standard VII-14. Loss statistical coding is complete and accurate.</u>
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Objective: The Standard addresses the Company's complete and accurate reporting of loss statistical data to appropriate rating bureaus. See Appendix A for applicable statutes, regulations and bulletins.

Controls Assessment: The following controls were noted in review of this Standard:

- Company policy is to report complete and accurate loss data timely to appropriate rating bureaus.
- The Company reports private passenger automobile loss data to CAR in a format required by CAR. The Company is subject to periodic loss data audits by CAR for compliance with statutes and CAR Rules of Operation.
- The Company also reports loss data to the AIB, which is a rating bureau that represents the Massachusetts insurance industry.
- The Company reports homeowners loss data to ISO in the required format.
- The Company has processes to correct loss data coding errors and to make subsequent changes, as needed.

Controls Reliance: Controls tested via documentation inspection, procedure observation and/or corroborating inquiry appear to be sufficiently reliable to be considered in determining the extent of transaction testing procedures.

Transaction Testing Procedure: RNA interviewed Company personnel to understand its loss statistical reporting processes, and obtained documentation supporting such processes. RNA selected private passenger automobile claims including 24 paid claims, eight denied or closed-without-payment claims, and 18 open claims for testing. Also, RNA selected homeowners claims including 24 paid claims, eight denied or closed-without-payment claims, and 18 open claims for testing. RNA reviewed each selected claim file and noted whether selected loss data was accurate and complete.

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Transaction Testing Results:

Findings: None.

Observations: RNA noted that selected loss data appears to be accurate and complete for tested claims. Based upon testing, the Company appears to have processes for timely and accurately reporting of loss statistical data to rating bureaus in accordance with its policies and statutory requirements.

Recommendations: None.

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SUMMARY

Based upon the procedures performed in this examination, RNA has reviewed and tested Company, Complaint Handling, Marketing and Sales, Policyholder Service, Underwriting and Rating, and Claims as set forth in the 2011 and 2012 *NAIC Market Regulation Handbooks*, the examination standards of the Division, and the Commonwealth of Massachusetts' insurance laws, regulations and bulletins. RNA has provided recommendations and required actions to address standards in Company Operations/Management, Producer Licensing, Underwriting and Rating, and Claims.

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ACKNOWLEDGEMENT

This is to certify that the undersigned is duly qualified and that, in conjunction with RNA applied certain agreed-upon procedures to the corporate records of the Company in order for the Division to perform a comprehensive market conduct examination of the Company.

The undersigned's participation in this comprehensive market conduct examination as the Examiner-In-Charge encompassed responsibility for the coordination and direction of the examination performed, which was in accordance with, and substantially complied with, those standards established by the NAIC and the Handbook. This participation consisted of involvement in the planning (development, supervision and review of agreed-upon procedures), communication and status reporting throughout the examination, administration and preparation of the examination report.

The cooperation and assistance of the officers and employees of the Company extended to all examiners during the course of the comprehensive market conduct examination is hereby acknowledged.

Matthew C. Regan III
Director of Market Conduct &
Examiner-In-Charge
Commonwealth of Massachusetts
Division of Insurance
Boston, Massachusetts