# Report of the Examination of Transit Mutual Insurance Corporation of Wisconsin Appleton, Wisconsin As of December 31, 2019

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January 14, 2021

Honorable Mark V. Afable Commissioner of Insurance State of Wisconsin 125 South Webster Street Madison, Wisconsin 53703

Commissioner:

In accordance with your instructions, a compliance examination has been made of the affairs and financial condition of:

TRANSIT MUTUAL INSURANCE CORPORATION OF WISCONSIN Appleton, Wisconsin

and this report is respectfully submitted.

I. INTRODUCTION

The previous examination of Transit Mutual Insurance Corporation of Wisconsin (Transit Mutual or the company) was conducted in 2015 as of December 31, 2014. The current examination covered the intervening period ending December 31, 2019, and included a review of such subsequent transactions as deemed necessary to complete the examination.

The examination was conducted using a risk-focused approach in accordance with the National Association of Insurance Commissioners (NAIC) *Financial Condition Examiners Handbook*. This approach sets forth guidance for planning and performing the examination of an insurance company to evaluate the financial condition, assess corporate governance, identify current and prospective risks (including those that might materially affect the financial condition, either currently or prospectively), and evaluate system controls and procedures used to mitigate those risks.

All accounts and activities of the company were considered in accordance with the riskfocused examination process. This may include assessing significant estimates made by management
and evaluating management's compliance with statutory accounting principles, annual statement
instructions, and Wisconsin laws and regulations. The examination does not attest to the fair

presentation of the financial statements included herein. If during the course of the examination an adjustment is identified, the impact of such adjustment will be documented separately at the end of the "Financial Data" section in the area captioned "Reconciliation of Surplus per Examination."

Emphasis was placed on those areas of the company's operations accorded a high priority by the examiner-in-charge when planning the examination. Special attention was given to the action taken by the company to satisfy the recommendations and comments made in the previous examination report.

The company is annually audited by an independent public accounting firm as prescribed by s. Ins 50.05, Wis. Adm. Code. An integral part of this compliance examination was the review of the independent accountant's work papers. Based on the results of the review of these work papers, alternative or additional examination steps deemed necessary for the completion of this examination were performed. The examination work papers contain documentation concerning the alternative or additional examination steps performed during the examination.

### **II. HISTORY AND PLAN OF OPERATION**

Transit Mutual Insurance Corporation of Wisconsin was organized in 1985 under ch.611, Wis. Stat., as an assessable municipal mutual insurer, and commenced business on January 1, 1986. The company provides liability, physical damage, and uninsured motorist insurance to member municipal transit systems in Wisconsin. The company is not authorized to write business in any other state.

The company writes two premium lines: commercial auto liability which represents 89.6% of the total direct premium and auto physical damage with the remaining 10.4%. The company began selling auto physical damage in 2005 and only covers the buses and staff vehicles owned by the policyholders that choose the coverage; no bus barns or passenger shelters are covered.

The policies are written on a calendar-year basis and premium is collected in full during the first quarter each year. In 2019, the liability coverage provided an occurrence limit of \$7,000,000, of which the company retains the first \$2,500,000. Starting in 2005, the company began writing physical damage coverage. It retains the first \$750,000 and reinsures the rest, which generally covers the stated value of each members' vehicles.

Wisconsin has imposed tort caps on claims for damages caused by municipal bodies and their employees while they are working. Claims are limited to the statutory amounts in ss. 345.05 (a \$250,000 cap in motor vehicle accidents) and 893.80, Wis. Stat. (a \$50,000 cap for other actions). The policies are issued directly to the member municipal transit systems; there are no agent's commission expenses. Premium rates for each member system are calculated through a Premium Allocation Formula, which allocates the actuarially determined base premium necessary for all member systems. The current formula contains the following weightings:

- 50% of premium is based on miles operated for liability coverage or fleet value for property coverage.
- 15% is based on the ratio of claimants per 100,000 miles as compared to the average of the group; and
- 35% is based on the ratio of claimant dollars paid per premium dollars received as compared to the average of the group.

