

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

In the Matter of

**TEACHERS INSURANCE & ANNUITY ASSOCIATION  
OF AMERICA**  
NAIC #86231)  
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Docket No. 4681-MC

**SUMMARY ORDER**

Pursuant to the authority conferred upon the Commissioner of Insurance in K.S.A. 40-222, Sandy Praeger, the duly elected, qualified and serving Commissioner of Insurance hereby adopts the Kansas Insurance Department's Report of Market Conduct Examination of Teachers Insurance & Annuity Association of America ("Teachers Insurance"), as of December 31, 2012 (attached herein as Attachment A) by incorporating the same in its entirety with specific findings stated as follows. This Summary Order shall become effective as a Final Order, without further notice, upon the expiration of the 15 day period if no request for a hearing is made, pursuant to K.S.A. 77-542.

**Findings of Fact**

1. The Commissioner of Insurance has jurisdiction over this matter pursuant to K.S.A. 40-222.
2. The Kansas Insurance Department ("Department") completed a targeted market conduct examination of Teachers Insurance. The period of examination was January 1, 2010 through December 31, 2012.
3. The Examiner-in-Charge provided Teachers Insurance a draft of the Market Conduct Examination report ("Report") with a request for Teachers Insurance's response in the form of written comments, additions, or acceptance.

4. Teachers Insurance responded to the Report with a letter of acceptance.
5. The Department examined Teachers Insurance complaint handling to determine if the company complied with the requirements set forth in K.S.A. 40-2404 (10) regarding the recording and proper handling of complaints.
6. Teachers Insurance did not fail any standard which was examined.

### **Applicable Law**

K.S.A. 40-222 states, in pertinent part:

(a) Whenever the commissioner of insurance deems it necessary but at least once every five years, the commissioner may make, or direct to be made, a financial examination of any insurance company in the process of organization, or applying for admission or doing business in this state. In addition, at the commissioner's discretion the commissioner may make, or direct to be made, a market regulation examination of any insurance company doing business in this state.

K.S.A. 40-2404 states, in pertinent part:

The following are hereby defined as unfair methods of competition and unfair or deceptive acts or practices in the business of insurance:

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(10) Failure to maintain complaint handling procedures. Failure of any person, who is an insurer on an insurance policy, to maintain a complete record of all the complaints which it has received since the date of its last examination under K.S.A. 40-222, and amendments thereto; but no such records shall be required for complaints received prior to the effective date of this act. The record shall indicate the total number of complaints, their classification by line of insurance, the nature of each complaint, the disposition of the complaints, the date each complaint was originally received by the insurer and the date of final disposition of each complaint. For purposes of this subsection, "complaint" means any written communication primarily expressing a grievance related to the acts and practices set out in this section.

### **Conclusions of Law**

Based upon the Findings of Fact enumerated in Paragraphs #1 through #4 and the Applicable Law cited above, **IT IS, THEREFORE, ORDERED BY THE COMMISSIONER OF INSURANCE:**

1. The Commissioner of Insurance has jurisdiction over this matter pursuant to K.S.A. 40-222.
2. The Kansas Insurance Department's ("KID") Report of Market Conduct Examination of Teachers Insurance as of December 31, 2012 is herein adopted in its entirety.

**IT IS SO ORDERED THIS 23rd 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

### **NOTICE OF RIGHTS**

Teachers Insurance is entitled to a hearing pursuant to K.S.A. 77-537, the Kansas Administrative Procedure Act. If Teachers Insurance desires a hearing, Teachers Insurance must file a written request for a hearing with:

John Wine, General Counsel  
Kansas Insurance Department  
420 S.W. 9<sup>th</sup> Street  
Topeka, Kansas 66612

This request must be filed within fifteen (15) days from the date of service of this Summary Order. If Teachers Insurance requests a hearing, the Kansas Insurance Department

will notify Teachers Insurance 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 the commencement of the same.

If a hearing is not requested in the time and manner stated above, this Summary 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 Teachers Insurance files 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:

John Wine, General Counsel  
Kansas Insurance Department  
420 S.W. 9<sup>th</sup> Street  
Topeka, Kansas 66612

### **CERTIFICATE OF SERVICE**

The undersigned hereby certifies that he served the above and foregoing Order and Notice of Rights on this \_\_23rd\_\_ day of July, 2014, by causing the same to be deposited in the United States Mail, registered mail with return-receipt requested postage prepaid, addressed to the following:

Teachers Insurance & Annuity Association of America  
ATTN: Arti Jurakhan  
Senior Director/Compliance Officer  
730 Third Avenue  
New York, NY 10017

/s/ Elizabeth Hickert-Fike  
Elizabeth Hickert Fike  
Attorney  
Consumer Assistance Division