

“Any person who knowingly and willfully presents a false or fraudulent claim for payment of a loss or benefit or who knowingly and willfully presents false information in an application for insurance is guilty of a crime and may be subject to fines and confinement in prison.”

5. Respondent, between April 1, 2009 and June 6, 2009, failed to include the fraud disclosure notice on some claims forms, in violation of the requirements of § 27-805(b)(1) of the Insurance Article.

6. Respondent admits to the violations of § 27-805(b)(1) of the Insurance Article as stated in paragraphs 3 through 5. Respondent denies liability to any third-party as a result of these violations.

WHEREFORE, pursuant to § 2-201 *et seq.* and § 4-113(d)(1) of the Insurance Article, the parties agree, and it is hereby **ORDERED** by the Commissioner that:

A. Respondent shall pay an administrative penalty to the State of Maryland for the violations stated herein in the amount of ten thousand dollars (\$10,000.00) within thirty (30) days of the date the Commissioner or his designee signs this Consent Order.

B. Administrative penalties should be made payable to the Maryland Insurance Administration and include the case number or name. Payment should be sent to the attention of Appeals Clerk, 200 St. Paul Place, Suite 2700, Baltimore, MD 21202-2272. Unpaid penalties will be referred to the Central Collection Unit for collections.

C. Respondent agrees that no amounts paid under Paragraph A of this Consent Order shall be included in or recoverable as expenses in any rate filing filed with the Administration or any other regulatory authority.

D. For the purposes of the Administration and for any subsequent administrative or civil proceedings concerning Respondent, whether related or unrelated to the foregoing paragraphs, and with regard to requests for information about the Respondent made under the Maryland Public Information Act, or properly made by governmental agencies, this Consent

Order will be kept and maintained in the regular course of business by the Administration. The records and publications of the Administration will reflect this Consent Order.

E. Nothing herein shall be deemed a waiver of the Commissioner's right to proceed in an administrative or civil action for violations that are not specifically included in this Consent Order. Nor shall this Consent Order be deemed a waiver of the rights of Respondent to contest such other proceedings. Additionally, nothing herein shall be construed to release or discharge any criminal liability. Payment of civil liability does not bar any criminal restitution. Nothing herein shall be construed to resolve or preclude any potential or pending criminal charges or civil actions that may arise from the facts that are the subject of this Consent Order. Furthermore, nothing herein shall be construed to resolve or preclude any actions or complaints that could be brought by other parties. Failure to comply with the terms of this Consent Order may subject Respondent to further legal and/or administrative action.

F. Respondent has had the opportunity to have this Consent Order reviewed by legal counsel of its choosing, and is aware of the benefits gained and obligations incurred by the execution of the Consent Order. Respondent waives any and all rights to any hearing or judicial review of this Consent Order to which it would otherwise be entitled under the Insurance Article with respect to any of the determinations made or actions ordered by this Consent Order.

G. This Consent Order contains the Entire Agreement between the parties relating to the administrative actions addressed herein. This Consent Order supersedes any and all earlier agreements or negotiations, whether oral or written.

H. The undersigned representative of Respondent affirms that he or she has taken all necessary steps to obtain authority to bind Respondent to the obligations stated in this

Consent Order. The undersigned affirms that he or she has such authority and binds Respondent to the terms stated herein with his or her signature.

I. This Consent Order shall be effective upon signature of the Commissioner or his designee and is a final order of the Commissioner under § 2-201 *et seq.* of the Insurance Article.

It is so **ORDERED** this 17 day of November, 2009.

RALPH S. TYLER
INSURANCE COMMISSIONER

Signature on file with original

By: _____
Nancy Grodin
Associate Commissioner
Compliance and Enforcement

RESPONDENT'S CONSENT

RESPONDENT hereby CONSENTS to the representations made in and to the terms of this Consent Order.

Kelly Rodriguez
Name: _____

Signature on file with original.
Signature: _____

Senior Compliance Manager
Title: _____

11-10-09
Date: _____