

APR 03 2014

FILED

BEFORE THE DEPARTMENT OF INSURANCE
STATE OF NEBRASKA

STATE OF NEBRASKA)	
DEPARTMENT OF INSURANCE,)	
)	CONSENT ORDER
PETITIONER,)	
)	CAUSE NO. C-2073
VS.)	
)	
PHOENIX LIFE INSURANCE COMPANY)	
(NAIC #67814),)	
)	
RESPONDENT.)	

In order to resolve this matter, the Nebraska Department of Insurance (“Department”), by and through its attorney, Matthew W. Holman, and Phoenix Life Insurance Company (“Respondent”), mutually stipulate and agree as follows:

JURISDICTION

1. The Department has jurisdiction over the subject matter and Respondent pursuant to Neb. Rev. Stat. §§ 44-101.01, 44-135, and 44-303 et seq. (Reissue 2010). Said jurisdiction and control have been present at all times material hereto.

2. Respondent is a New York domiciled insurance company licensed to engage in the business of insurance in the State of Nebraska.

STIPULATIONS OF FACT

1. The Department initiated this administrative proceeding by filing a petition styled State of Nebraska Department of Insurance vs. Phoenix Life Insurance Company, Cause Number

C-2073 on March 11, 2014. A copy of the petition was served upon Respondent at its registered mailing address, P.O. Box 5056, Hartford, Connecticut, 06102.

2. Respondent is alleged to have violated Neb. Rev. Stat. § 44-1525(11) (Reissue 2010) as a result of the following conduct:

- a) Between July 2013 and December 2013 respondent failed on several occasions to adequately respond to written inquiries received from an Insurance Investigator for the Consumer Affairs Division for the petitioner. These inquiries specifically stated, "Nebraska insurance laws require an adequate response within 15 working days of receipt of this letter. Failure to provide complete information in a timely manner is considered to be an unfair trade practice."
- b) Between November 2013 and January 2014 respondent failed on several occasions to adequately respond to written inquiries received from an Insurance Investigator for the Consumer Affairs Division for the petitioner. These inquiries specifically stated, "Nebraska insurance laws require an adequate response within 15 working days of receipt of this letter. Failure to provide complete information in a timely manner is considered to be an unfair trade practice."

3. Respondent was informed of its right to a public hearing. Respondent waives that right, and enters into this Consent Order freely and voluntarily. Respondent understands and acknowledges that by waiving the right to a public hearing, Respondent also waives the right to confrontation of witnesses, production of evidence, and judicial review.

4. Respondent admits the allegations stated in Paragraph 2.

CONCLUSIONS OF LAW

Respondent's conduct as alleged above constitutes a violation of Neb. Rev. Stat. § 44-1525(11) (Reissue 2010) and is subject to administrative action pursuant to Neb. Rev. Stat. § 44-1529 (Reissue 2010).

CONSENT ORDER

It is therefore ordered by the Director of Insurance and agreed by Respondent, Phoenix Life Insurance Company, that Respondent shall pay an administrative fee in the amount of three thousand dollars (\$3,000.00) due within 30 days after the Director of Insurance or his designee approves and signs this consent order.

The Department of Insurance will continue to retain jurisdiction over this matter. If Respondent fails to pay the amount required as specified under this consent order, additional administrative action shall be taken by the Petitioner, which may include revocation of Respondent's Nebraska certificate of authority. In witness of their intention to be bound by this Consent Order, each party has executed this document by subscribing his/her signature below.

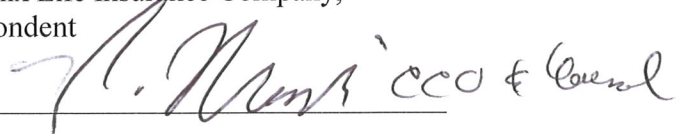


Matthew W. Holman, #24410
Attorney for Petitioner
941 "O" Street, Suite 400
Lincoln, NE 68508
(402) 471-2201

4/3/2014
Date

Phoenix Life Insurance Company,
Respondent

By: _____



Date

March 25, 2014

State of Connecticut)
County of Hartford) ss.

On this 25th day of March, 2014, an authorized representative of Phoenix Life Insurance Company personally appeared before me and read this Consent Order, executed the same and acknowledged the same to be his/her voluntary act and deed.

Gale A. Delfino
Notary Public

GALE A. DELFINO
NOTARY PUBLIC
MY COMMISSION EXPIRES MAR. 31, 2014

CERTIFICATE OF ADOPTION

I hereby certify that the foregoing Consent Order is adopted as the Final Order of the Nebraska Department of Insurance in the matter of State of Nebraska Department of Insurance vs. Phoenix Life Insurance Company (NAIC #67814), Cause No. C-2073.

STATE OF NEBRASKA
DEPARTMENT OF INSURANCE

Bruce Range
Bruce Range
Director of Insurance

4-3-2014
Date

CERTIFICATE OF SERVICE

I hereby certify that a copy of the executed Consent Order was sent to the Respondent at its registered mailing address, P.O. Box 5056, Hartford, Connecticut, 06102, by certified mail, return receipt requested on this 3 day of APRIL, 2014.

Matthew D. Helman