

MIKE WINSOR
Office of the Commissioner of Securities and
Insurance, Montana State Auditor (CSI)
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Attorney for the CSI

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

IN THE MATTER OF:)	CASE NO. INS-2011-312
)	
GENWORTH LIFE AND ANNUITY)	CONSENT AGREEMENT AND
INSURANCE COMPANY,)	FINAL ORDER
)	
Respondent.)	
)	

This Consent Agreement and Final Order (Agreement) is entered into by the Office of the Commissioner of Securities and Insurance, Montana State Auditor (CSI), acting pursuant to the authority of the Montana Insurance Code, Mont. Code Ann. § 33-1-101, et seq. (Code), and Genworth Life and Annuity Insurance Company (Respondent).

RECITALS

WHEREAS, the CSI determined that Respondent did not make Medicare Supplement Refunds to Montana insureds by September 30, 2011, as required by Admin. R. Mont. 6.6.508(2)(d) (February 1, 1982);

WHEREAS, Respondent made Medicare Supplement Refunds to Montana insureds on or about November 7, 2011, together with interest.

WHEREAS, Respondent has cooperated with the CSI.

WHEREAS, the CSI and the Respondent agree that the best interests of the public would be served by entering into this Agreement;

NOW, THEREFORE, in consideration of the mutual undertakings contained in this Agreement, the CSI and the Respondent hereby agree to settle this matter according to the following terms and conditions:

STIPULATIONS AND CONSENTS

Without admitting or denying any of the CSI's allegations, the Respondent stipulates and consents to the following:

1. Within ten days from the execution of this Agreement, Respondent shall pay an administrative penalty to the Department in the amount of \$5,000. The administrative penalty shall be due within ten days of the execution of the Final Order. The check must be made payable to the Montana State Auditor's Office and must be mailed to the Office of the Commissioner of Securities and Insurance, Montana State Auditor, c/o Mike Winsor, 840 Helena Avenue, Helena, MT 59601.
2. The Respondent shall perform an internal evaluation and make any changes necessary to retrain its staff so as to ensure that Medicare Supplement Refunds are issued in a timely manner in the future.
3. This Agreement is entered without adjudication of any issue, law or fact. It is entered into solely for the purpose of resolving the CSI's allegations and is not intended to be used for any other purpose. For any person or entity not a party to this Agreement, this Agreement does not limit or create any private rights or remedies against the Respondent including limit or create liability of Respondent, or limit or create defenses of Respondent, to any claims.

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 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, 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 CSI and all 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. Nothing in this Consent Agreement may be construed as creating or limiting a private or separate cause of action.

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 agree 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 understands that, upon the signing of the Final Order by

the Commissioner of Securities and Insurance, Montana State Auditor (Commissioner) or her representative, this Consent Agreement and Final Order will be an order of the Commissioner 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. 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 matter and will not commence any further administrative, civil, or other legal action based upon the regulatory non-compliance referenced hereinabove.

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

14. 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 22nd day of December, 2011.


MIKE WINSOR
Attorney for the CSI

DATED this 21st day of December, 2011.

**GENWORTH LIFE AND ANNUITY
INSURANCE COMPANY**

By: Caron Ball

Its: Vice President

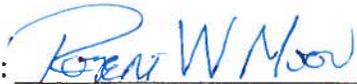
FINAL ORDER

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

IT IS HEREBY ORDERED that the foregoing Consent Agreement between the CSI and Respondent Genworth Life and Annuity Insurance Company is adopted as if set forth fully herein.

DATED this 21st day of December, 2011.

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

By: 
ROBERT W. MOON
Deputy Insurance Commissioner

cc: Mike Winsor, CSI

Michael A. Colliflower, CLU, ChFC, FLMI, AIRC
Aetna Senior Supplemental Insurance Counsel
Privacy and Security Manager