

# Civil Money Penalties (CMP) Personal Protection Coverage



The AmTrust Civil Money Penalties (CMP) Personal Protection Coverage provides financial institution D&Os with “peace of mind” protection in the event one or more individuals become the target of a regulatory investigation resulting in CMPs.

Historically, CMP coverage has been scrutinized by bank regulators because coverage was provided as an extension to the D&O Policy. In order to address this issue, AmTrust is introducing a new product solution in the form of a separate and distinct CMP policy. The CMP policy is written in the name of and paid for by the individual D&Os for their own benefit.

## Description of Coverage

AmTrust’s CMP Personal Protection Coverage covers the “Institution-affiliated Party” in the event “Civil Money Penalties” are assessed against that individual by a bank “Regulatory Agency” for a “Wrongful Act”. This is an individual policy and the financial institution is not an Insured under the contract.

- **Civil Money Penalties** means monetary penalties or fines imposed by a Regulatory Agency against the Institution-affiliated Party. For purposes of determining the insurability of Civil Money Penalties, the law of the jurisdiction most favorable to the insurability of such penalties or fines will apply.
- **Institution-affiliated Party** means the individual named on the Declarations Page who is a director, officer, trustee, or any equivalent position of the Company.
- **Regulatory Agency** means the FDIC, the Federal Reserve, the OCC, NCUA or similar state or federal bank regulatory agency.
- **Wrongful Act** means any actual or alleged error, omission, misstatement, misleading statement, neglect or breach of duty by the Institution-affiliated Party while acting in his or her capacity as a duly elected or appointed director, trustee, officer, governor, employee, member of the board of managers or trustees, or any equivalent position.

## Mechanics

- This product is a “primary” policy, written on E&S Basis.
- The bank must meet AmTrust’s Underwriting Guidelines in order for the Directors and Officers to qualify for coverage.
- Coverage is available on an annual basis. We will, however, write coverage to expire at the same time as the existing D&O Policy in order to maintain common expiration dates.
- **Applying for coverage is easy!** Just complete a short application representing that they are not aware of any claims or facts or circumstances that would give rise to a claim. Return their completed/signed applications with their payment within thirty (30) days of binding coverage.

## Product Benefits / Highlights Checklist

- The Insured does not include the Company (financial institution), but the entity is designated solely for the purpose of defining the scope of the individual’s activities.
- Provides protection for CMPs assessed against the Institution Affiliated Party during the Policy Period
- 30-day Automatic Extension Period to pay CMPs first made during the Policy Period, but reported during the Automatic Extension Period (provided at no additional charge).
- Policy “converts” to extended reporting period in the event of merger or acquisition
- Separate policy preserves D&O limit of liability
- For purposes of assessing CMPs, most-favorable venue language applies
- Annual non-cancellable policy, except for non-payment of premium.
- 60-days non-renewal notice
- 60-days to give “Notice of Claim”
- Optional limits and retention levels available

## Pricing

**Choose your price!** The rate is based on the desired limit and retention level. Please note that the quoted rates do not include E&S Taxes.

### CMP Pricing Matrix\*

Note: Quoted rates do not include E&S taxes.

Individual Retention Amount	\$100,000 Limit	\$250,000 Limit
\$0	\$750	\$1,500
\$500	\$650	\$1,300
\$1,000	\$500	\$1,000

\* The above premiums are for individuals serving at privately held banks >15 years old with Texas Ratio <50% and Tier 1 Leverage ratio >7%. The above pricing also assumes the institution is not under any type of regulatory order or agreement and the individual D&Os have had no CMPs assessed against them in the past 5 years. Individuals/banks not meeting these guidelines should contact their broker to discuss availability.

For more information, contact your E&S Broker or AmTrust at:

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