

**STATE OF NEW HAMPSHIRE
INSURANCE DEPARTMENT**

**In Re: Infinite Auto Protection
Docket No.: Ins. No. 22-062-EP**

**ORDER TO SHOW CAUSE
AND
NOTICE OF HEARING**

The New Hampshire Insurance Department ("NHID") orders Infinite Auto Protection ("Respondent") to show cause why the New Hampshire Insurance Commissioner should not levy an administrative fine against it. In support of the Order to Show Cause and pursuant to NH RSA 541-A:31, NH RSA 400-A:17 *et seq.* and INS Chapter 200, the NHID states as follows:

STATEMENT OF FACTS

1. The Respondent is a Missouri based company which sells and administers consumer guaranty contracts - namely auto warranties - to NH consumers.
2. Entities which market, sell, or administer consumer guaranty contracts in NH are required to register with the NHID; Respondent has never been registered as an obligor in NH, and is not authorized to provide service guaranty contracts to consumers in NH.
3. In April 2022, a NH consumer filed a complaint with the NHID regarding Respondent's failure to respond to her requests for auto coverage she had purchased through Respondent.
4. In April 2022, the NHID communicated with Respondent regarding the consumer complaint; by July 2022, Respondent had refunded the affected consumer.
5. In July 2022, the NHID communicated with Respondent regarding its operations in the state without proper registration. Respondent indicated it would come into compliance with NH law.
6. On August 22, 2022, the NHID requested that Respondent provide an update as to its efforts to come into compliance with NH law. Respondent failed to respond to that request.

7. On September 8, 2022, the NHID requested that Respondent provide an update as to its efforts to come into compliance with NH law. Respondent failed to respond to that request.
8. As of October 12, 2022, Respondent has not registered as an obligor or otherwise come into compliance with NH law governing consumer guaranty providers.

STATEMENT OF ISSUES

9. Whether the Respondent violated NH RSA 415-C:3, I (a) by failing to register with the Commissioner while offering, administering, selling, soliciting, negotiating, or acting under a consumer guaranty contract in New Hampshire.
10. Whether Respondent violated NH RSA 415-C:4 by failing to provide proof of financial responsibility to the NHID.
11. Whether Respondent violated NH RSA 400-A:16, II by failing to provide to the NHID within 10 working days the information requested on August 22, 2022, and September 9, 2022.
12. The NHID reserves the right to amend this statement of issues upon reasonable notice to the Commissioner (or his designated Representative) and the Respondent.

INSURANCE LAWS VIOLATED BY RESPONDENT

13. The NHID maintains the Respondent violated the following New Hampshire insurance statutes: NH RSA 415-C:3, I (a), NH RSA 415-C:4, and NH RSA 400-A:16, II.
14. The NHID reserves the right to amend this list of insurance laws violated by the Respondent upon reasonable notice to the Commissioner (or his designated Representative) and the Respondent.

PENALTY REQUESTED

15. In the event that the Hearing Officer determines after an evidentiary hearing that the NHID sustained its burden of proof with respect to the allegations of fact and violations of law outlined above, the NHID requests that the Hearing Officer impose the following sanctions on the Respondent:

- a. Order the Respondent to pay a fine in an amount not to exceed \$1,000 per each violation of NH RSA 415-C:7, I (a), or \$10,000 per each willful violation, per RSA 415-C:10 III.
- b. Order the Respondent to pay a fine in an amount not to exceed \$2,500 per each violation of NH RSA 400-A:16, II.

