

**STATE OF NEW HAMPSHIRE  
INSURANCE DEPARTMENT**

**In Re: Allstate Fire and Casualty Company  
Docket No.: Ins. No. 24-015-EP**

**CONSENT ORDER**

This Consent Order is made between the New Hampshire Insurance Department (“NHID”) and Allstate Fire and Casualty Company (“Respondent”), the terms of which are as follows:

**FINDINGS OF FACT**

1. Respondent is a foreign insurance carrier domiciled in Illinois and authorized to offer property and casualty insurance in New Hampshire.
2. On February 6, 2024, the NHID received a complaint from NH insured B.E. regarding the conduct of Respondent relating to the settlement of a total loss on his automobile.
3. The NHID investigated and found the following:
  - a. The Respondent adjuster working B.E.’s file was not licensed in NH;
  - b. Respondent claimed that the value of the loss was “not negotiable”;
  - c. A month after the loss, Respondent had only paid “minimal value” to the insured and had failed to pay the “undisputed amount”;
  - d. Respondent refused to initially pay documents fees (the fees for paperwork required to be completed for the sale of a vehicle) as part of the loss;
  - e. Respondent failed to provide a status letter to the insured after 30 days of the loss;

- f. Respondent's initial declination of payment of document fees did not include required language under NH law;
- g. In an e-mail dated January 22, 2024, Respondent directed the insured to an "Appraisal Clause" of the auto policy, which contradicts NH law; and
- h. On January 19, 2024, Respondent instructed the insured to return his rental vehicle, though Respondent did not have the title, bill of sale, or other documents necessary to finalize the claim and execute payment to the insured.

### **CONCLUSIONS OF LAW**

Based on the foregoing Findings of Fact and the applicable provisions of law, the NHID concludes and finds the following Conclusions of Law:

- a. Respondent is subject to the jurisdiction of the NHID.
- b. Respondent violated Ins 1002.10 and NH RSA 402-B when it permitted an adjuster not licensed in NH to adjust a NH claim.
- c. Respondent violated NH RSA 417:4, XV(a)(4) when it asserted that the stated value of the total loss was "not negotiable."
- d. Respondent violated NH RSA 417:4, XV(a)(4) when it failed to initially pay the undisputed amount of the loss and instead only paid minimal value to the insured.
- e. Respondent violated Ins 1002.05(c) when it failed to issue a status letter to the insured after 30 days.
- f. Respondent violated Ins 1002.05(h) when it failed to include the required declination language when it communicated to the insured that it was declining to pay documents fees as part of the loss.

- g. Respondent violated Ins 1002.15(c) when it directed the insured to the "Appraisal Clause" of the auto policy in contradiction to the clear dispute resolution process provided by NH Insurance rule.
- h. Respondent violated Ins 1002.15(f) when it failed to provide a rental for at least 5 business days after it made an offer consistent with NH law, as at the time Respondent initially made an offer of settlement it was unable to execute payment.
- i. Each identified violation could result in a penalty not to exceed \$2,500.

### **ORDER**

WHEREFORE, the NHID orders and Respondent consents to the following:

- a. The Respondent waives all rights to a formal administrative hearing in this matter and agrees that this Consent Order shall have the full force and effect of an Order fully entered in accordance with the adjudicatory procedure provided for in NH RSA Chapter 541-A and Ins Part 200.
- b. For the purposes of resolving this matter without a formal administrative hearing, Respondent agrees to the following:
  - i. An administrative penalty of \$17,500. The check should be made payable to "Treasurer, State of New Hampshire", and should be mailed to the attention of Sarah Prescott, New Hampshire Insurance Department, 21 South Fruit Street, Suite 14, Concord, NH 03301.
- c. In the event that Respondent fails to meet any of the terms set forth in this section, the NHID may institute further administrative proceedings under the authority of RSA 400-A:15, III or any other applicable law.

- d. By entering into this Consent Order, the NHID and Respondent intend to resolve the administrative penalty stemming from the violations identified above. Provided however, notwithstanding the foregoing, the NHID may take any and all appropriate actions should the Respondent violate any provisions of the State's insurance laws or rules.
- e. This Consent Order shall be fully enforceable in any Superior Court in the State of New Hampshire, and any actions to enforce this Consent Order shall be governed by the laws of the State of New Hampshire.
- f. This Consent Order is considered a public regulatory action and will be reported to the National Association of Insurance Commissioners. The Respondent must, in the future, answer "YES" to any question which asks "have you ever been named or involved as party in an administrative proceeding" or any substantially similar question.

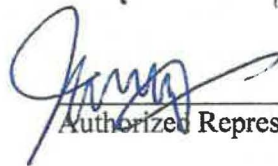
**IT IS SO ORDERED.**

**NEW HAMPSHIRE INSURANCE DEPARTMENT**

Date: 4/9/2024

for   
David J. Bettencourt, Commissioner

Date: 4/4/2024

 Jenny Princer  
Authorized Representative, Respondent