

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

**In the Matter of the Kansas** )  
**Nonresident License of AMERICAN NATIONAL** ) **Docket No. 4229-CO**  
**GENERAL and AMERICAN NATIONAL** )  
**PROPERTY AND CASUALTY COMPANY** )

**CONSENT ORDER**

The Commissioner of Insurance (“Commissioner”) the Kansas Insurance Department (“KID”) and American National General Insurance Company (“American National General”) (NAIC #39942) and American National Property and Casualty Company (“American National P & C”) (NAIC #28401) (collectively “American National”) wish to resolve the above-captioned matter before the Commissioner without formal adjudication.

The Commissioner hereby issues the following Order which shall become effective as a Final Order, without further notice, upon the expiration of the fifteen (15) day period if no request for hearing is made pursuant to K.S.A. 77-542.

**Findings of Fact**

The parties stipulate that if a hearing were conducted in this matter evidence could be adduced by KID and, although neither admitted nor denied by American National, it would be recognized as admissible to show the following:

1. American National General is domiciled in Missouri and has been authorized to issue insurance in Kansas since November 30, 1982. American National P & C is domiciled in Missouri and has been authorized to issue insurance in Kansas since December 31, 1975.

2. On December 18, 2009, American National General submitted for approval a homeowners rate and rule filing which was approved effective March 17, 2010. On December 18, 2009, American National P & C submitted for approval a personal property rate and rule filing which was approved effective March 17, 2010.

3. On June 14, 2010, American National requested that the filings be withdrawn and indicated that the approved rates had not been put in effect or used when issuing policies that would have been covered by the filings.

#### **Applicable Law**

4. K.S.A. 40-955(g) provides in relevant part:

No insurer shall make or issue a contract or policy except in accordance with filings which have been filed or approved for such insurer as provided in this act.

5. K.S.A. 40-254 provides in relevant part:

Unless herein otherwise provided, every violation of any of the provisions of this code shall subject the person violating the same to a penalty of not to exceed five hundred dollars for each violation or by imprisonment not to exceed six months in the county jail or both.

6. K.S.A. 40-938 provides in relevant part:

No person or organization shall willfully withhold information from or knowingly give false or misleading information to the commissioner ... which will affect the rates or premiums chargeable under this act. If the commissioner finds that any person or organization has violated this section, the commissioner, after notice and the opportunity for hearing, may impose a penalty of not more than \$500 for each such violation. If the commissioner determines that such violation was willful, the commissioner may impose a penalty of not more than \$2,000 for each such violation. Such penalties may be in addition to any other penalty provided by law.

### **Conclusions of Law**

Based upon the above Findings of Fact and Applicable Law the Commissioner determines that it is in the public interest to issue the following order:

### **IT IS THEREFORE ORDERED BY THE COMMISSIONER OF INSURANCE**

#### **THAT:**

1. American National neither admits nor denies the allegations set forth in the above Findings of Fact.
2. American National agrees to make a payment to KID in the amount of Five Hundred Dollars (\$500.00).
3. Upon this Consent Order becoming a Final Order and payment received, this action shall be dismissed with prejudice. If payment is not made as required, KID may vacate this Consent Order and proceed with hearing.

**Notice of Right to Hearing or Appeal**

You are entitled to a hearing pursuant to K.S.A. 2009 Supp. 77-537, the Kansas Administrative Procedure Act and K.S.A. 40-955. If you desire a hearing, you must file a written request for a hearing with:

Zachary J.C. Anshutz, General Counsel  
Kansas Insurance Department  
420 S.W. 9th Street  
Topeka, Kansas 66612.

This request must be filed within fifteen (15) days from the date of service of this Order. If you request a hearing, the Kansas Insurance Department will notify you of the time and place of the hearing and information on the procedures, right of representation, and other rights of parties relating to the conduct of the hearing, before commencement of same.

If a hearing is not requested in the time and manner stated above, this Order shall become effective as a Final Order upon the expiration of time for requesting a hearing, pursuant to K.S.A. 77-613. In the event that you file a petition for judicial review, pursuant to K.S.A. 77-613(e), the agency officer to be served on behalf of the Kansas Insurance Department is:

Zachary J.C. Anshutz, General Counsel  
Kansas Insurance Department  
420 S.W. 9th Street  
Topeka, Kansas 66612.

IT IS SO ORDERED THIS 15th DAY OF February, 2011, IN THE CITY  
OF TOPEKA, COUNTY OF SHAWNEE, STATE OF KANSAS.



/s/ Sandy Praeger  
Sandy Praeger  
Commissioner of Insurance

BY:

/s/ Zachary J.C. Anshutz  
Zachary J.C. Anshutz  
General Counsel

Approved and Submitted by:

/s/ John Wine  
John Wine  
Staff Attorney

/s/ Rebecca Rast  
Rebecca Rast  
American National Insurance

**Certificate of Service**

The undersigned hereby certifies that a true and correct copy of the above and foregoing Consent Order was served by placing the same in the United States Mail, first class postage prepared, on this 15th day of February, 2011, addressed to the following:

Ms. Rebecca Rast, Regulatory Compliance  
American National Insurance  
1949 E. Sunshine Street  
Springfield, MO 65899

/s/ John Wine  
John Wine  
Staff Attorney