The company also offers the members policyholder dividends which allow them to participate in the profitability of the company through the refund of excess premiums. A subaccount exists for each member, which reflects that member's share of the total excess premiums (surplus) for each line of business for each year the policyholder has been a member of Transit Mutual. The subaccounts are

adjusted annually to reflect each member's share of the development of open accident years, any distributions made due to dividends declared or return of surplus, and current year results. Funds in the subaccounts become available for refund only after all losses in the relevant years have been closed for at least a year. Members can also recover funds from their subaccount upon withdrawal from the company; however, several restrictions and penalties exist related to a minimum three-year membership period and proper notice of withdrawal. The dividend payment will be the lesser of 20% of the current year premium or 90% of the current year net income on the line of coverage. If a member does not have sufficient surplus available, a partial dividend may be paid, or no dividend may be paid if no surplus funds are available.

The company has established a Surplus Management Policy effective 2015. Surplus may be refunded in up to two ways each year: an annual 10% return to each member based on their available balance and through an approved accelerated return that began in 2016 with declining percentages spanning five years ending in 2020. In 2018, the Company reviewed and revised the acceleration rate of the return of surplus program to increase the amount of the return and to extend it to span the five years ending 2022. The company's actuary completes a dynamic financial analysis every other year to determine the necessary amount Transit Mutual should retain in surplus. With that information, the board determines if excess funds exist beyond the necessary holding threshold, if it is appropriate to return those excess funds to the membership, and on what schedule that return would take place.

As a service to its insureds and as a method of loss control, the company provides a few safety programs, including safety reviews and incentives. Examples of these programs include:

- Ride Checks, which involve an unannounced ride-along audit of safety procedures and driving habits.
- The Driving Incentive Program, where the transit systems (one from each
  of four size divisions) with the best safety records over the past year
  receive cash awards.
- Development of safety videos using local transit equipment and staff.
   The most recently developed video included fire response information developed in conjunction with firefighters who were using an old bus for firefighting practice.
- A safety training scholarship that pays up to 50% of the cost of safety-related training programs and expenses.

In addition to the programs described, the company maintains a library of training videos, a safety manual, and distributes flyers on safety tips.

The following table is a summary of the net insurance premiums written by the company in 2019. The growth of the company is discussed in the "Financial Data" section of this report.

Line of Business	Direct	Reinsurance	Reinsurance	Net
	Premium	Assumed	Ceded	Premium
Commercial auto liability	\$2,613,199	\$0	\$389,543	\$2,223,656
Auto physical damage	507,883	_0	_249,557	258,326
Total All Lines	<u>\$3,121,082</u>	<u>\$0</u>	<u>\$639,100</u>	<u>\$2,481,982</u>

### III. MANAGEMENT AND CONTROL

#### **Board of Directors**

The board of directors consists of 19 members. Directors whose terms are expiring are elected annually to serve a three-year term. The initial terms of the newly elected directors are staggered to divide of the board into three classes. Officers are elected to three-year terms at the board's annual meeting. The board members currently receive no compensation for serving on the board.

Currently, the board of directors consists of the following persons:

Name and Residence	Principal Occupation	Term Expires
Ronald McDonald Appleton, Wisconsin	General Manager Valley Transit	2021
Patrick Daoust Ashland, Wisconsin	Transit Manager Bay Area Rural Transit Commission	2021
James Thompson Beloit, Wisconsin	Operations Manager Beloit Transit System	2022
Colleen Schian Eau Claire, Wisconsin	Risk Manager City of Eau Claire	2020
Lynn Gilles Fond du Lac, Wisconsin	Transit Manager Fond du Lac Area Transit	2020
Patricia Kiewiz Green Bay, Wisconsin	Transit Director Green Bay Metro	2022
David Kipp Janesville, Wisconsin	Operations Supervisor Janesville Transit	2020
Nelson Ogbuagu Kenosha, Wisconsin	Transportation Director Kenosha Transit	2022
Adam Lorentz La Crosse, Wisconsin	Transit Operations La Crosse Municipal Transit Utility	2021
Crystal Martin Madison, Wisconsin	Deputy General Manager Madison Metro	2020
Kara Ottum Manitowoc, Wisconsin	Transit Division Manager Maritime Metro	2021
Brad Brummond Merrill, Wisconsin	Transit Administrator Merrill Transit System	2021
Karen Melasecca Hayward, Wisconsin	Transit Director Namekagon Transit	2022

