

STATE OF WASHINGTON

MIKE KREIDLER
STATE INSURANCE COMMISSIONER

Phone: (360) 725-7000



OFFICE OF
INSURANCE COMMISSIONER

FILED

2007 MAR -7 A 11:11

DECLARATION OF MAILING

I declare under penalty of perjury under the laws of the State of Washington that on the date listed below, I mailed or caused delivery of a true copy of this document to parties listed below
DATED this 7th day of March 2007 at Tumwater, Washington.

Signed: Wendy Galloway

HEARINGS UNIT
Fax: (360) 664-2782

Hearings Unit, DIC
Patricia D. Petersen
Chief Hearing Officer

Patricia D. Petersen
Chief Hearing Officer
(360) 725-7105

Wendy Galloway
Paralegal
WendyG@OIC.wa.gov.
(360) 725-7002

BEFORE THE STATE OF WASHINGTON
OFFICE OF INSURANCE COMMISSIONER

In the Matter of:)	
)	NO. D06-199
MONUMENTAL GENERAL)	
CASUALTY COMPANY,)	ORDER TERMINATING
)	PROCEEDING
An Authorized Insurer.)	
_____)	

TO: Jerry Kindinger, Esquire
Ryan, Swanson & Cleveland, PLLC
1201 Third Avenue, Suite 3400
Seattle, Washington 98101-3034

AND TO: Mike Kreidler, Insurance Commissioner
Michael G. Watson, Chief Deputy Insurance Commissioner
James T. Odiorne, Deputy Insurance Commissioner, Co. Supervision
Carol Sureau, Deputy Commissioner, Legal Affairs
Marcia Stickler, Staff Attorney, Legal Affairs
PO Box 40255
Olympia, WA 98504-0255

On June 16, 2006, Monumental General Casualty Company, (Monumental), by and through Jerry Kindinger, Attorney for Ryan, Swanson & Cleveland, PLLC, 1201 Third Avenue, Suite 3400, Seattle, Washington, filed a Demand for Administrative Hearing and Review in the above captioned matter. Monumental's request objected to the Insurance Commissioner's (OIC) May 18, 2006 letter enclosing Proposed Consent Order No. D06-199. The Insurance Commissioner appeared pro se by and through Marcia Stickler, Staff Attorney for Legal Affairs.



ORDER TERMINATING PROCEEDING
NO. D06-199
Page 2

Prior to the scheduled hearing date of February 22, 2007, the parties reached a settlement and an agreed Consent Order Levying a Fine was entered. In light of the settlement, on February 23, 2007, Administrative Law Judge Cindy Burdue, entered an agreed Stipulation and Order of Dismissal with Prejudice. The file was then forwarded to the undersigned to enter a Final Order. A copy of the Consent Order Levying a Fine and the Stipulation and Order of Dismissal with Prejudice are attached hereto and are by this reference incorporated herein. **It should be noted that, although the Consent Order Levying a Fine includes "Findings of Fact" and "Conclusion of Law," this matter was never adjudicated and therefore these "Findings of Fact" and "Conclusion of Law" should only be treated as agreements between the parties.**

Based upon the above activity:

IT IS HEREBY ORDERED that this proceeding, Docket No. D06-199, is hereby terminated.

ENTERED this 7th day of March, 2007, at Tumwater, Washington.



PATRICIA D. PETERSEN
Chief Hearing Officer

MIKE KREIDLER
STATE INSURANCE COMMISSIONER

STATE OF WASHINGTON

Phone: (360) 725-7000
www.insurance.wa.gov



OFFICE OF
INSURANCE COMMISSIONER

In the Matter of)

MONUMENTAL GENERAL)
CASUALTY COMPANY,)

An Authorized Insurer)

ORDER NO. D06-199

CONSENT ORDER LEVYING A
FINE

FINDINGS OF FACT

1. Monumental General Casualty Company ("Monumental") is authorized to conduct insurance business in the State of Washington.
2. Monumental had individual travel insurance policy forms and rates on file with and approved by the Office of the Insurance Commissioner ("OIC") since September 2002. However, or about August 18, 2004, the OIC was notified that Monumental had, through two of its licensed agents, issued two travel insurance coverage documents to one Washington state resident on unapproved forms. The same day, the OIC wrote to Monumental requesting that they investigate and report back their findings to the OIC.
3. Based upon subsequent investigation, the issuance of these two policies appear to have been isolated occurrences. No consumer complaints to the OIC have been lodged against Monumental in regard to its travel policies.
4. Monumental ceased offering travel insurance in Washington, effective September 2004.

CONCLUSION OF LAW

By issuing two non-approved forms to provide travel insurance, Monumental, through two of its licensed agents, violated RCW 48.18.100(1), which requires that insurance policy forms must be filed with and approved by the Commissioner prior to their issuance, delivery, or use.

CONSENT ORDER LEVYING A FINE
PAGE 2 OF 3

CONSENT TO ORDER

1. Monumental consents to the foregoing Findings of Fact and Conclusions of Law as they pertain to these facts, consents to the entry of the Order and waives further administrative or judicial challenge to the OIC's actions related to the subject matter of the Order. The Insurance Commissioner consents to resolve this matter in consideration of the insurer's payment of a fine as set forth below.
2. Within thirty days of the entry of this Order, Monumental will pay to the Insurance Commissioner a fine in the amount of \$15,000 (fifteen thousand dollars).
3. Failure to pay the fine in full within thirty days of the entry of this order will constitute grounds for suspension or revocation of the certificate of authority held by Monumental in Washington State. It will also result in a civil action being brought by the Attorney General on behalf of the Insurance Commissioner, to recover the fine.

