

**BEFORE THE DEPARTMENT OF COMMERCE AND INSURANCE
FOR THE STATE OF TENNESSEE**

IN THE MATTER OF:

**HOME BUILDERS ASSOCIATION
OF TENNESSEE SELF INSURED
WORKERS' COMPENSATION TRUST**

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No.: 11-108

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Dept. of Commerce & Insurance
Company Examinations

ORDER ADOPTING EXAMINATION REPORT WITH DIRECTIVES

Pursuant to Tenn. Code Ann. § 56-1-401, *et seq.*, and TENN. COMP. R. & REGS. R. 0780-01-54-.20, the Insurance Division of the State of Tennessee Department of Commerce and Insurance (hereinafter referred to as the "Division") has examined certain affairs of Home Builders Association of Tennessee (hereinafter also referred to as the "Pool"), a self-insurance pool operated pursuant to Tenn. Code Ann. § 50-6-405(c)(1) in the state of Tennessee. As a result of an examination conducted as of the 31st day of December, 2009, the examiner-in-charge filed with the Division, on the 4th day of August, 2011, a verified, written report on examination, and a copy of that report has been sent to the Pool. (The Report on Examination of the Home Builders Association of Tennessee Self-Insured Workers' Compensation Trust is attached hereto and marked as Exhibit A). The Pool waived its right to rebuttal of said examination report. (The written waiver by the Pool of its right to rebuttal is attached hereto and marked as Exhibit B).

Pursuant to Tenn. Code Ann. § 56-1-411 and TENN. COMP. R. & REGS. R. 0780-01-54-.20, said examination report regarding the affairs of Home Builders Association of Tennessee Self-Insured Workers' Compensation Trust, filed with the Insurance Division of the State of Tennessee Department of Commerce and Insurance on the 4th day of August, 2011, is hereby **ADOPTED** as filed with the following **DIRECTIVES**:

1. The Pool is **DIRECTED** to comply with TENN. COMP. R. & REGS. R. 0780-01-54-.05 which requires that amendments to organizational documents or written contracts which are required to be provided to the Commissioner pursuant to TENN. COMP. R. & REGS. R. 0780-01-54-.04 shall be filed with the Commissioner with a non-refundable filing fee of ninety dollars (\$90.00) no later than thirty (30) days prior to the proposed effective date of the amendments.
2. The Pool is **DIRECTED** to review the formalized process to monitor compliance with TENN. CODE ANN. § 66-20-101, *et seq.* known as the "Uniform Disposition of Unclaimed Property Act" regarding the disposition of outstanding small claim checks.
3. The Pool is **DIRECTED** to comply with TENN. COMP. R. & REGS. R. 0780-01-54-.15 which states that, "any monies for a fund year in excess of the amount necessary to fund all obligations for that fund year may be declared refundable by the board of trustees not less than eighteen (18) months after the end of the fund year, after written approval is granted to the pool by the Commissioner to disburse such funds."

The adoption of this examination report shall not preclude the Division from imposing sanctions against the Pool for potential violations of the Tennessee Insurance Law which may be revealed in the examination report, it being the intent of this Order Adopting Examination Report with Directives merely to adopt the examination report filed by the examiner-in-charge.

It is so **ORDERED**.

ENTERED this the 19th day of September, 2011.

Julie Mix McPeak
Julie Mix McPeak, Commissioner
Department of Commerce and Insurance
State of Tennessee

PREPARED FOR ENTRY:

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing Order Adopting Examination Report as Filed has been messenger mailed to: Larry C. Knight, Jr., Assistant Commissioner for Insurance, Department of Commerce and Insurance; Horace Gaddis, Insurance Examinations Director, Department of Commerce and Insurance; Mark Jaquish, Insurance Analysis Director, Department of Commerce and Insurance; and mailed first class, postage prepaid, to Home Builders Association of Tennessee Self-Insured Workers' Compensation Trust, 555 Marriott Drive, Suite 210, Nashville, Tennessee 37214, on this the 20th day of September, 2011.

Sharon K. Hawkins
Sharon K. Hawkins
Certifying Attorney