

**MIKE WINSOR**  
Office of the Commissioner of Securities and  
Insurance, Montana State Auditor (CSI)  
840 Helena Avenue  
Helena, MT 59601  
(406) 444-2040

Attorney for the CSI

**BEFORE THE COMMISSIONER OF SECURITIES AND INSURANCE  
OFFICE OF THE STATE AUDITOR  
STATE OF MONTANA**

---

IN THE MATTER OF THE NATIONAL )	
BETTER LIVING ASSOCIATION, INC.; )	CASE NO.: INS-2009-70
SELECT BENEFITS SERVICES )	
ASSOCIATION; THE LIFE INSURANCE )	
COMPANY OF NORTH AMERICA; )	
COMPANION LIFE INSURANCE )	
COMPANY; GUARANTEE TRUST LIFE )	
INSURANCE COMPANY; UNITED )	
STATES LIFE INSURANCE COMPANY )	
IN THE CITY OF NEW YORK; )	
NATIONAL UNION FIRE INSURANCE )	<b>CONSENT AGREEMENT AND</b>
COMPANY OF PITTSBURGH, PA.; )	<b>FINAL ORDER FOR NATIONAL UNION</b>
ALBERT CORMIER SOLUTIONS, LLC, )	<b>FIRE INSURANCE COMPANY OF</b>
f.k.a. ACS HEALTHCARE, LLC; ALLIED )	<b>PITTSBURGH, PA.</b>
HEALTH BENEFITS, INC.; )	
INTERNATIONAL MARKETING AND )	
ADMINISTRATION CORPORATION; )	
PSI/HEALTH LEADS SYSTEMS, INC.; )	
GEORGE E. SPAULDING, JR.; TIMOTHY )	
SIEWERT; MICHAEL SIEWERT; JOHN )	
FABBRINI; BARRY SHAW; LONDON )	
JORDON; OTIS CHAPMAN; JUSTIN )	
CORMIER; MELANIE HALL; ANGUS )	
MORRISON; CRYSTAL CORRELL; )	
SHAWN HILLS; BARBARA )	
HARRINGTON; G. DAN SIEWERT, III; )	
EDWARD KLAYMAN; JOHN or )	
JANE DOES 1-10; and XYZ BUSINESS )	
ENTITIES 1-10, )	
)	
)	
Respondents. )	

---

This Consent Agreement dated this 20<sup>th</sup> day of Dec., 2011, is between the Office of the Commissioner of Securities and Insurance, Montana State Auditor ("CSI"), acting pursuant to the authority of Mont. Code Ann. § 2-4-603, and the Montana Insurance Code, Mont. Code Ann. § 33-1-101, et. seq., and National Union Fire Insurance Company of Pittsburgh, Pa. (Respondent).

**RECITALS**

WHEREAS, on June 20, 2011, the CSI filed a Notice of Proposed Agency Disciplinary Action and Opportunity for Hearing (Notice), which is incorporated herein by reference;

WHEREAS, the Notice alleged that Respondent violated the Montana Insurance Code, Mont. Code Ann. § 33-1-101, et seq.;

WHEREAS, Respondent neither admits nor denies the substance of said allegations;

WHEREAS, Respondent has fully and completely cooperated with the CSI;

WHEREAS, Respondent has voluntarily offered to pay some of the Montana Insurance Consumer claims under certain policies related to the matter as described in Attachment A; and

WHEREAS, the CSI and Respondent agree that the parties' and Montana Insurance Consumers' best interests would be served by entering into the following specific agreement and undertakings set forth below.

NOW, THEREFORE, in consideration of the mutual undertakings established herein, the CSI and the Respondent enter into the following:

**AGREEMENT**

1. Respondent agrees to pay, in full, unless such claims are negotiated for a lesser amount, the medical claims of the three Montana Insurance Consumers identified in Exhibit A, attached hereto, within 30 days of the execution of the Final Order. Respondent asserts that the

medical claims of the identified Montana Insurance Consumers are not the liability of Respondent and that Respondent is agreeing to the terms and conditions of this Consent Agreement in order to resolve such medical claims and to alleviate any claims made by the medical providers against the identified Montana Insurance Consumers.

