



Kansas Department of Insurance

Commissioner Vicki Schmidt

In the Matter of)
ATLANTIC SPECIALTY INSURANCE COMPANY)
NAIC # 27154)

Docket No. 117786

CONSENT AGREEMENT AND FINAL ORDER

Pursuant to K.S.A. 40-103, K.S.A. 40-951 *et seq.*, K.S.A. 40-2,125, and in accordance with K.S.A. 77-501 *et seq.*, the Commissioner of Insurance has the general supervision, control and regulation of corporations, companies, associations, societies, exchanges, partnerships, or persons authorized to transact the business of insurance, indemnity, or suretyship in this state and shall have the power to make all reasonable rules and regulations necessary to enforce the laws of this state relating thereto. If any person has engaged in or is engaging in any act or practice constituting a violation of any provision of Kansas insurance statutes or any rule and regulation or order thereunder, the Commissioner may, in the exercise of discretion, order such remedies as payment of monetary penalties, suspension or revocation of licenses or certificates, or issuing cease and desist orders or such other affirmative actions to carry out the purposes of the violated provision. Atlantic Specialty Insurance Company, named above, are currently licensed as an insurance company in the State of Kansas.

To resolve this matter, the Commissioner and Atlantic Specialty Insurance Company hereby agrees to the following:

1. Atlantic Specialty Insurance Company ("Atlantic Specialty") has been advised that, pursuant to K.S.A. 77-537 and K.S.A. 77-542, the company has a right to a hearing before the Commissioner may impose any sanctions or penalties. At a hearing, the company would be entitled to appear in person, to be represented by an attorney or other representative who is permitted to practice before the agency, to present its position, arguments or contentions in writing, and to present evidence and examine witnesses appearing for and against it. Atlantic Specialty hereby waives all such rights.
2. Atlantic Specialty hereby waives any and all rights it may have under the Kansas Administrative Procedure Act, K.S.A. 77-501 *et seq.* and the Kansas Judicial Review Act, K.S.A. 77-601 *et seq.* to seek administrative or judicial review of this Consent Order.
3. Atlantic Specialty consents to the jurisdiction of the Commissioner and the Kansas Department of Insurance ("Department") to determine the issues set forth herein. Atlantic Specialty expressly waives any prerequisites to

jurisdiction that may exist.

4. Atlantic Specialty neither admits nor denies the following statements of fact but acknowledges the Commissioner has sufficient evidence to introduce at an administrative hearing that the following facts occurred or are occurring:
 - a. Atlantic Specialty is domiciled in New York and has been authorized to do business in Kansas since November 6, 1998.
 - b. In May of 2025, Atlantic Specialty self-reported to the Department that 20 forms for the below-listed lines of insurance had been in use but were not on file with the Department. Upon further investigation, the Department uncovered that these 20 forms had been used over 13,000 times without being filed with the Department.
 - c. Staff for the Department's Rate and Form Compliance division uncovered the following information regarding the seven forms that were in use without being filed with the Kansas Department of Insurance.

MRTN-134518746 – Commercial Inland Marine

- i. VIM 100, 07 05 – December 11, 2011, 1294 times
- ii. ASC 00 11 INLFRMS, 01 98 – December 11, 2011, 1294 times

MRTN-134508448 – Commercial General Liability

- i. ASC 00 05, 01 98 – March 15, 2004, 611 times
- ii. VCG 100, 10 98 – March 15, 2004, 611 times
- iii. ASC 00 11 LIABRFMS, 01 98

MRTN-134509050 – Commercial Interline

- i. ASC 00 11 NIE, 0198 – March 15, 2004, 668 times
- ii. ASC 00 11 COM POL FORMS, 01 98 – March 15, 2005, 2163 times
- iii. ASC 00 11 SURCHG, 01 98 – October 1, 2004, 46 times
- iv. ASC 00 12A, 09 18 – November 11, 2018, 687 times
- v. ASC 00 02, 01 98 – March 15, 2004, 2168 times

MRTN 134506211 – Commercial Property (Fire and Allied Lines)

- i. OB CP 100 09 18 – November 1, 2018, 401 times
- ii. OB CP 101 09 18 – November 1, 2018, 401 times
- iii. OB CP 102 0918 – November 1, 2018, 401 times
- iv. OB CP 102A 09 18 – November 1, 2018, 401 times

MRTN-134506677 – Commercial Burglary and Theft

- i. OB CR 100 06 16 – November 1, 2018, 158 times
- ii. OB CR 100A 06 16 – November 1, 2018, 158 times

