

FINAL ORDER
DATE 7/20/18

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

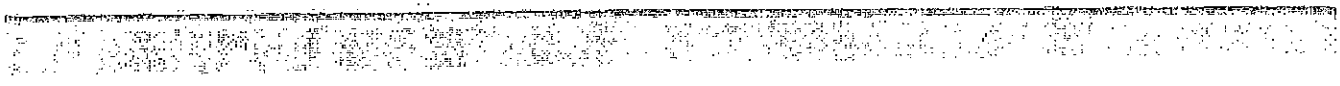
In the Matter of the Proposed Adoption)
of the Financial Condition Examination)
Report as of December 31, 2016) Docket No. 73973
Benchmark Insurance Company)
NAIC No. 41394)

CONSENT ORDER

NOW COMES on for formal disposition the matter of the proposed adoption of the financial condition examination report as of December 31, 2016 of Benchmark Insurance Company (BIC), 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 BIC wish to resolve this matter by entering into this Consent Order. BIC 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 BIC was undertaken by the Kansas Insurance Department and was completed on **May 21, 2018**.
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; **July 3, 2018**.
4. Following receipt of the verified report, the KID transmitted the report to BIC on **July 6, 2018**, 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. BIC 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. BIC filed a written rebuttal of the verified report on **July 11, 2018**. In its response, the company suggested corrections and clarifications to the report.

6. On July 13, 2018, KID informed BIC that it had accepted the modifications proposed in their rebuttal to the verified report.

7. Based upon the written submission tendered by BIC, the company took no further exceptions to matters contained in the verified report.

8. 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 BIC. The Commissioner further reviewed all relevant workpapers.

9. No other written submissions or rebuttals were submitted by BIC.

Conclusion of Law

10. 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."

11. Based upon the Findings of Fact enumerated in paragraphs #1 through #9 above, the financial condition examination report as of December 31, 2016 of BIC should be adopted.

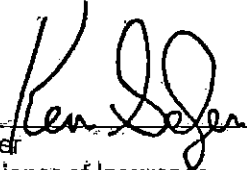
IT IS THEREFORE, BY THE COMMISSIONER OF INSURANCE, ORDERED THAT:

1. The financial condition examination report as of December 31, 2016 of BIC, is hereby 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 20 DAY OF July, 2018 IN THE CITY OF TOPEKA, COUNTY OF SHAWNEE, STATE OF KANSAS.





Ken Selzer
Commissioner of Insurance

BY: 

Grace Lancaster, Staff Attorney

BY: 

Andrew M. O'Brien, President
Benchmark Insurance Company