Name and Residence	Principal Occupation	Term Expires
Roger Youngren Rhinelander, Wisconsin	Transit Manager Northwoods Transit Connections	2022
Michael Maierle Racine, Wisconsin	Transit & Parking System manager RYDE	2021
Derek Muench Sheboygan, Wisconsin	Director of Transit & Parking Shoreline Metro	2020
Susan Lemke Stevens Point, Wisconsin	Transit Manager Central Transportation	2020
Brian Engelking Waukesha, Wisconsin	Transit Manager Waukesha MetroTransit	2021
Greg Seubert Wausau, Wisconsin	Transit Director Metro Ride	2022

### Officers of the Company

The officers serving at the time of this examination are as follows:

NameOfficeBrian EngelkingPresident, ChairDave KippVice President

Patrick Daoust, Secretary and Treasurer

Pamela Patzke Executive Director/General Counsel

### **Committees of the Board**

The company's bylaws allow for the formation of certain committees by the board of directors.

The committees at the time of the examination are listed below:

Executive CommitteeNominating CommitteeBrian Engelking, ChairBrian Engelking, ChairDave KippSusan LemkePatrick DaoustGreg SeubertDerek MuenchPamela PatzkeCrystal Martin

#### IV. REINSURANCE

The company's reinsurance portfolio and strategy at the time of the examination are described below. A list of the companies that have a significant amount of reinsurance in force at the time of the examination follows. The contracts contained proper insolvency provisions.

# **Ceding Contracts**

The company has one reinsurance treaty in force at the time of the examination. It is summarized below. The contract contains proper insolvency provisions.

### **Nonaffiliated Ceding Contracts**

Type: Automobile Liability and Physical Damage Excess of Loss

Reinsurer: Great American Insurance Company (100%)

Scope: All policies classified by the company as Automobile Liability or

Automobile Physical Damage

Coverage A - Liability: Automobile Liability coverage issued to members of the Transit Mutual Insurance Corporation of Wisconsin domiciled in the State of Wisconsin. Coverage applies to each Occurrence for Bodily

Injury or Property Damage.

Coverage B - Physical Damage: Reinsurance of Physical Damage Coverage per Transit Mutual Insurance Corporation of Wisconsin

Physical Damage Insurance Policy

Retention: Coverage A - Liability: Excluding the City of Waukesha and the City of

Racine, the Company shall be liable for the first \$2,500,000 of loss

arising out of each Occurrence.

For the City of Waukesha and the City of Racine, the company shall be liable for the first \$500,000 of the loss arising out of each Occurrence.

Coverage B - Physical Damage: The company shall be liable for the first

\$750,000 of loss arising out of each Occurrence.

Coverage: Coverage A - Liability: Excluding the City of Waukesha and the City of

Racine, the reinsurer shall be liable for the amount exceeding retention

to a maximum of \$4,500,000 per Occurrence.

For the City of Waukesha and the City of Racine, the reinsurer shall be liable for the amount exceeding retention to a maximum of \$9,500,000

per Occurrence.

In the event of an Occurrence, the retentions shall be applied separately

to each coverage, subject to a maximum liability of \$9,500,000.

Coverage B - Physical Damage: The Reinsurer is liable for the amount by which such loss exceeds the Company's retention, but the liability for the Reinsurer shall not exceed \$13,250,000 as respects to any one Occurrence and is limited to each member's total value of owned vehicles. For City of Madison, the liability for the Reinsurer shall not exceed \$78,200,000 as respects any one Occurrence.

Effective date: January 1, 2020

Termination: December 31, 2020

### V. FINANCIAL DATA

The following financial statements reflect the financial condition of the company as reported to the Commissioner of Insurance in the December 31, 2019, annual statement. Adjustments made as a result of the examination are noted at the end of this section in the area captioned "Reconciliation of Surplus per Examination." Also included in this section are schedules that reflect the growth of the company, NAIC Insurance Regulatory Information System (IRIS) ratio results for the period under examination, and the compulsory and security surplus calculation.

