

**STATE OF NORTH DAKOTA**  
**BEFORE THE INSURANCE COMMISSIONER**

<b>In the Matter of</b>	)	
	)	<b>CONSENT ORDER</b>
<b>Senior Life Insurance Company,</b>	)	
<b>FEIN 58-1097892,</b>	)	<b>CASE NO. CO-18-766</b>
	)	
<b>Respondent.</b>	)	

**TO: Senior Life Insurance Company, 1 Senior Life Lane, Thomasville, GA 31792:**

Insurance Commissioner Jon Godfread (“Commissioner”) has determined as follows:

1. As a result of information obtained by the North Dakota Insurance Department (“Department”) regarding the conduct of Senior Life Insurance Company, FEIN 58-1097892 (“Respondent”), a foreign insurance company domiciled in Georgia, the Commissioner has considered initiating administrative proceedings regarding Respondent’s conduct as alleged below and regarding the imposition of a civil penalty or any other action the Commissioner deems necessary. Respondents’ conduct is alleged to be in violation of N.D.C.C. §§ 26.1-02-03 and 26.1-04-03(2) and N.D. Admin. Code §§ 45-04-10-03, 45-04-10-04 and 45-04-10-05.

2. The Commissioner has come into information that mailers were received by North Dakota consumers advertising “2017 Benefit Information for North Dakota Citizens Only.” The mailer came to the Department’s attention after a consumer contacted the Department.

3. The mailer indicates that the information is “FOR NORTH DAKOTA CITIZENS ONLY.” These statements are misleading as this program would not be only for North Dakota citizens.

4. The mailer also indicates that it is a “state-regulated program.” While the Department has regulatory authority over insurers and insurance products, this statement could be misleading as it sounds like the program is a government program.

5. Department Investigator Dale Pittman contacted Respondent and spoke with Wade Bone, Vice President of Advertising. Investigator Pittman requested information regarding the mailer including the producer on whose behalf the leads were sent and the number of leads sent and Mr. Bone indicated on August 29, 2017 that he would e-mail or call with the requested information. On August 31, 2017, Mr. Bone indicated that he had gotten busy with meetings and would provide the information the following week. Mr. Bone did not provide the information the following week.

6. On March 2, 2018, Investigator Pittman contacted Mr. Bone and reminded him that he had not provided the requested information. Mr. Bone then provided the name of a producer who had purchased leads. Mr. Bone did not have the number of leads sent to North Dakota residents despite having more than 6 months to obtain the information. He stated he did not have the information because they contract with a third-party vendor.

7. N.D.C.C. § 26.1-02-03 states:

**26.1-02-03. Inquiry into condition of company – Information supplied to commissioner – Penalty.** The commissioner may address to any insurance company doing or applying for permission to do business in this state any inquiries in relation to the company’s activities, condition, or any other matter connected with the company’s transactions. The company shall reply in writing to such an inquiry within twenty days of

receipt of the inquiry unless within that twenty days the company requests and the commissioner grants an extension of time. It is a violation of this title for a person to knowingly supply the commissioner with false, misleading, or incomplete information.

8. N.D.C.C. § 26.1-04-03 states, in relevant part:

**26.1-04-03. Unfair methods of competition and unfair or deceptive acts or practices defined.** The following are unfair methods of competition and unfair and deceptive acts or practices in the business of insurance:

...

2. False information and advertising generally. Making, publishing, disseminating, circulating, or placing before the public, or causing, directly or indirectly, to be made, published, disseminated, circulated, or placed before the public, in a newspaper, magazine, or other publication, or in the form of a notice, circular, pamphlet, letter, or poster, or over any radio station, or in any other way, an advertisement, announcement, or statement containing any assertion, representation, or statement with respect to the business of insurance or with respect to any person in the conduct of that person's insurance business, which is untrue, deceptive, or misleading.

