

COMMONWEALTH OF VIRGINIA
STATE CORPORATION COMMISSION
AT RICHMOND, OCTOBER 28, 2024

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FREDERICK LEE,
Petitioner

v.

CASE NO. INS-2023-00090

VIRGINIA PROPERTY INSURANCE ASSOCIATION,
Respondent

FINAL ORDER

On September 1, 2023, Frederick Lee (the "Petitioner") appealed a decision by the Virginia Property Insurance Association's ("VPIA") Governing Committee to cancel his insurance policy ("Petition"). On October 4, 2023, the State Corporation Commission ("Commission") appointed a Hearing Examiner to conduct all further proceedings in this matter. On October 12, 2023, a Hearing Examiner's Ruling directed VPIA to file with the Commission an answer or responsive pleading to the Petition on or before October 27, 2023, and scheduled a hearing on the Petition for November 29, 2023. On October 27, 2023, VPIA filed an Answer requesting that the Petition be dismissed and indicating, among other things, that it had not received the application or payment for continuation of coverage of the Petitioner's policy. VPIA explained that a new policy could be issued to the Petitioner upon receipt of a new basic application and payment of the appropriate premium. On November 29, 2023, a hearing was convened in the Commission's courtroom, with VPIA and the Commission's Bureau of Insurance (the "Bureau") appearing. The Petitioner did not appear at the hearing and therefore offered no evidence in support of his contentions.

On December 20, 2023, the Report of D. Mathias Roussy, Jr., Hearing Examiner ("Hearing Examiner's Report"), was issued recommending that the Commission: (1) direct

VPIA to mail another application for continuing coverage to the Petitioner; (2) direct the Bureau and VPIA to work together to address, through revisions to VPIA's manual of operations and/or form contract(s), any ambiguity regarding the manner in which the required completion of an annual application for continuing coverage is specifically communicated to policyholders, or other related matters; and (3) dismiss the Petition. On September 25, 2024, the Bureau advised the Commission that the Petitioner's application was submitted December 26, 2023, and that the Petitioner's insurance policy through VPIA was effective December 27, 2023.

NOW THE COMMISSION, having considered this matter, is of the opinion and finds it appropriate to adopt the Hearing Examiner's recommendation to dismiss the Petition and to order the Bureau and VPIA to work together to address any ambiguity identified in this case, to the extent they have not already done so.

Accordingly, IT IS ORDERED THAT:

(1) The findings of the December 20, 2023 Hearing Examiner's Report are hereby adopted.

(2) The Bureau and VPIA shall work together to address any ambiguity identified in this case regarding the requirement for an annual application, to the extent the parties have not already done so.

(3) This case is dismissed.

A COPY hereof shall be sent by the Clerk of the Commission to: Frederick Lee, 4708 Sherman Road, Richmond, Virginia 23234; Michael J. Quinan, Esquire, Thompson McMullan, P.C., mquinan@t-mlaw.com; and a copy shall be delivered to the Commission's Office of General Counsel and the Bureau of Insurance's Consumer Services Division.