

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

In the Matter of)	
FIDELITY & GUARANTY LIFE)	Docket No. 4800-CO
INSURANCE COMPANY)	
NAIC # 63274)	

CONSENT AGREEMENT AND FINAL ORDER

Pursuant to the authority granted to the Commissioner of Insurance ("Commissioner") by K.S.A. 40-103 and in accordance with K.A.R. 40-9-118, et. seq., the Commissioner hereby accepts the stipulations of the parties and enters this order regarding advertisements for products of Fidelity & Guaranty Life Insurance Company (herein "Respondent"). This Consent Agreement shall become effective as a Final Order, without further notice, when signed by the Commissioner or his designee and filed of record with the Kansas Insurance Department ("KID").

Stipulated Findings of Fact

The Commissioner and Respondent stipulate and agree to the following facts:

1. Respondent is an Iowa domiciled insurance company that has been authorized to do business in Kansas since 1961.
2. KID sent an inquiry to Respondent about certain internet advertising used by Ideal Producers Group (IPG), an independent marketing organization located in Overland Park, Kansas, that contracts with Respondent for sale of its products. The advertisement was a producer-directed advertisement published on a third party website. Said advertising did not specify the identity of the insurer and made certain claims that were not substantiated in the advertisement by supporting evidence.

3. Respondent informed KID the advertisement in question had not been submitted by IPG to Respondent for review in accordance with Respondent's advertising review procedures and did not comply with Respondent's advertising guidelines. Respondent informed KID it had admonished IPG once before for failing to comply with Respondent's advertising review procedures and guidelines.
4. Upon being informed of the advertisement in question, Respondent took immediate steps directing IPG to remove the advertisement from the internet and comply with Respondent's advertising review procedures and guidelines.

Applicable Law

1. Kansas insurance regulations are regarded as law. K.S.A. 77-415 *et seq.*
2. K.A.R. 40-9-118 6(A) provides, in pertinent part, that in advertising, "the name of the insurer shall be clearly identified"
3. K.A.R. 40-9-118 3(B) states, in pertinent part: "All advertisements, regardless of by whom written, created, designed or presented, shall be the responsibility of the insurer, as well as the producer who created or presented the advertisement."
4. K.A.R. 40-9-118 4(A) requires advertising to be truthful and not misleading.

Conclusions of Law

Based on the Findings of Fact in Paragraphs # 1 through #4 and the Applicable Law cited above,

IT IS THEREFORE AGREED UPON BY THE COMMISSIONER AND RESPONDENT THAT:

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

2. The advertisement in question was created and used by an independent marketing organization that contracts with Respondent and said advertisement which was designed to promote the products of Respondent was in violation of K.A.R. 40-9-118.

3. Respondent agrees and it is hereby ordered that Respondent shall pay a monetary penalty of Four Thousand Five Hundred Dollars (\$4,500.00), due and payable immediately to the Kansas Insurance Department, for the purpose of settling this matter.

4. Respondent, without adjudication of any issues of law or fact, and without admitting or denying liability arising out of the foregoing findings of fact, stipulates to the foregoing findings of fact and disposition of this matter as provided for herein. Respondent understands its right to have a hearing on the facts and disposition of this matter and its right to seek review of an adverse order in this matter and expressly waives its right to a hearing and judicial review.

IT IS SO ORDERED THIS 19th DAY OF FEBRUARY, 2016, IN THE CITY OF TOPEKA, COUNTY OF SHAWNEE, STATE OF KANSAS



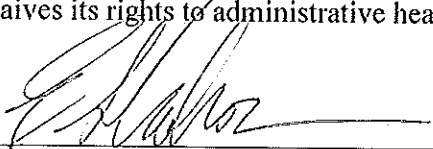
Ken Selzer, CPA
Commissioner of Insurance

BY:

John Wine
Assistant Commissioner

Stipulation

The undersigned stipulates and agrees to the above findings of fact and conclusions of law and waives its rights to administrative hearing and judicial review of the Commissioner's Order.

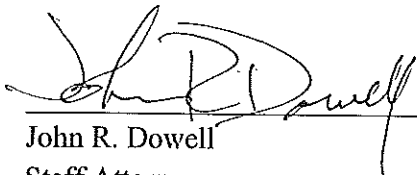


Eric L. Marhoun
Secretary
Fidelity & Guaranty Life Insurance Company

2-16-16

Date

Prepared by:

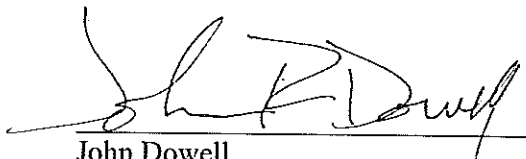


John R. Dowell
Staff Attorney
Kansas Insurance Department

CERTIFICATE OF SERVICE

The undersigned hereby certifies that he served the above and foregoing Consent Order on this 19th day of Feb., 2016, by causing the same to be deposited in the United States Mail, first-class mail postage prepaid, addressed to the following:

Jodi Hyde
Vice President, Deputy General Counsel
Fidelity & Guaranty Life Insurance Company
Two Ruan Center
601 Locust Street
Des Moines, IA 50309



John Dowell
Staff Attorney