EXECUTED this 12th day of February, 2007.

MONUMENTAL GENERAL CASUALTY
COMPANY

By: Jerry Kutzger

Title: Counsel

ORDER OF THE INSURANCE COMMISSIONER

NOW, THEREFORE, pursuant to the foregoing Findings of Fact, Conclusions of Law, and Consent to Order, the Insurance Commissioner hereby orders as follows:

1. Monumental General Casualty Company is ordered to pay a fine in the amount of Fifteen Thousand Dollars (\$15,000).
2. Fifteen Thousand Dollars (\$15,000) must be paid in full within thirty days of the date of entry of this order. Failure to pay this fine and to adhere to the conditions shall constitute grounds for revocation of Monumental General Casualty Company's Certificate of Authority, and in the recovery of the fine through a civil action brought on behalf of the commissioner by the attorney general.

CONSENT ORDER LEVYING A FINE
PAGE 3 OF 3

ENTERED AT TUMWATER, WASHINGTON this 19th day of February
2007.

Mike Kreidler
Washington State Insurance Commissioner

By: Marcia G. Stickler
Marcia G. Stickler
Staff Attorney, Legal Affairs Division

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2007 FEB 27 A 9:57

Hearings Unit, DIC
Patricia D. Petersen
Chief Hearing Officer

BEFORE THE WASHINGTON STATE
OFFICE OF ADMINISTRATIVE HEARINGS
FOR THE OFFICE OF INSURANCE COMMISSIONER

In the Matter of:

MONUMENTAL GENERAL CASUALTY
COMPANY,

Appellant.

NO. 2006-INS-0016

STIPULATION AND ORDER OF
DISMISSAL WITH PREJUDICE

(Clerk's Action Required)

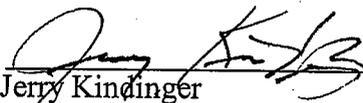
STIPULATION

COME NOW the parties to the above-entitled action, by and through their attorneys
of record, and stipulate and agree as follows:

1. This matter has been fully compromised by the parties.
2. All claims of appellant shall be dismissed with prejudice and without costs to
any party.

DATED this 12th day of February, 2007.

RYAN, SWANSON & CLEVELAND, PLLC

By 
Jerry Kindinger
WSBA #5231
Attorneys for Appellant

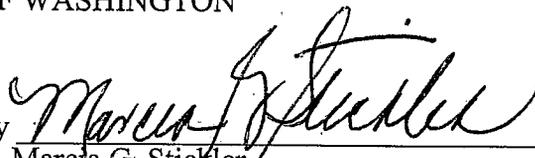
STIPULATION AND ORDER OF DISMISSAL WITH
PREJUDICE - 1

Ryan, Swanson & Cleveland, PLLC

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OFFICE OF INSURANCE COMMISSIONER
OF WASHINGTON

By 

Marcia G. Stickler
WSBA #20712
Staff Attorney
Legal Affairs Division

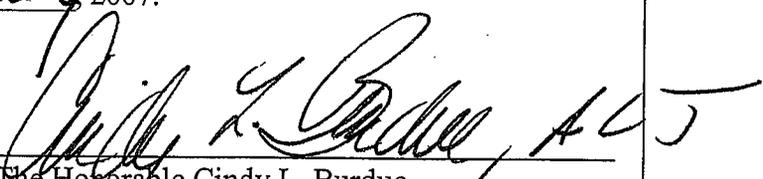
PO Box 40255
Olympia, WA 98504-0255
Telephone: (360) 725-7048
Facsimile: (360) 586-0152

ORDER

THIS MATTER, having come on regularly before the undersigned Judge of the above-entitled Court, and the Judge having reviewed the stipulation of the parties and the files and records in this case, now, therefore, it is hereby

ORDERED, ADJUDGED AND DECREED that plaintiff's Demand for Administrative Hearing and Review shall be dismissed with prejudice and without costs to any party.

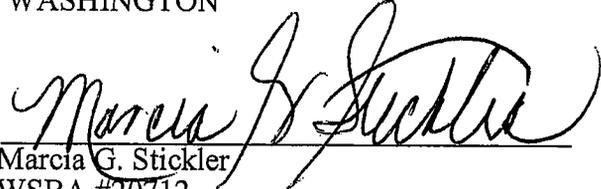
DATED this 23rd day of February, 2007.



The Honorable Cindy L. Burdue

1 Presented by:

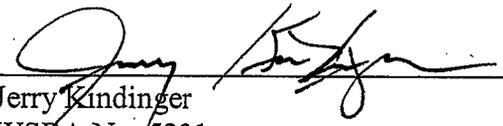
2 OFFICE OF INSURANCE COMMISSIONER
3 OF WASHINGTON

4 By 
5 Marcia G. Stickler
6 WSBA #20712
7 Staff Attorney
8 Legal Affairs Division

9 PO Box 40255
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12 Facsimile: (360) 586-0152

13 Approved as to Form; Notice of
14 Presentation Waived:

15 RYAN, SWANSON & CLEVELAND, PLLC

16 By 
17 Jerry Kindinger
18 WSBA No. 5231
19 Attorneys for Appellant

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