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NH INSURANCE DEPARTMENT
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**STATE OF NEW HAMPSHIRE
INSURANCE DEPARTMENT**

**In Re: Superior Home Protection USA
Docket No.: Ins. No. 22-045-EP**

CONSENT ORDER

This Consent Order is made between the New Hampshire Insurance Department (“NHID”) and Superior Home Protection USA (“Respondent”), the terms of which are as follows:

FINDINGS OF FACT

1. Respondent is a Missouri based company which markets consumer guaranty contracts – namely “home warranties” – to NH consumers.
2. Respondent advertises to NH residents through direct mailers.
3. Some of those mailers sent by Respondent stated that a consumer’s “home warranty... may be expiring or may have already expired.”
4. While Respondent believed home warranties were in place and about to expire, Respondent mailed advertisements to NH consumers without confirming whether the property had an existing home warranty in place and in some instances mailed advertisements to NH consumers who did not have a home warranty.
5. Throughout the pendency of this investigation, Respondent has been cooperative with the NHID towards resolution of the issues identified above.

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. The NHID alleges that Respondent violated NH RSA 415-C:71 (a) by sending the aforementioned mailers; and
- c. Respondent denies the NHID's allegations of violations of law but seeks to resolve the concerns of the NHID.

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 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. to immediately cease and desist from issuing any advertisements to NH consumers which state that consumers home warranties have expired or are about to expire; and
 - ii. an administrative penalty of \$7,500 due upon execution of this consent order, made payable to "Treasurer, State of New Hampshire", and 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 the Respondent intend to fully resolve all issues relating to the above-mentioned matters. This Consent Order shall be deemed a complete settlement and full and final resolution and is in lieu of any other action(s) that has and could have been brought by the NHID relating to these matters. Provided however, notwithstanding the foregoing, the NHID may take any and all appropriate actions should the Respondent violate any provision of the State's insurance laws in the future.
- 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.

IT IS SO ORDERED.


NEW HAMPSHIRE INSURANCE DEPARTMENT

Date: 11/10/22



Christopher Nicolopoulos, Commissioner

Date: 11/4/22



Superior Home Protection USA,
Authorized Representative, Respondent