

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

|  |   |                    |
|--|---|--------------------|
| In the Matter of the Proposed Adoption | ) |                    |
| of the Financial Condition Examination | ) | Docket No. 2973-ER |
| Report as of <b>June 30, 1999</b>      | ) |                    |
| of <b>MARCIT</b>                       | ) |                    |

**ORDER**

**NOW COMES** on for formal disposition the matter of the proposed adoption of the financial condition examination report as of June 30, 1999 of MARCIT, a Kansas corporation. This matter is brought before the Commissioner of Insurance for adoption, rejection, or modification pursuant to the provisions of Kansas Statutes Annotated (K.S.A.) 40-222.

I, Kathleen Sebelius, the duly elected, qualified, and acting Commissioner of Insurance, 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 make the following findings of fact and conclusions of law, and set forth the policy reasons therefore, to wit:

**Policy Reasons**

It is the stated policy of the State of Kansas that whenever the Commissioner of Insurance 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 interests of the insurance-buying public are protected and served.

### **Findings of Fact**

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

2. An examination of MARCIT was undertaken by the Kansas Insurance Department and was completed on August 4, 2000 and resumed on December 11, 2000 and completed on December 14, 2000.

3. The examiner-in-charge tendered and filed with the Kansas Insurance Department a verified written report of the examination within thirty (30) days following completion of the examination, to wit: September 8, 2000.

4. Following receipt of the verified report, the Kansas Insurance Department transmitted the report to MARCIT on October 5, 2000, with a duly executed notice advising the company of its opportunity to prepare and submit to the Kansas Insurance Department a written submission or rebuttal with respect to any and all matters contained in the report. MARCIT was further advised that any written submission or rebuttal was requested to be filed with the Kansas Insurance Department no later than thirty (30) days after receipt of the verified report.

5. MARCIT filed a written rebuttal of the verified report on October 5, 2000.

6. The Kansas Insurance Department transmitted the revised report to MARCIT on December 14, 2000, with a duly executed notice advising the company of its opportunity to prepare and submit to the Kansas Insurance Department a written submission or rebuttal with respect to any and all matters contained in the report. MARCIT was further

advised that any written submission or rebuttal needed to be filed with the Kansas Insurance Department no later than ten (10) days after receipt of the verified report.

7. MARCIT filed a written acceptance of the revised verified report on January 17, 2001.

8. Based upon the written submission tendered by MARCIT, the company takes no exceptions to matters contained in the revised verified report.

9. 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 MARCIT. The Commissioner of Insurance further reviewed all relevant workpapers.

10. No other written submissions or rebuttals were submitted by MARCIT.

### **Conclusions of Law**

11. 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.

12. Based upon the Findings of Fact enumerated in paragraphs #1 through #10 above, the financial condition examination report as of June 30, 1999 of MARCIT should be adopted.

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

1. The financial condition examination report as of June 30, 1999 of MARCIT, is hereby adopted.

2. The Commissioner of Insurance retains jurisdiction over this matter for the purpose of issuing any further Orders as may be deemed appropriate or to take any such further action as may be necessary to dispose of this matter.

**IT IS SO ORDERED THIS \_20<sup>th</sup>\_ DAY OF FEBRUARY 2001, IN THE CITY OF TOPEKA, COUNTY OF SHAWNEE, STATE OF KANSAS.**



\_\_\_\_\_/s/ Kathleen Sebelius\_\_\_\_\_  
Kathleen Sebelius  
Commissioner of Insurance

By: \_\_\_\_/s/ Kathy Greenlee\_\_\_\_\_  
Kathy Greenlee  
General Counsel