### Transit Mutual Insurance Corporation of Wisconsin Assets As of December 31, 2019

	Assets	Nonadmitted Assets	Net Admitted Assets
Bonds Stocks:	\$13,216,788	\$ 0	\$13,216,788
Common stocks Cash, cash equivalents, and short-term	1,328,351		1,328,351
investments	586,288		586,288
Investment income due and accrued Furniture and equipment, including	107,304		107,304
health care delivery assets Write-ins for other than invested assets:	12,589	12,589	
Prepaid items	39,127	39,127	
Total Assets	\$15,290,447	<u>\$51,716</u>	<u>\$15,238,731</u>
Liabilities,	urance Corporation Surplus, and Other December 31, 2019	Funds	
Losses Loss adjustment expenses Other expenses (excluding taxes, licenses Dividends declared and unpaid:	s, and fees)		\$ 1,833,812 566,939 115,518
Policyholders Total Liabilities		\$ 100,000	<u>428,556</u> 2,944,825
Gross paid in and contributed surplus Unassigned funds (surplus)		<u>12,193,905</u>	
Surplus as Regards Policyholders			12,293,905

\$15,238,730

Total Liabilities and Surplus

# Transit Mutual Insurance Corporation of Wisconsin Summary of Operations For the Year 2019

Underwriting Income Premiums earned		\$2,481,982
Deductions:    Losses incurred    Loss adjustment expenses incurred    Other underwriting expenses incurred    Write-ins for underwriting deductions: Total underwriting deductions Net underwriting gain (loss)	\$927,197 228,726 <u>590,744</u>	<u>1,746,667</u> 735,315
Investment Income Net investment income earned Net realized capital gains (losses) Net investment gain (loss)	334,388 	364,122
Net income (loss) before dividends to policyholders and before federal and foreign income taxes Dividends to policyholders		1,099,437 428,556
Net income (loss) after dividends to policyholders but before federal and foreign income taxes Net Income (Loss)		670,881 <u>\$ 670,881</u>

# Transit Mutual Insurance Corporation of Wisconsin Cash Flow For the Year 2019

Premiums collected net of reinsurance Net investment income Total			\$2,481,982 <u>379,398</u> 2,861,380
Benefit- and loss-related payments Commissions, expenses paid, and		\$638,446	
aggregate write-ins for deductions Dividends paid to policyholders		844,341 _432,450	
Total deductions  Net cash from operations			<u>1,915,237</u> 946,143
Proceeds from investments sold,			
matured, or repaid: Bonds Stocks	\$3,197,748 195,010		
Total investment proceeds Cost of investments acquired (long-	<u> 193,010</u>	3,392,758	
term only): Bonds	3,553,214		
Stocks Total investments acquired Net cash from investments	<u> 185,735</u>	_3,738,949	(346,191)
Cash from financing and miscellaneous			
sources: Other cash provided (applied)			_(732,737)
Reconciliation: Net Change in Cash, Cash			
Equivalents, and Short-Term Investments Cash, cash equivalents, and short-term			(132,785)
investments: Beginning of year			719,073
End of Year			<u>\$ 586,288</u>

# Transit Mutual Insurance Corporation of Wisconsin Compulsory and Security Surplus Calculation December 31, 2019

Assets Less liabilities	\$15,238,731 
Adjusted surplus	12,293,906
Annual premium: Lines other than accident and health Factor	\$2,053,426 
Compulsory surplus (subject to a minimum of \$2 million)	2,000,000
Compulsory Surplus Excess (Deficit)	<u>\$10,293,906</u>
Adjusted surplus (from above)	\$12,293,906
Security surplus (140% of compulsory surplus, factor reduced 1% for each \$33 million in premium written in	
excess of \$10 million, with a minimum factor of 110%)	2,800,000
Security Surplus Excess (Deficit)	\$ 9,493,906

### Transit Mutual Insurance Corporate of Wisconsin Analysis of Surplus For the Five-Year Period Ending December 31, 2019

The following schedule details items affecting surplus during the period under examination as reported by the company in its filed annual statements:

