

**BEFORE THE COMMISSIONER OF INSURANCE
OF THE STATE OF KANSAS**

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| In the Matter of the Proposed Adoption |) | |
| of the Financial Condition Examination |) | |
| Report as of December 31, 2004 |) | Docket No. 3628-ER |
| Kansas Building Industry Workers |) | |
| Compensation Fund |) | |

ORDER

NOW COMES on for formal disposition the matter of the proposed adoption of the financial condition examination report as of December 31, 2004, of Kansas Building Industry Workers Compensation Fund, a Kansas corporation. This matter is brought before the Commissioner of Insurance for adoption, rejection, or modification pursuant to the provisions of Kansas Statutes Annotated (K.S.A.) 40-222.

I, Sandy Praeger, the duly elected, qualified, and acting Commissioner of Insurance, having fully considered and reviewed the financial condition examination report, together with all written submissions, applicable rebuttals, and all relevant portions of the examiners' work papers, and further, being fully advised on all premises, hereby find:

Policy Reasons

It is stated policy of the State of Kansas that whenever the Commissioner of Insurance deems it necessary, an examination of the affairs and financial condition of any insurance company in the process of organization, applying for admission, or doing business in this State can be undertaken. In all cases, such an examination must occur once every five (5) years. Through the examination process, the insurance consuming public will be well served and protected.

Findings of Fact

1. The Commissioner of Insurance has jurisdiction over this matter pursuant to K.S.A. 40-222.
2. An examination of Kansas Building Industry Workers Compensation Fund was undertaken by the Kansas Insurance Department and was completed on July 24, 2006.

3. The examiner-in-charge tendered and filed with the Kansas Insurance Department a verified written report of the examination within thirty (30) days following completion of the examination, to wit; November 7, 2005.

4. Following receipt of the verified report, the Kansas Insurance Department transmitted the report to Kansas Building Industry Workers Compensation Fund on August 2, 2006, with a duly executed notice advising the company of its opportunity to prepare and submit to the Kansas Insurance Department a written submission or rebuttal with respect to any and all matters contained in the report. Kansas Building Industry Workers Compensation Fund was further advised that any written submission or rebuttal needed to be filed with the Kansas Insurance Department no later than thirty (30) days after receipt of the verified report.

5. Kansas Building Industry Workers Compensation Fund filed a written rebuttal of the verified report on September 25, 2006.

6. Following receipt of the rebuttal, the Kansas Insurance Department agreed to make certain changes in the report and transmitted a revised report to Kansas Building Industry Workers Compensation Fund on December 11, 2006, with a duly executed notice advising the company of its opportunity to prepare and submit to the Kansas Insurance Department a written submission or rebuttal with respect to any and all matters contained in the report. Kansas Building Industry Workers Compensation Fund was further advised that any written submission or rebuttal needed to be filed with the Kansas Insurance Department no later than ten (10) days after receipt of the verified report.

7. Kansas Building Industry Workers Compensation Fund filed a second rebuttal of the verified report on December 20, 2006.

8. Following receipt of the second rebuttal, the Kansas Insurance Department agreed to make further changes in the report and transmitted a revised report to Kansas Building Industry Workers Compensation Fund on December 11, 2006.

9. Following receipt of the second revised report, Kansas Building Industry Workers Compensation Fund requested a meeting at the Kansas Insurance Department. Said requested meeting was held February 14, 2007. Following this meeting, additional changes were made to the verified report.

10. Within thirty (30) days of the end of the time period allowed for written submission or rebuttal, the Commissioner of Insurance fully reviewed the report, together with all written submissions and rebuttals provided by Kansas Building Industry Workers Compensation Fund. The Commissioner of Insurance further reviewed all relevant workpapers.

11. No other written submissions or rebuttals were submitted by Kansas Building Industry Workers Compensation Fund.

Conclusion of Law

12. K.S.A. 40-222(k)(2) provides:

“Within 30 days of the end of the period allowed for the receipt of written submissions or rebuttals, the commissioner shall fully consider and review the report, together with any written submissions or rebuttals and any relevant portions of the examiners workpapers and enter an order:

- (A) Adopting the examination report as filed or with modification or corrections. If the examination report reveals that the company is operating in violation of any law, regulation or prior order of the commissioner, the commissioner may order the company to take any action the commissioner considers necessary and appropriate to cure such violations; or
- (B) rejecting the examination report with directions to the examiners to reopen the examination for purposes of obtaining additional data, documentation or information, and refiling pursuant to subsection (k); or
- (C) call and conduct a fact-finding hearing in accordance with K.S.A. 40-281 and amendments thereto for purposes of obtaining additional documentation, data, information and testimony.”

13. Based upon the Findings of Fact enumerated in paragraphs #1 through #11 above, the financial condition examination report as of December 31, 2004, of Kansas Building Industry Workers Compensation Fund should be adopted.

IT IS THEREFORE, BY THE COMMISSIONER OF INSURANCE, ORDERED THAT:

1. The financial condition examination report as of December 31, 2004, of Kansas Building Industry Workers Compensation Fund, hereby is adopted.

2. The Commissioner of Insurance retains jurisdiction over this matter to issue any and all further Orders deemed appropriate or to take such further action necessary to dispose of this matter.

IT IS SO ORDERED THIS 28th DAY OF FEBRUARY, 2007, IN THE CITY OF TOPEKA, COUNTY OF SHAWNEE, STATE OF KANSAS.



_____/s/ Sandy Praeger_____

Sandy Praeger

Commissioner of Insurance

By:

_____/s/ John W. Campbell_____

John W. Campbell

General Counsel