

OFFICE OF INSURANCE REGULATION

KEVIN M. McCARTY
COMMISSIONER

IN THE MATTER OF:

CASE NO.: 91442-07

**THE GUARDIAN LIFE INSURANCE
COMPANY OF AMERICA**

CONSENT ORDER

THIS CAUSE came on for consideration as the result of an agreement between THE GUARDIAN LIFE INSURANCE COMPANY OF AMERICA (hereinafter referred to as "GUARDIAN") and the OFFICE OF INSURANCE REGULATION (hereinafter referred to as the "OFFICE"). Following a complete review of the entire record, and upon consideration thereof, and being otherwise fully advised in the premises, the OFFICE hereby finds as follows:

1. The OFFICE has jurisdiction over the subject matter of, and parties to, this proceeding.
2. GUARDIAN is a foreign life and health insurer authorized to transact insurance business in Florida, and is subject to the jurisdiction and regulation of the OFFICE pursuant to the Florida Insurance Code.

3. The OFFICE has conducted a target market conduct examination of GUARDIAN pursuant to Section 624.3161, Florida Statutes and as a result of such target market conduct examination, the OFFICE has determined that GUARDIAN violated the following Florida Statutes:

- a. Section 626.9541(1)(dd), Florida Statutes – Refusal of life insurance to; refusal to continue the life insurance of; or limiting the amount, extent, or kind of life insurance coverage available to an individual based solely on the individual's past or future lawful foreign travel plans.

4. The **OFFICE** and **GUARDIAN** expressly waive a hearing in this matter, as well as the making of findings of fact and conclusions of law by the **OFFICE** and all further and/or other proceedings to which the parties may be entitled, either by law or by rules of the **OFFICE**. **GUARDIAN** hereby knowingly and voluntarily waives all rights to challenge or to contest this Order, in any forum now available to it, including the right to any administrative proceeding, circuit or federal court action, or any appeal.

5. **GUARDIAN** agrees that failure to adhere to one or more of the terms and conditions of this Order shall constitute a violation of a lawful order of the **OFFICE**, and shall subject **GUARDIAN** to such administrative action as the **OFFICE** may deem appropriate.

6. **GUARDIAN** agrees that upon the execution of this Consent Order, it shall be subject to the following terms and conditions:

- a. **GUARDIAN** shall pay a penalty of Seven Thousand Five Hundred Dollars (\$7,500) and administrative costs of Three Thousand Dollars (\$3,000) on or before the thirtieth (30th) day after which this Consent Order is executed.

- b. **GUARDIAN** shall within 30 days of the execution of this Consent Order, provide the **OFFICE** certification by an officer of the Company that the corrective actions outlined in the examination report have been completed.

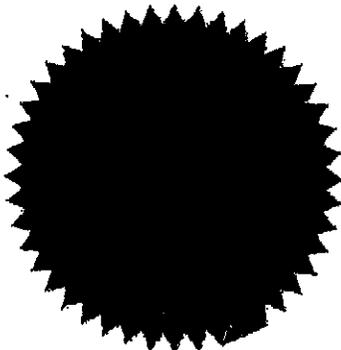
7. **GUARDIAN** is hereby placed on notice of the requirements of the above-referenced sections of law and agrees that any future violations of these sections or the statutes named

therein by GUARDIAN may be deemed willful, subjecting GUARDIAN to the appropriate penalties associated therewith.

8. Except as noted above, each party to this action shall bear its own costs and attorney's fees.

9. THEREFORE, the agreement between GUARDIAN and the OFFICE, the terms and conditions of which are set forth above, is approved. FURTHER, all terms and conditions above are hereby ORDERED.

DONE AND ORDERED this 27th day of FEBRUARY, 2008 .



~~Kevin M. McCarty~~
Commissioner
Office of Insurance Regulation

By execution hereof THE GUARDIAN LIFE INSURANCE COMPANY OF AMERICA consents to entry of this Consent Order, agrees without reservation to all of the above terms and conditions, and shall be bound by all provisions herein. The undersigned represents, pursuant to Section 624.310, Florida Statutes, that he/she has the authority to bind THE GUARDIAN LIFE INSURANCE COMPANY OF AMERICA to the terms and conditions of this Consent Order.

THE GUARDIAN LIFE INSURANCE COMPANY OF AMERICA

Corporate Seal

By: _____

GARY F. BAXTON

Print or Type Name

Title: Director, LIFE UNDERWRITING + ADMINISTRATION

Date: 02-19-2008

STATE OF Pennsylvania
COUNTY OF Northampton

The foregoing instrument was acknowledged before me this 19TH day of February 2008.

by _____ as Officer
(Name of person) (type of authority.... e.g. officer, trustee attorney in fact)

for Guardian Life Insurance Co.
(company name)

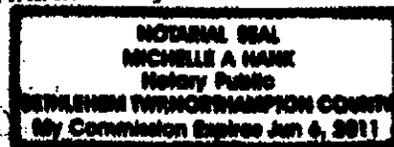
(Signature of the Notary)

Michelle A. Hank

(Print, Type or Stamp Commissioned Name of Notary)

Personally Known or Produced Identification _____
Type of Identification Produced _____

[NOTARIAL SEAL]



My Commission Expires:

COPIES FURNISHED TO:

Mr. Dennis James Manning, President & CEO
The Guardian Life Insurance Company of America
7 Hanover Square
New York, NY 10004-4025

Sam Binnun, Director
Florida Office of Insurance Regulation
Market Investigations
200 East Gaines Street, Room 216E
Tallahassee, Florida 32399-4210

Stephen H. Thomas, Jr.
Assistant General Counsel
Florida Office of Insurance Regulation
Legal Services Office
200 East Gaines Street
Larson Building
Tallahassee, FL 32399-4206