	2019	2018	2017	2016	2015
Surplus, beginning of					
year	\$12,105,200	\$11,857,183	\$11,021,705	\$9,900,334	\$9,341,043
Net income	670,881	1,304,489	1,131,211	1,668,252	816,181
Change in net unrealized					
capital gains/losses	245,602	(163,691)	115,953	121,840	(10,995)
Change in nonadmitted					
assets	4,955	(6,006)	6,226	(24,991)	(7,204)
Return of Policyholder					
Surplus	(732,737)	(886,775)	(417,912))	(476,047)	(238,691)
Return of Ex-					
Policyholder Surplus				(167,683)	
Surplus, End of Year	\$12,293,901	\$12,105,200	\$11,857,183	\$11,021,705	\$9,900,334
Surpius, End of Teal	<u>\$12,283,901</u>	$\frac{912,105,200}{}$	<u>φ11,007,100</u>	911,021,703	<del>φ3,300,334</del>

# Transit Mutual Insurance Corporation of Wisconsin Insurance Regulatory Information System For the Five-Year Period Ending December 31, 2019

The company's NAIC Insurance Regulatory Information System (IRIS) results for the period under examination are summarized below. Unusual IRIS results are denoted with asterisks and discussed below the table.

	Ratio	2019	2018	2017	2016	2015
#1	Gross Premium to Surplus	25%	26%	27%	29%	28%
#2	Net Premium to Surplus	20	21	23	25	25
#3	Change in Net Premiums Written	-2	-7	0	11	-3
#4	Surplus Aid to Surplus	0	0	0	0	0
#5	Two-Year Overall Operating Ratio	61	55	50	53	61
#6	Investment Yield	2.3	2.0*	1.9*	1.9*	1.8*
#7	Gross Change in Surplus	2	2	8	11	6
#8	Change in Adjusted Surplus	2	2	8	11	6
#9	Liabilities to Liquid Assets	19	18	22	23	30
#10	Agents' Balances to Surplus	0	0	0	0	0
#11	One-Year Reserve Development					
	to Surplus	-5	-7	-4	-11	-5
#12	Two-Year Reserve Development					
	to Surplus	-13	-9	-14	-18	-16
#13	Estimated Current Reserve					
	Deficiency to Surplus	-9	-4	-3	-1	-8

Ratio No. 6 measures the amount of the company's net investment income as a percentage of the average amount of cash and invested assets. The exceptional results in 2015, 2016, 2017, and 2018 were mainly due to the low interest rate environment in recent years. The company's portfolio consists predominantly of high quality fixed income securities. Low investment yields are not uncommon or unexpected in the current market.

**Growth of Transit Mutual Insurance Corporation of Wisconsin** 

	Admitted		Regards	Net
Year	Assets	Liabilities	Policyholders	Income
2019	\$15,238,731	\$2,944,825	\$12,293,905	\$ 670,881
2018	14,795,003	2,689,806	12,105,206	1,304,489
2017	15,119,370	3,262,195	11,857,190	1,131,211
2016	14,372,468	3,350,776	11,021,708	1,668,252
2015	14,171,622	4,271,283	9,900,337	816,181
2014	13,780,829	4,439,783	9,341,046	1,177,698

Year	Gross Premium Written	Net Premium Written	Premium Earned	Loss and LAE Ratio	Expense Ratio	Combined Ratio
2019	\$3,121,082	\$2,481,982	\$2,481,982	46.6%	23.8%	87.6%
2018	3,162,017	2,525,176	2,525,176	20.6	22.7	60.4
2017	3,219,476	2,729,267	2,729,267	36.3	17.0	70.6
2016	3,199,245	2,725,575	2,725,575	12.6	18.5	49.6
2015	2,749,050	2,446,491	2,446,491	40.2	17.8	77.5
2014	2,889,145	2,533,031	2,533,031	31.6	11.6	63.0

The combined ratio includes the loss and LAE ratio, the expense ratio, and the policyholders' dividend to earned premium ratios. The policyholders' dividend to earned premium ratios for 2019 to 2014 were 17.3%, 17.1%, 17.3%, 18.4%, 19.6%, and 19.9% respectively. This reflects the scale of policyholders' dividends paid by the company on a consistent basis during the period under examination. The net loss and LAE ratio ranged from 12.6% in 2016 to 46.6% in 2019 reflecting the frequency and severity of claims reported and a slight variation in earned premiums during the period under examination.