9. N.D. Admin. Code § 45-04-10-02 states:

**45-04-10-02. Applicability.**

1. This chapter applies to any advertisement of life insurance or any annuity product intended for dissemination in this state and which advertisement is disseminated in any manner by or on behalf of an insurance company, agent, or broker.
2. Every insurer shall establish and at all times maintain a system of control over the content, form, and method of dissemination of all advertisements of its policies. All such advertisements, regardless of by whom written,

created, designed, or presented, are the responsibility of the insurer. However, this does not in any way prohibit enforcement of this chapter against individual agents, brokers, and agencies.

10. N.D. Admin. Code § 45-04-10-03 states, in relevant part:

**45-04-10-03. Disclosure Requirements.**

1. The information required to be disclosed by this chapter may not be minimized, rendered obscure, or presented in an ambiguous fashion or intermingled with the text of the advertisement so as to be confusing or misleading.

11. N.D. Admin. Code § 45-04-10-04 states:

**45-04-10-04. Identity of insurer.**

2. No advertisement may use any combination of words, symbols, or physical materials which by their content, phraseology, shape, color, or other characteristics are so similar to a combination of words, symbols, or physical materials used by a governmental program or agency or otherwise appear to be of such a nature that they tend to mislead prospective insureds into believing that the solicitation is in some manner connected with such governmental program or agency.

12. N.D. Admin. Code § 45-04-10-05 states, in relevant part:

**45-04-10-05. Jurisdictional licensing and status of insurer.**

...

3. An advertisement may not create the impression that the insurer, its financial condition or status, or advisability of its policy forms or kinds of plans of insurance are recommended or endorsed by any governmental entity. However, where a

governmental entity has recommended or endorsed a policy form or plan, such fact may be stated if the entity authorizes its recommendation or endorsement to be used in an advertisement.

13. The above-described conduct constitutes violations of N.D.C.C. §§ 26.1-02-03 and 26.1-04-03(2) and N.D. Admin. Code §§ 45-04-10-03, 45-04-10-04 and 45-04-10-05.

14. Respondent acknowledges that at the time of signing this Consent to Entry of Order, it is aware of or has been advised of its rights to a hearing in this matter, to consult an attorney, to present argument to the Commissioner, to appeal from any adverse determination after a hearing, and Respondent expressly waives those rights.

15. Respondent has agreed to informal disposition of this matter, without a hearing, as specifically set forth in this Order.

16. There are no covenants, promises, undertakings or understandings other than as specifically set forth in this Order.

17. Respondent consents to the Commissioner's continuing jurisdiction over them regarding any issues which may subsequently arise related to Respondent's activities.

18. For purposes of resolving this matter without further administrative proceedings, Respondent and the Commissioner have agreed to enter into the following Order.

NOW, THEREFORE, IT IS HEREBY ORDERED THAT:

1. Respondent agrees to pay a fine in the amount \$1,200 payable by money order, cashier's check, or credit card to the North Dakota Insurance Department within

20 days of the effective date of this Order.

2. The use of this Consent Order for competitive purposes by an insurance agent or agency holding a license in the State of North Dakota, or by any company holding a Certificate of Authority, or by anyone on their behalf, may be deemed unfair competition and be grounds for suspension or revocation of said license or authority.

DATED at Bismarck, North Dakota, this 30<sup>th</sup> day of April, 2018.



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Jon Godfread  
Insurance Commissioner  
State of North Dakota

CONSENT TO ENTRY OF ORDER

The undersigned, Wade Bone, on behalf of Senior Life Insurance Company, states that he has read the foregoing Consent Order, that he knows and fully understands its contents and effect; that he has been advised of his right to a hearing in this matter, his right to be represented by legal counsel, his right to present evidence and arguments to the Commissioner, and his right to appeal from an adverse determination after hearing; and that by the signing of this Consent to Entry of Order he voluntarily waives those rights in their entirety and consents to entry of this Order by the Commissioner. It is further expressly understood that this Order constitutes the entire settlement agreement between the parties, there being no other promises or agreements, either expressed or implied.

DATED this 24 day of April, 2018.

By: Wade Bone

Its: Vice President of Advertising

Subscribed and sworn to before me this 24<sup>th</sup> day of April, ~~2016~~ 2018.

James Hardy  
Notary Public

State of Georgia  
County of Thomas

My commission expires: August 6, 2021