NOTICE OF HEARING

16. An adjudicatory proceeding shall be commenced for the purpose of resolving the issues articulated above pursuant to NH RSA 541-A:31, NH RSA 400-A:17 *et seq.*, and NH INS 200. To the extent that the Department's rules do not address an issue of policy or procedures, the Department shall apply the N.H. Department of Justice Rules, Part 800.
17. The Respondent shall appear at Department on **December 6, at 1:00 PM** at the Department's office located at 21 South Fruit Street, Suite 14, in Concord New Hampshire to participate in this adjudicatory proceeding and, if deemed appropriate, be subject to sanctions pursuant to RSA 415-C:10 III and RSA 400-A:15. Respondent's failure to appear at the time and place specified above may result in the hearing being held *in absentia* pursuant to RSA 400-A:19, VII, and sanctions may be imposed without further notice or an opportunity to be heard.
18. Steven Notinger, Esq. is appointed to act as Hearing Officer in this matter with all the authority within the scope of RSA 400-A:19 and Ins 203.01.
19. Sandra Barlow shall serve as clerk to the Hearing Officer. The parties should direct all communications to Ms. Barlow, whose contact information is:

Sandra Barlow, Clerk
New Hampshire Insurance Department
21 South Fruit Street, Suite 14
Concord, NH 03301
Tel: (603) 271-2033; Fax: (603)271-1406
Email: sandra.l.barlow@ins.nh.gov

20. The Respondent has the right to be represented by a lawyer in this proceeding. However, the Respondent shall bear the cost of retaining said lawyer. Should the Respondent elect to retain a lawyer, its lawyer shall file a Notice of Appearance with Ms. Barlow, and said lawyer should do so at the earliest possible date. A copy of the NHID's Notice of Appearance form is enclosed with this Order.

21. Any party may request a transcript of the proceeding. The party requesting a transcript of the proceedings shall file a written request for a certified court reporter with the Hearing Officer at least 10 days prior to the scheduled hearing date. The costs incurred for the services of a certified court reporter shall be borne by the requesting party.
22. Joshua Hilliard, Esq. shall serve as staff advocate representing the interests of the NHID.
23. All routine procedural inquiries may be made by contacting Sandra Barlow, Hearing Clerk, New Hampshire Insurance Department, 21 South Fruit Street, Suite 14, Concord NH 03301, (603) 271-2033, but that all other communications with the Hearing Officer and the Commissioner shall be in writing and filed as provided above. *Ex parte* communications are forbidden by statute and the Department's regulations.
24. A copy of this hearing notice shall be served upon Respondent by certified mail addressed to the mailing address on file with New Hampshire Insurance Department. *See*, RSA 400-A:14.

It is **SO ORDERED**.

NEW HAMPSHIRE INSURANCE DEPARTMENT

Date: 10/17/2022



Christopher Nicolopoulos
Insurance Commissioner

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and accurate copy of the foregoing Order to Show Cause and Notice of Hearing was sent this date by first-class mail, postage prepaid, and by certified mail, return receipt requested, 10000 Wayne Road, Suite 202 Romulus, MI 48174 and via e-mail to cs@infiniteauto.protection.com and eric.middleton@infiniteauto.protection.com.

Date: 10/17/22



Joshua S. Hilliard, Esq.
Compliance & Enforcement Counsel

NEW HAMPSHIRE INSURANCE DEPARTMENT

ATTORNEY APPEARANCE or WITHDRAWAL

Docket No. (if known): _____

Respondent Name or Case Name: _____

APPEARANCE

WITHDRAWAL

Please **ENTER** my appearance as
Counsel for _____

Please **WITHDRAW** my appearance as
Counsel for _____

I confirm that neither I nor any member of my
law firm have been retained by the Department
of Insurance or the Commissioner of Insurance.

Notice of Withdrawal sent to my client on:
_____ at the following address:

I hereby certify that I provided a copy of this original request to the Department and a copy to all other known parties to this matter in accordance with Ins 204.09.

Signed: _____

Name: _____ NH Bar #: _____

Firm Name: _____ Email: (see also below) _____

Physical Address: _____

Mailing Address (if different): _____

Phone: _____

Email Consent: By checking this box, I consent to delivery by email in accordance with Ins 204.09(c). Please send communications and documents to the above email address.

Date: _____ Signature: _____

If you do not consent to delivery by email, all communications will be sent to you by personal delivery at your physical address or by United States Postal Service first class mail to your mailing address.