- a. Respondent agrees to pay the said claims directly to the medical providers to the extent that those claims have not been previously paid by the identified Montana Insurance Consumers or any insurer other than Respondent or any other payor, private or public, other than the Montana Insurance Consumers.
- b. Respondent agrees to reimburse all or any portion of said claims directly to the identified Montana Insurance Consumers if and to the extent that the identified Montana Insurance Consumers have previously paid any said claims to the medical providers.
- c. The CSI agrees that Respondent may negotiate with the said medical providers to lower the total amount of any said claim.
- d. Respondent must provide the CSI proof that the identified Montana Insurance Consumers' said claims have been paid as set out herein. Proof may consist of any writing documenting payment to medical providers of the identified Montana Insurance Consumers' claims or reimbursement to the Montana Insurance Consumers.

2. The Respondent acknowledges the CSI and the Commissioner of Securities and Insurance, Montana State Auditor (Commissioner), have jurisdiction over the subject matter of the above-entitled proceeding.

3. The Respondent acknowledges that it has read and understands each term of this Consent Agreement and enters into this Consent Agreement voluntarily and without reservation.

4. The Respondent stipulates and agrees with the CSI that this Consent Agreement resolves this matter.

5. The Respondent and the CSI hereby acknowledge and agree that this Consent Agreement constitutes the entire agreement between the parties and that no other promises or agreements, either express or implied, have been made by the Commissioner or the CSI, or by any member, officer, agent, or representative of the CSI to induce the Respondent to enter into this Consent Agreement.

6. The Respondent specifically and affirmatively waives a contested case hearing and, its right to appeal, and elects to resolve this matter on the terms and conditions set forth herein.

7. The Respondent fully and forever releases and discharges the Commissioner, the CSI, and all the CSI employees and agents from any and all actions, claims, causes of action, demands, or expenses for damages or injuries, whether asserted or unasserted, known or unknown, foreseen or unforeseen, arising out of this administrative action.

8. Upon execution of this Consent Agreement, the CSI will fully and forever release and discharge the Respondent, Respondent's employees, and Respondent's agents from any and all actions, claims, causes of action, demands, or expenses for damages or injuries, whether asserted or unasserted, known or unknown, foreseen or unforeseen, arising out of this administrative action and will not commence any further administrative, civil, or other legal action based upon the regulatory non-compliance referenced hereinabove.

9. The parties acknowledge and agree that this Consent Agreement may not be modified orally, and any subsequent modifications to this Consent Agreement must be mutually agreed upon in writing to be effective.

10. The CSI and the Respondent agrees that this Consent Agreement shall be incorporated into and made a part of the attached Final Order issued by the Commissioner herein.

11. The Respondent further understand that, upon the signing of the Final Order by the Commissioner or her representative, this Consent Agreement and Final Order will be an order of the CSI and failure to comply with it may constitute a separate violation of the Montana Insurance Code, as provided in Mont. Code Ann. § 33-1-318, and may result in subsequent legal action by the CSI.

12. This Consent Agreement shall be effective upon signing of the Final Order.

13. The Respondent acknowledges that this Consent Agreement and Final Order are public records under Montana law and as such may not be sealed or otherwise withheld from the public.

DATED this 20<sup>th</sup> day of December 2011.

  
**MIKE WINSOR**  
Attorney for the CSI

DATED this 6<sup>th</sup> day of December, 2011.

**NATIONAL UNION FIRE INSURANCE  
COMPANY OF PITTSBURGH, PA.**

By: Adam C. Reed  
Its: Assistant Vice President

**FINAL ORDER**

Pursuant to the authority vested by Mont. Code Ann. § 2-4-603, and the Montana Insurance Code, Mont. Code Ann. § 33-1-101, et seq., and upon review of the foregoing Consent Agreement and good cause appearing,

IT IS ORDERED that the foregoing Consent Agreement between the Office of the Commissioner of Securities and Insurance, Montana State Auditor, and the Respondent is hereby adopted as if set forth fully herein.

DATED this 25<sup>th</sup> day of Dec, 2011.

**MONICA J. LINDEEN**  
Commissioner of Securities and Insurance,  
Montana State Auditor

By: Robert W Moon  
**ROBERT W. MOON**  
Deputy Commissioner of Insurance

cc: Mike Winsor, CSI  
Susan Martin, Senior Vice President & Division General Counsel  
Accident & Health Legal Department, Chartis Insurance Company

EXHIBIT A

Montana Insurance Consumer

Payment Amount

[REDACTED]

\$

[REDACTED]

[REDACTED]

\$

[REDACTED]

[REDACTED]

\$

[REDACTED]

Combined Total

\$

[REDACTED]