



Kansas Department of Insurance

Commissioner Vicki Schmidt

In the Matter of)	
EMPLOYERS MUTUAL CASUALTY COMPANY)	Docket No. 119537
NAIC #21415)	

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. Employers Mutual Casualty Company, named above, are currently licensed as an insurance company in the State of Kansas.

To resolve this matter, the Commissioner and Employers Mutual Casualty Company hereby agrees to the following:

1. Employers Mutual Casualty Company ("Employers") 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. Employers hereby waives all such rights.
2. Employers 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. Employers consents to the jurisdiction of the Commissioner and the Kansas Department of Insurance ("Department") to determine the issues set forth herein. Employers expressly waives any prerequisites to jurisdiction that may

exist.

4. Employers 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. Employers is domiciled in Iowa and has been authorized to do business in Kansas since December 19, 1927.
 - b. In May of 2025, Employers filed a revised forms schedule and forms template for a series of bonds and related supplemental documents in SERFF (Filing No. EMCC-134547859). This drew an objection from the Department to confirm whether this was a new program, and furthermore, whether all the necessary forms had been provided. Employers responded that it was not a new program, and furthermore that the filed forms were the only ones that applied to the contract bonds manual "which were not originally submitted via SERF (sic.) since they predated our utilization of SERF (sic.)"
 - c. Employers submitted an updated forms list to the Department upon request, which only contained the filings within the same filing. There were no forms that existed in a previously approved filing with the Department. Subsequent correspondence with the Department revealed that Employers were introducing new forms in Kansas through this filing. Such forms are older than 10 years, and when asked why they had not been filed with the Department when SERFF was first introduced, Employers stated:

"With the majority of forms being 10+ years old, we were not aware the forms needed to be moved over, nor did not receive any direction noting that this was required from a filing perspective. Our understanding as well was that some of these forms did not require filing."
 - d. Employers was asked whether they had used any of these forms that had not been previously approved in the state of Kansas, to which they stated "Yes." Employers provided a table showing the date that each of the forms had been issued, which showed that many of the filed bonds, as well as other supplementary documents, have edition dates from 10+ years ago. Employers does not track how many times the forms had been issued, nor how recently they had been issued.

- e. The Department also requested a copy of Employers' certificate of insurance, to which the company stated "The forms requested (with the exception of the cancellation notice) do not apply to surety bonds the documents primarily apply to insurance policies.
 - f. It does not appear that the bonds used without being filed with the Department had any measurable harm, economic or otherwise, to any Kansas insureds,
5. Employers 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.

(b) Certificate of insurance forms must be filed with the commissioner of insurance and approved prior to use. Notwithstanding the "large risk" filing exemption in subsection (i), a certificate of insurance cannot be used to modify, alter or amend the insurance policy it describes. The certificate of insurance shall contain the following or similar language: The certificate of insurance neither affirmatively nor negatively amends, extends or alters the coverage afforded by the policies listed thereon. An industry standard setting organization may be authorized by the commissioner of insurance to file certificate of insurance forms on behalf of authorized insurers.
 - 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. Employers 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: \$2,000

7. Employers has read and understands this Consent Order. Employers further understands it has the right to retain counsel of its choice and have counsel review this Consent Order. Employers agrees to the entry of this order as a final order without need for a hearing under the Kansas Administrative Procedures Act.
8. Employers 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. Employers 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. Employers agrees to be served a copy of this fully executed Consent Order electronically or by regular U.S. Mail.
11. Employers acknowledges this Consent Order may be published on the website of the Kansas Department of Insurance. Employers understands and acknowledges this Consent Order is a public document pursuant to the Kansas Open Records Act, K.S.A. 45-215 *et seq.*

ORDER

IT IS THEREFORE ORDERED BY THE COMMISSIONER OF INSURANCE THAT:

1. Employers Mutual Casualty Company shall pay a monetary penalty of \$2,000.
2. The monetary penalty of \$2,000 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.

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**IT IS SO ORDERED THIS 17TH DAY OF DECEMBER, IN THE CITY OF TOPEKA,
COUNTY OF SHAWNEE, STATE OF KANSAS.**



VICKI SCHMIDT
COMMISSIONER OF INSURANCE

BY: Isaac M. Henson
Isaac M. Henson
Attorney

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.

Heidi Jo Soukup

Company Representative Name (Print)

Compliance Director

Title

717 Mulberry Street, Des Moines, IA 50309

Street Address

DocuSigned by:
Heidi Jo Soukup
348648D22093458...

Company Representative Name Signature

12/17/2025

Date

Certificate of Service

The undersigned hereby certifies that she served the above and foregoing Consent Agreement and Final Order on this 18th day of December, 2025 by causing the same to be deposited in the United States Mail, first class postage prepaid, addressed to the following:

Employers Mutual Casualty Company
Attn: Jeff Monson
P.O. Box 712
717 Mulberry St
Des Moines, IA 50309

and was provided via electronic mail to:

Jeff Monson, Government Relations, jeff.b.monson@emcins.com



Toni Garrard
Legal Assistant