



NATALIE A. HUBLEY
PRESIDENT

COMMONWEALTH AUTOMOBILE REINSURERS

101 Arch Street, Suite 400 Boston, Massachusetts 02110
www.commauto.com 617-338-4000

NOTICE OF MEETING

GOVERNING COMMITTEE REVIEW PANEL

A meeting of the Governing Committee Review Panel will be held at the Automobile Insurers Bureau Conference Center at 101 Arch Street, 7th Floor, Boston, on

WEDNESDAY, FEBRUARY 13, 2019 AT 1:00 P.M.

MEMBERS OF THE PANEL

Mr. James Hyatt – Chair
Arbella Insurance Group

Mr. Thomas DePaulo
Ms. Kellie Thibodeau

Cabot Risk Strategies, LLC
The Hanover Insurance Company

AGENDA

GCRP

18.01 Records of Previous Meeting

The Records of the Governing Committee Review Panel meeting of March 15, 2018 should be read and approved.

GCRP

19.03 CAR Conflict of Interest Policy

The Chair will read a statement relative to CAR's Conflict of Interest Policy.

GCRP

19.04 Shannon Insurance Agency, LLC / Commerce Insurance Company

Attached is a Request for Review submitted by Paul F. Shannon, Jr., principal of the Shannon Insurance Agency, LLC. The agency is appealing the December 19, 2018 decision of the Market Review Committee in denying its request for relief from the termination action of the Commerce Insurance Company. (Docket #GCRP19.04, Exhibit #1)

Note that additional document submissions previously provided by the parties to the Market Review Committee for its meeting of December 19, 2018 are available on CAR's website. Refer to the Market Review Committee's Notice of Meeting, Additional Information and Records of Meeting documents for these meetings with assigned Docket #MR18.05, Exhibits #1 through 4.

Other Business

To transact any other business that may properly come before this Panel.

Executive Session

The Panel may convene in Executive Session in accordance with the provisions of G.L. c. 30A, § 21.

JOHN METCALFE
Director – Residual Market Services

Attachment

Boston, Massachusetts
January 30, 2019

COMMONWEALTH AUTOMOBILE REINSURERS

**REQUEST FOR REVIEW/RELIEF
 (PURSUANT TO CAR RULE 20/MAIP RULE 40)**

| | | | |
|--|----------------------------|--|------------------------|
| Requestor's Name/Title: Paul F Shannon Jr | | | |
| Signature: Paul Shannon | | Date: 1.2.19 | |
| Agency or Company Name: Shannon Insurance LLC | | | |
| Address: 429 S Washington St | | | |
| City/Town: N Attleboro | | State: MA | Zip Code: 01760 |
| Tel. #: 508 643 9500 | Fax #: 508 316 4005 | email: ShannonInsurance@gmail.com | |

IF REPRESENTED BY COUNSEL OR OTHER PARTY, PLEASE COMPLETE THE FOLLOWING:

(Representation by counsel is not required):

Name of Rep:

Firm:

Address:

City/Town/State/ZIP:

Tel. #:

Fax #:

email:

- 1 Reason For Review:** A. Concisely summarize the reason(s) for your request for review, identifying the nature of your aggrievement or request for relief.
 B. Identify the specific relief sought.

Commerce claimed to have mailed the Agency a letter in July of 2018 that addressed some issues as well as information about submitting future business. At the market review hearing Commerce provided a copy of that letter. The letter was unsigned and did not even have the Agency zip code on it. We have no ~~read~~ record of ~~any~~ ever receiving the letter. In addition the conduct of our Commerce underwriter made it impossible to send the proper documentation as every piece of new business was immediately set up for cancellation of the premium doubled.

| | | |
|---|--|--|
| 2 | Details of Aggrievement(s): | Provide specific detail for each reason for the requested review cited above, including references to violations of CAR or MAIP Rules, the agency contract, or established practices of CAR, MAIP or one of its Members. Include historical reference, where appropriate. Attach supporting documentation. |
| <ol style="list-style-type: none">1. Refused to issue new business as requested.2. Failed to do Federal Filings as requested on Application.3. Claims trucks not parked at business location when the application stated they parked at second location.4. Claimed they did not receive application when the business was submitted and bound on their Collaboration Edge. | | |
| 3 | Actions(s) Taken to Date to Resolve the Matter: | State when you first became aware of each item/issue being contested and the steps taken to mitigate or resolve the matter prior to this request for a formal review. Attach supporting documentation. |
| <p>Each The underwriter was called or emailed to discuss her failure to properly issue each policy.</p> | | |

Scheduling of Review

Upon receipt of a completed Request for Review/Relief Form, a hearing date will be established within 15 business days. After a date has been confirmed, CAR will issue a written Notice of Meeting to all affected parties and in compliance with the Open Meeting Law.

Request for Continuance

A request for a continuance of a review of the matter by CAR will be granted upon the agreement of all parties. Absent the agreement of all parties, a request for a continuance must be presented to the assigned Committee for approval.

Submission of Written Information

Any parties wishing to present written materials to be considered by the designated Committee must submit them to CAR's Docket Clerk no later than 12:00 p.m., 5 business days prior to the scheduled meeting date. Timely submitted materials will be docketed by CAR and distributed to the Committee as soon as practicable. Written materials submitted to CAR after 12:00 p.m. on the 5th business day prior to the scheduled meeting date will not be entered on the docket, but the submitting party may petition the Committee directly for consideration of such materials. The Committee has the discretion to determine whether such materials will be considered in its deliberations. In addition, parties who petition the Committee for the submission of materials are expected to be prepared to provide a minimum of 25 copies at the meeting. Parties should provide copies of ALL written materials that they wish considered in the matter to the opposing party in concert with their submission(s) to CAR and/or the Committee.

