

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

In the Matter of the Proposed Adoption )  
of the Financial Condition Examination )  
Report as of December 31, 2012 ) Docket No. 4674-ER  
**MutualAid eXchange** )  
**NAIC CoCode: 11878** )

**CONSENT ORDER**

NOW COMES on for formal disposition the matter of the proposed adoption of the financial condition examination report as of December 31, 2012 of MutualAid eXchange (“Company”), a Kansas corporation. This matter is brought before the Commissioner of Insurance (“Commissioner”) for adoption, rejection, or modification pursuant to the provisions of K.S.A. 40-222.

The Kansas Insurance Department (“KID”) and the Company wish to resolve this matter by entering into this Consent Order. The Company hereby waives any and all rights to further administrative adjudication or review of this matter, including any and all rights conferred upon it under K.S.A. 77-501 *et seq.* This Consent Order constitutes the Final Order in this matter.

The Commissioner, 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 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 has jurisdiction over this matter pursuant to K.S.A. 40-222.

2. An examination of the Company was undertaken by the Kansas Insurance Department and was completed on June 2, 2014.

3. The examiner-in-charge tendered and filed with the KID a verified written report of the examination within thirty (30) days following completion of the examination, to wit; June 12, 2014.

4. Following receipt of the verified report, the KID transmitted the report to the Company on June 19, 2014, with a duly executed notice advising the Company of its opportunity to prepare and submit to the KID a written submission or rebuttal with respect to any and all matters contained in the report. The Company was further advised that any written submission or rebuttal needed to be filed with the KID no later than thirty (30) days after receipt of the verified report.

5. The Company filed a written acceptance (via e-mail) of the verified report on July 3, 2014.

6. Based upon the written submission tendered by the Company, the Company took no exceptions to matters contained in the verified report.

7. 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 the Company. The Commissioner further reviewed all relevant workpapers.

8. No other written submissions or rebuttals were submitted by the Company.

### **Conclusion of Law**

9. 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.”

10. Based upon the Findings of Fact enumerated in paragraphs #1 through #8 above, the financial condition examination report as of December 31, 2012 of the Company should be adopted.

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

1. The financial condition examination report as of December 31, 2012 of MutualAid eXchange, 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 \_\_16th\_\_ DAY OF JULY, 2014 IN THE CITY OF TOPEKA,  
COUNTY OF SHAWNEE, STATE OF KANSAS.**



\_\_\_\_\_/s/ Sandy Praeger\_\_\_\_\_  
Sandy Praeger  
Commissioner of Insurance

BY:

\_\_\_\_\_/s/ John Wine\_\_\_\_\_  
John Wine  
General Counsel

**MutualAid eXchange**

BY:

\_\_\_\_\_/s/ David Wine\_\_\_\_\_  
David Wine  
President and Chief Executive Officer

**Certificate of Service**

The undersigned hereby certifies that he was served a true and correct copy of the above and foregoing **Consent Order** on this \_\_16th\_\_ day of July, 2014, by causing the same to be placed in the United States Mail, first class postage prepaid, addressed to the following:

Mr. David Wine  
MutualAid eXchange  
4400 College Boulevard, Suite 250  
Overland Park, KS 66211

\_ /s/ Kenneth Abitz \_\_\_\_\_  
Kenneth Abitz  
Director, Financial Surveillance