The company sets pricing based on actuarial recommendations and provides policyholders' dividends to keep surplus at levels that are considered adequate. Dividends are based on anticipated capital needs and available surplus from years that have had all claims closed. In addition to dividends, the company has a surplus management policy where it returns some surplus to members when the total reported surplus exceeds the upper layer of the actuarially established surplus range. The company declared \$2,314,211 in policyholders' dividends and returned \$2,752,161 of surplus over the five-year examination period. Gross premium written increased 8% and net premium written decreased 2% during the period under examination. Surplus increased 31.6% during the same period, primarily due to the net income reported in each year under examination.

# Reconciliation of Surplus per Examination

No adjustments were made to surplus as a result of this examination. The amount of surplus reported by the company as of December 31, 2019, is accepted.

### **VI. SUMMARY OF EXAMINATION RESULTS**

### **Compliance with Prior Examination Report Recommendations**

There was one recommendation in the previous examination report. The recommendation contained in the last examination report and actions taken by the company are as follows:

1. <u>Executive Compensation</u>—It is recommended that the company properly complete the Report on Executive Compensation as required by ss. 601.42 and 611.63 (4), Wis Stat.

<u>Action</u> — This recommendation was inapplicable under current examination procedures.

### **Summary of Current Examination Results**

This section contains comments and elaboration on those areas where adverse findings were noted or where unusual situations existed. Comment on the remaining areas of the company's operations is contained in the examination work papers.

### **Disaster Recovery/Business Continuity Plan**

The IT Examiner reviewed the company's Business Continuity and Crisis Response Plan. It was concluded that the plan has inadequate detail about the recovery process. Specifically, the existing plan does not provide sufficient information regarding fulfilling certain work responsibilities. This can result in disruptions of day-to-day operations in the event a key employee becomes unavailable. It is recommended that the company create a more detailed Disaster Recovery/Business Continuity Plan that includes descriptions of its operating processes.

The IT Examiner also noted the company does not have a routine Disaster Recovery testing program. It is recommended that the company regularly engage in a review of their Disaster Recovery/Business Continuity Plan and test their ability to recover and document the results of each test. This can be done in several ways, including tabletop exercises.

### VII. CONCLUSION

The company issues policies directly to its 19 members municipal transit systems. The policies are written on a calendar year basis and premium is collected in full in the first quarter of each year. During the period under examination, surplus increased 31.6%, due to a net income reported by the company each year. The company declared \$2,314,211 in policyholders' dividends and returned \$2,752,161 of surplus over the five-year examination period.

The company has complied with the recommendation regarding executive compensation from the previous examination report. The current examination resulted in two recommendations relating to disaster recovery/business continuity plan. There were no adjustments made to policyholders' surplus.

### **VIII. SUMMARY OF COMMENTS AND RECOMMENDATIONS**

- 1. Page 19 <u>Disaster Recovery/Business Continuity Plan</u>—It is recommended that the company create a more detailed Disaster Recovery/Business Continuity Plan that includes descriptions of its operating processes.
- 2. Page 19 <u>Disaster Recovery/Business Continuity Plan</u>—It is recommended that the company regularly engage in a review of their Disaster Recovery/Business Continuity Plan and test their ability to recover and document the results of each test. This can be done in several ways, including tabletop exercises.

### IX. ACKNOWLEDGMENT

The courtesy and cooperation extended during the course of the examination by the officers and employees of the company are acknowledged.

In addition to the undersigned, the following representatives of the Office of the Commissioner of Insurance, State of Wisconsin, participated in the examination:

Name	Title

Michael E. Miller David A. Jensen, CFE Nicholas R. Hartwig Jerry DeArmond, CFE Insurance Financial Examiner IT Specialist Quality Control Specialist Reserve Specialist

Respectfully submitted,

Yi Xu

Examiner-in-Charge

Yilu

### X. SUBSEQUENT EVENT

On March 11, 2020, the World Health Organization declared coronavirus disease (COVID-19) a pandemic. The examination's review of the impact to the company through the date of this report noted that there has not been a significant impact to the company overall; however, due to the various uncertainties with the pandemic, it is unclear whether this will continue to have a minimal impact to the company or if it will escalate. Presently, the company has seen no indication of a serious risk presented by the pandemic. The Office of the Commissioner of Insurance continues to closely monitor the impact of the pandemic on the company and will take necessary action if a solvency concern arises.