

BEFORE THE COMMISSIONER OF INSURANCE
OF THE STATE OF KANSAS

FINAL ORDER
BECOME 11-9-15

In the Matter of **COLORADO BANKERS**)
LIFE INSURANCE COMPANY) Docket No. 4785-SO
NAIC # 84786)

SUMMARY ORDER

Pursuant to the authority granted to the Commissioner of Insurance (“Commissioner”) by K.S.A. 40-103, 40-2407, and 77-501 *et seq.*, the Commissioner hereby proposed to find facts and to assess a **MONETARY PENALTY** against Colorado Bankers Life Insurance Company (“Respondent”). This Summary Order shall become effective as a Final Order, without further notice, upon the expiration of the fifteen (15) day period if no request for a hearing is made, pursuant to K.S.A. 77-542.

Findings of Fact

The Commissioner has been shown the following facts:

1. Colorado Bankers Life Insurance Company (Colorado Bankers), located at 5990 Greenwood Plaza Boulevard, Suite 325, Greenwood Village, Colorado, is an insurance company licensed in Kansas which has been authorized to transact and has continuously engaged in transacting insurance business in the State of Kansas since November 29, 1983.
2. On July 29, 2015, KID mailed a letter to Mr. Joseph Wieser, Colorado Bankers Life Insurance Company President which enumerated ten (10) deficiencies in responding timely to a consumer complaint and subsequent requests for information from the Kansas Insurance Department, (“KID”).

3. The July 29, 2015 letter mailed to Colorado Bankers cited applicable Kansas laws as authority and notified the company of its right to a hearing and the process for requesting such hearing. Colorado Bankers did not make a request for a hearing.
4. Colorado Bankers has not responded to the letter from KID.

Applicable Law

K.A.R. 40-1-34 provides:

Section 6. Failure to Acknowledge Pertinent Communications.

(B) Every insurer, upon receipt of any inquiry from the insurance department respecting a claim shall, within fifteen working days of receipt of such inquiry, furnish the department with an adequate response to the inquiry.

K.S.A. 40-2,125 provides:

(b) If any person fails to file any report or other information with the commissioner as required by statute, or fails to respond to any property inquiry of the commissioner, the commissioner, after notice and opportunity for hearing, may impose a civil penalty of up to \$1,000, for each violation of act, along with an additional penalty of up to \$500 for each week thereafter that such report or other information is not provided to the commissioner.

Conclusions of Law

The Commissioner has jurisdiction over Colorado Bankers Life Insurance Company and the subject matter of this proceeding. Based on the Findings of Fact enumerated above in Paragraphs #1 through #4 and the Applicable Law above,

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

Colorado Bankers Life Insurance Company failed to respond to inquiries of the Kansas Insurance Department, in violation of K.S.A. 40-2,125 and K.A.R. 40-1-34.

1. The Commissioner finds that Respondent shall pay a monetary penalty of \$5,000, for violating K.S.A. 40-2,125 and K.A.R. 40-1-34.

2. The Commissioner shall retain jurisdiction over this matter to issue any Order(s) deemed necessary and appropriate.

NOTICE OF RIGHTS

Colorado Bankers Life Insurance Company ("Respondent") is entitled to a hearing pursuant to K.S.A. 77-537, the Kansas Administrative Procedure act. If Respondent desires a hearing, the company must file a written request for a hearing with:

Diane Minear
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 Summary Order. If Respondent requests a hearing, the Kansas Insurance Department will notify the company 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 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 Respondent 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:

Diane Minear
General Counsel
Kansas Insurance Department
420 S.W. 9th Street
Topeka, Kansas 66612

IT IS SO ORDERED THIS 21st DAY OF October, 2015, IN THE CITY OF TOPEKA, COUNTY OF SHAWNEE, STATE OF KANSAS.



Ken Selzer
Ken Selzer
Commissioner of Insurance
BY:

Diane Minear
Diane Minear
General Counsel

Certificate of Service

The undersigned hereby certifies that above and foregoing Summary Order was served via the United States Postal Service, first-class postage prepaid, on this 21st day of October, 2015, addressed to the following:

Joseph Wieser, President
Colorado Bankers Life Insurance Company
5990 Greenwood Plaza Blvd. Suite 325
Greenwood Village, CO 80111-4736

Elizabeth Hickert Fike
Elizabeth Hickert Fike
Attorney
Consumer Assistance Division