



00928

FILED

SEP 15 2004

OFFICE OF
INSURANCE REGULATION
Docketed by: SP

OFFICE OF INSURANCE REGULATION

KEVIN M. McCARTY
COMMISSIONER

IN THE MATTER OF:

CASE NO.: 77057-04-CO

PROTECTIVE LIFE INSURANCE COMPANY

CONSENT ORDER

THIS CAUSE came on for consideration as the result of an agreement between PROTECTIVE LIFE INSURANCE COMPANY (hereinafter referred to as "PROTECTIVE LIFE") 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. PROTECTIVE LIFE is a foreign 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 an investigation of PROTECTIVE LIFE pursuant to Section 624.318, Florida Statutes. As a result of such investigation, the OFFICE has determined that PROTECTIVE LIFE committed the following violations of the Florida Statutes:

a. Section 627.6675(11), Florida Statutes - Failure to offer the Standard Health Benefit Plan as established pursuant to Section 627.6699(12), Florida Statutes.

4. The OFFICE and PROTECTIVE LIFE expressly waive a hearing in this matter and the making of Findings of Fact and Conclusions of Law by the OFFICE and all further and other proceedings herein to which the parties may be entitled by law or rules of the OFFICE. PROTECTIVE LIFE 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. PROTECTIVE LIFE agrees that the 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 PROTECTIVE LIFE to such administrative action as the OFFICE may deem appropriate.

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

a. PROTECTIVE LIFE shall pay an administrative penalty of \$4,950 and administrative costs of \$1,000 on or before the 30th day after this Consent Order is executed.

b. PROTECTIVE LIFE is hereby placed on notice of the requirements of the above-referenced sections of law and agrees that any future violations of these sections by PROTECTIVE LIFE may be deemed willful, subjecting PROTECTIVE LIFE to appropriate penalties.

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

8. THEREFORE, the agreement between PROTECTIVE LIFE 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 15TH day of SEPTEMBER, 2004.




Kevin M. McCarty
Commissioner
Office of Insurance Regulation

By execution hereof **PROTECTIVE LIFE INSURANCE COMPANY** 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 **PROTECTIVE LIFE INSURANCE COMPANY** to the terms and conditions of this Consent Order.

PROTECTIVE LIFE INSURANCE COMPANY

By: Wayne Hall

Wayne Hall
Print or Type Name

Corporate Seal

Title: VP

Date: 9-02-2004

In the state of Alabama

In the county of Jefferson

On 9/2/04 before me, **Venzine M. Wells**, personally appeared Wayne Hall, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her authorized capacity, and that by his/her signature on the instrument, the person or the entity upon behalf which the person acted, executed the instrument.

Subscribed and sworn to before me this 2nd day of September 2004.

Signature Venzine M. Wells
(Signature of Notary Public)

[NOTARIAL SEAL]

My Commission Expires: 9/16/04

COPIES FURNISHED TO:

JOHN DIXON JOHNS, PRESIDENT
Protective Life Insurance Company
Post Office Box 2606
Birmingham, Alabama 35202-2606

JOE FINNEGAN, BUREAU CHIEF
Bureau of Market Investigations
200 East Gaines Street, Room 220B
Tallahassee, FL 32399-4210

RICHARD BRINKLEY, INVESTIGATION MANAGER
Bureau of Market Investigations
200 East Gaines Street, Room 220.4
Tallahassee, Florida 32399-4210

ANDREW R. MIKOS, ASSISTANT GENERAL COUNSEL
Office of Insurance Regulation
Legal Services Office
200 East Gaines Street
612 Larson Building
Tallahassee, Florida 32399-4206
Phone: (850) 413-4279
Facsimile: (850) 922-2543