*All written materials submitted must be in compliance with 201 CMR 17.00: Standards for the Protection of Personal Information of Residents of the Commonwealth, which implements the provisions of M.G.L. c. 93H. That is, any personal information that includes a Massachusetts resident's first and last name or first initial in combination with one or more of the following data elements that relate to such resident; a) Social Security number, b) driver's license or state-issued identification card number or c) financial account number (including an insurance policy number), or credit or debit card number, **must be redacted**. Any document submission determined to not be in compliance with the standards will result in the materials being returned to the sender for correction and may impact its distribution to the reviewing Committee.*

15 Day Waiver: Initial below if waiving the need for review within 15 business days:

I waive the 15 business day review while retaining rights to a review: (Initial): PFS

**PLEASE NOTE: THIS FORM MUST BE COMPLETED AND RETURNED TO CAR
PRIOR TO THE INITIATION OF A FORMAL REVIEW PURSUANT TO
CAR RULE 20/MAIP RULE 40**

From: [Metcalf, John](#)
To: [Adgate, Marian](#)
Subject: FW: FW: Decision of CAR's Market Review Committee - December 19, 2018 - Shannon Insurance Agency, LLC/Commerce Insurance Company
Date: Wednesday, January 30, 2019 9:04:02 AM
Attachments: [image001.png](#)

Here is the email specifying that the agency's Request for Review is intended to appeal the MRC decision

John D. Metcalfe

Director of Residual Market Services

Phone | 617.880.7291

Email | jmetcalfe@commauto.com



101 Arch Street – Suite 400
Boston, MA 02110

www.commauto.com

From: Paul Shannon [mailto:paul@insuranceshannon.com]
Sent: Friday, January 11, 2019 11:54 AM
To: Metcalfe, John <jmetcalfe@commauto.com>
Subject: Re: FW: Decision of CAR's Market Review Committee - December 19, 2018 - Shannon Insurance Agency, LLC/Commerce Insurance Company

John,
Per our conversation, I am appealing the decision of the market review committee.
Best regards,

Paul F Shannon Jr.

On Tue, Jan 8, 2019 at 12:00 PM Metcalfe, John <jmetcalfe@commauto.com> wrote:

Paul,

The Request for Review you just submitted is a little unclear as to what specifically you are petitioning for. In the "Details of Aggrievement(s) section of your request you cite various alleged actions by Commerce but do not reference anything about the termination or decision of the Market Review Committee. In fact the entire document does not reference either. Is this a request separate from those matters or are you contesting the grounds for termination by Commerce and/or the decision of the Market Review Committee upholding that action?

Upon your response I will begin to set up a meeting and date for review of your request.

John

John D. Metcalfe

Director of Residual Market Services

Phone | 617.880.7291

Email | jmetcalfe@commauto.com



101 Arch Street – Suite 400
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www.commauto.com

From: Paul Shannon [mailto:paul@insuranceshannon.com]

Sent: Tuesday, January 08, 2019 11:42 AM

To: Metcalfe, John <jmetcalfe@commauto.com>

Subject: Re: Decision of CAR's Market Review Committee - December 19, 2018 - Shannon Insurance Agency, LLC/Commerce Insurance Company

John

See attached,

Paul

On Thu, Dec 20, 2018 at 11:47 AM Metcalfe, John <jmetcalfe@commauto.com> wrote:

At the December 19, 2018 meeting of the Market Review Committee, the committee considered a Request for Review/Relief submitted by Paul Shannon of the Shannon Insurance Agency, LLC, requesting a review and relief from the actions of the Commerce Insurance Company relative to the termination of the agency's Exclusive Representative Producer appointment for commercial automobile residual market business.

The Market Review Committee considered the agency's petition in its Request for Review/Relief and, noting that the reasons for the termination were not unfair, unreasonable nor improper, voted to uphold the termination and denied the agency's request for relief.

Please note that CAR Rule 31, D, 3 states, "If an Exclusive Representative Producer's (ERP's) appointment has been terminated by a Servicing Carrier for violations of any obligation(s) delineated in Rule 14, with the exception of Section C. Production Criteria, and having exhausted the appeal rights pursuant to Rules 14.F. and 20, the ERP is ineligible for MAIP certification or continuation of an existing MAIP certification. The ERP shall be ineligible to reapply for certification as an ARP until such time as the producer is eligible to reapply for appointment as an ERP."

The decision of the Market Review Committee (MRC) may be appealed to CAR's Governing Committee pursuant to CAR Rule 20. A Request for Review of the MRC's decision must be made within 30 days of the receipt of this email.

The receipt by CAR of a completed "Request for Review/Relief" form will stay the ERP's termination until the ERP has exhausted all appeal rights pursuant to Rule 20 – Review and Appeal.

Please use this link to access a copy of the Request for Review/Relief form:
<http://www.commauto.com/manuals/rulesofop/pdf/current/ReviewForm.PDF>

If you have any questions, please contact me.

John D. Metcalfe
Director of Residual Market Services

Phone | 617.880.7291

Email | jmetcalfe@commauto.com

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