MRTN-134507071 – Commercial Umbrella & Excess

- i. VCU 001, 12 99 – March 15, 2004, 308 times
- ii. ASC 00 11 UMBFRMS, 01 98 – March 15, 2004, 308 times

MRTN-134509824 – Fidelity

- i. ASC 00 11 CBFRMS 01 98 – September 26, 2014, 371 times

MRTN-134514639 – Commercial Auto Combinations

- i. ASC 00 11 AUTOFRMS – March 15, 2004, 527 times

5. Atlantic Specialty neither admits nor denies the following statutes were violated, but acknowledges the applicability of the same:

- K.S.A. 40—955(a)

Every insurer shall file with the commissioner, except as to inland marine risks where general custom of the industry is not to use manual rates or rating plans, every manual of classifications, rules and rates, every rating plan, policy form and every modification of any of the foregoing which it proposes to use.

- K.S.A. 40-963

The commissioner, if the commissioner finds any person or organization has violated any provisions of this act, may impose a penalty of not more than \$500 for each violation, but, if the commissioner finds such violation to be willful, may impose a penalty of not more than \$2,000.

6. Atlantic Specialty agrees to pay the monetary penalty listed below. Payment is due within thirty (30) days after the effective date of this Consent Order.

- Monetary Penalty: \$5,000

7. Atlantic Specialty has read and understands this Consent Order. Atlantic Specialty further understands it has the right to retain counsel of its choice and have counsel review this Consent Order. Atlantic Specialty agrees to the entry

of this order as a final order without need for a hearing under the Kansas Administrative Procedures Act.

8. Atlantic Specialty agrees if the company fails to comply with the terms of this Consent Order, the Commissioner may take action to gain compliance with the Consent Order including, but not limited to, issuing ancillary orders and suspending the company's license until it has complied.
9. Atlantic Specialty waives any and all causes of action, claims or rights, known and unknown, which each may have against the Department, and any employees, agents, consultants, contractors, or officials of the Department, in their individual and official capacities, as a result of any acts or omissions on the part of such persons or firms.
10. Atlantic Specialty agrees to be served a copy of this fully executed Consent Order electronically or by regular U.S. Mail.
11. Atlantic Specialty acknowledges this Consent Order may be published on the website of the Kansas Department of Insurance. Atlantic Specialty understands and acknowledges this Consent Order is a public document pursuant to the Kansas Open Records Act, K.S.A. 45-215 *et seq.*

The undersigned stipulates and agrees to the above findings, facts, and conclusions of law and waives their rights to an administrative hearing and judicial review of the Commissioner's Order. The undersigned also affirms they are authorized to enter into this consent agreement and final order on behalf of the below-named company.

BRIDGET DELANEY

Company Representative Name (Print)

ASSOCIATE GENERAL COUNSEL / U.S. ASSISTANT CHIEF COMPLIANCE OFFICER

Title

605 HIGHWAY 169 NORTH, SUITE 800, PLYMOUTH, MN 55441

Street Address



10/13/25

Company Representative Name Signature

Date

ORDER

IT IS THEREFORE ORDERED BY THE COMMISSIONER OF INSURANCE THAT:

1. Atlantic Specialty Insurance Company shall pay a monetary penalty of \$5,000.
2. The monetary penalty of \$5,000 shall be paid in full within 30 days of the effective date of this Order. Failure to pay will result in the issuance of such further action or orders as the Commissioner deems necessary.
3. This Order shall take effect when signed by all parties and the Commissioner or the Commissioner's designee and filed of record with the Kansas Department of Insurance.

IT IS SO ORDERED THIS 13TH DAY OF OCTOBER, IN THE CITY OF TOPEKA, COUNTY OF SHAWNEE, STATE OF KANSAS.



VICKI SCHMIDT
COMMISSIONER OF INSURANCE

BY: Isaac Henson
Isaac M. Henson
Attorney

Certificate of Service

The undersigned hereby certifies that she served the above and foregoing Consent Agreement and Final Order on this 14th day of October, 2025 by causing the same to be deposited in the United States Mail, first class postage prepaid, addressed to the following:

Atlantic Specialty Insurance Company
605 Highway 169 North, Suite 800
Plymouth, MN 55441

and was provided via electronic mail to:

Bridget Delaney, Associate General Counsel / U.S. Assistant Chief Compliance Officer, BDELANEY@intactinsurance.com



Toni Garrard
Legal Assistant