

STATE OF INDIANA)
) SS:
COUNTY OF MARION)

BEFORE THE INDIANA
COMMISSIONER OF INSURANCE

CAUSE NO. 10945-CO12-0117-005

IN THE MATTER OF:)

Mid-Century Insurance Company)
4680 Wilshire Blvd.)
Los Angeles, CA 90010)

NAIC No.: 21687)

Type of Action: Enforcement)

FILED

FEB 07 2012

STATE OF INDIANA
DEPT. OF INSURANCE

FINAL ORDER

The Enforcement Division of the Indiana Department of Insurance (“Department”) and Mid-Century Insurance Company (“Respondent”), a foreign insurance company with a Certificate of Authority to do business in the State of Indiana, signed an Agreed Entry which purports to resolve all issues involved in the above cause number, and which has been submitted to the Commissioner of Insurance (“Commissioner”) for approval.

The Commissioner, after reviewing the Agreed Entry, finds it has been entered into fairly and without fraud, duress or undue influence, and is fair and equitable between the parties. The Commissioner hereby incorporates the Agreed Entry as if fully set forth herein, and approves and adopts the Agreed Entry as a resolution of this matter.

IT IS, THEREFORE, ORDERED by the Commissioner of Insurance:

1. Respondent shall pay an administrative fine in the amount of five thousand dollars (\$5,000.00) within thirty (30) days of the date of this Final Order.



Stephen W. Robertson, Commissioner
Indiana Department of Insurance

Distribution:

Nikolas P. Mann
Indiana Department of Insurance
311 West Washington Street, Suite 103
Indianapolis, IN 46204

Curtis T. Jones
Bose McKinney & Evans LLP
111 Monument Circle, Suite 2700
Indianapolis, IN 46204

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STATE OF INDIANA
DEPT. OF INSURANCE

AGREED ENTRY

This Agreed Entry is entered into by Nikolas P. Mann, Attorney for and on behalf of the State of Indiana, Department of Insurance ("Department"), and Mid-Century Insurance Company ("Respondent"), a foreign insurance company with a Certificate of Authority to do business in the State of Indiana, to resolve all matters under the above cause number. This Agreed Entry is subject to the review and approval of Stephen W. Robertson, Commissioner for the Indiana Department of Insurance.

WHEREAS, Respondent is a foreign insurance company with a home office in Los Angeles, California and a Certificate of Authority to do business in the State of Indiana; and

WHEREAS, as an insurance company doing business within this state, Respondent is required to report the gross amount of premiums received from business conducted within this state before March 1st of every year pursuant to Indiana Code § 27-1-18-2(a); and

WHEREAS, because taxes are assessed under this section on a quarterly basis, Respondent is required to submit quarterly installments for the current calendar year due and payable on or before April 15th, June 15th, September 15th and December 15th of the current calendar year pursuant to Indiana Code § 27-1-18-2(d); and

WHEREAS, on December 15, 2011, the Department's Financial Division received notice that Respondent's check for premium tax (check #3040012919), in the amount of thirty six thousand six hundred forty one dollars (\$36,641.00) dated December 7, 2011, was returned for nonsufficient funds ("NSF"); and

WHEREAS, Respondent therefore failed to timely submit its premium tax payment by December 15, 2011; and

WHEREAS, after multiple communications between the Department and Respondent to resolve this issue, Respondent has now paid the premium tax due December 15, 2011, in addition to the statutory interest and penalty due thereon, and an NSF fee; and

WHEREAS, the Department and Respondent desire to resolve any remaining differences and settle the issues without the necessity of an administrative hearing.

IT IS, THEREFORE, NOW AGREED by and between the parties as follows:

1. The Commissioner has jurisdiction over the subject matter and Respondent in this administrative action.
2. This Agreed Entry is executed voluntarily by the parties.
3. Respondent voluntarily and freely waives its right to a public hearing on this matter.
4. Respondent voluntarily and freely waives its right to petition for judicial review of this agreement and the Commissioner's Final Order.
5. Respondent neither admits nor denies the allegations set forth in the Department's Statement of Charges filed on January 17, 2012.
6. Respondent agrees to pay an administrative fine in the amount of five thousand dollars (\$5,000.00) within thirty (30) days of the date of the Commissioner's Final Order.

7. The Department agrees to accept Respondent's compliance with the terms of this Agreed Entry as full resolution of this matter.


8. Respondent is aware that failure to comply with any term of this agreement will result in the matter being set for hearing.

9. Should this Agreed Entry not be accepted by the Commissioner, it is agreed that presentation to and consideration of this Agreed Entry by the Commissioner shall not unfairly or illegally prejudice the Commissioner from further participation in or resolution of these proceedings.

10. Respondent has carefully read this agreement and fully understands and accepts its terms.

11. Respondent has been represented by counsel, Curtis Jones and Bose, McKinney & Evans, LLP throughout this matter.

2/6/12
Date Signed



Nikolas P. Mann, Attorney
Indiana Department of Insurance

2/2/12
Date Signed



Edwin A. Burgos , Assistant Secretary
Mid-Century Insurance Company

CALIFORNIA JURAT WITH AFFIANT STATEMENT

- See Attached Document (Notary to cross out lines 1-6 below)
 See Statement Below (Lines 1-5 to be completed only by document signer[s], *not* Notary)

~~_____

_____~~

Signature of Document Signer No. 1

Signature of Document Signer No. 2 (if any)

State of California

County of _____

Subscribed and sworn to (or affirmed) before me on this

2nd day of February, 2012, by

(1) Edwin A. Burgos
Name of Signer

proved to me on the basis of satisfactory evidence to be the person who appeared before me (.) (→)

(and

~~(2) _____
Name of Signer~~

~~proved to me on the basis of satisfactory evidence to be the person who appeared before me.)~~

Signature Amy Key
Signature of Notary Public



Place Notary Seal Above

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Further Description of Any Attached Document

Cause: 10945-012-0117-005
Title or Type of Document: Agreed Entry

Document Date: February 2, 2012 Number of Pages: 3

Signer(s) Other Than Named Above: None

RIGHT THUMBPRINT OF SIGNER #1
Top of thumb here

RIGHT THUMBPRINT OF SIGNER #2
Top of thumb here

STATE OF _____)
) SS:
COUNTY OF _____)

Before me a Notary Public for _____ County, State of _____,
personally appeared Edwin A. Burgos and being first duly sworn by me upon his oath, says that
the facts alleged in the foregoing instrument are true. Signed and sealed this ____ day of
_____, 2012.

Signature

Printed

My Commission expires: _____

County of Residence: _____

Return executed originals to:
INDIANA DEPARTMENT OF INSURANCE
Enforcement Division, Suite 103
311 West Washington Street
Indianapolis, IN 46204-2787
317/234-5888 – telephone
317/232-5251 – facsimile