

BEFORE THE DIVISION OF INSURANCE
DEPARTMENT OF LABOR AND REGULATION
STATE OF SOUTH DAKOTA

IN THE MATTER OF ABILITY) CONSENT ORDER
INSURANCE COMPANY)

In resolution of the above matter and in lieu of issuance of a Notice of Hearing and a formal hearing, the undersigned parties do hereby agree to the following:

ABILITY INSURANCE COMPANY (“the Company”), whose address of record is 222 South 15th Street, #1212S, Omaha, NE 68102, is an insurance company holding a Certificate of Authority to transact business in the State of South Dakota;

The Company is aware that the South Dakota Division of Insurance (“Division”) has conducted an investigation of its insurance-related activities in South Dakota;

The Division has alleged that the Company implemented a rate increase not in conformity with the rate filing approved by the Division in violation of SDCL § 58-17-4.1.

The Company has reported that it has administratively resolved the rate discrepancy in South Dakota without harm to policyholders;

The Company is aware of and understands the nature of the allegations and has been informed that it has the right to notice, hearing, and appeal, and that by agreeing to and signing this Consent Order waives these rights;

The Company hereby agrees to informal disposition of this matter without a hearing pursuant to SDCL § 1-26-20 and to a monetary penalty of \$15,000 pursuant to SDCL § 58-4-28.1 in lieu of contesting this matter formally;

The Company further agrees to conduct itself in accordance with the insurance laws and regulations of the State of South Dakota;

The Company further agrees that this Consent Order may be considered for the purpose of determining the appropriate sanction in any future actions with the South Dakota Division of Insurance for any violations of the laws or regulations of the State of South Dakota or for failing to abide by any order of the Director;

By the execution of this Consent Order and the payment of a penalty pursuant to this Consent Order, the Company neither admits to nor denies violation of the laws of the State of South Dakota;

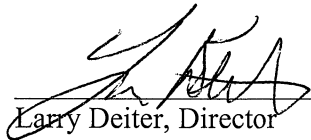
Wherefore, good cause appearing from the foregoing, it is hereby ORDERED that the Company pay a monetary penalty in the amount of \$15,000 payable to “South Dakota Division of Insurance” for deposit in the general fund of the State of South Dakota; and it is further

ORDERED that if the Company fails to comply with the provisions of this Order, the South Dakota Division of Insurance may seek the suspension or revocation of the Company's Certificate of Authority at hearing pursuant to SDCL § 58-6-46, or seek other remedies available at law; and it is further

ORDERED that the use of this Consent Order for competitive purposes by an insurance agent or third-party administrator holding a license in the State of South Dakota, or by any company holding a Certificate of Authority, or by anyone on their behalf, may be deemed unfair competition and be grounds for suspension or revocation of said license or authority; and it is further

ORDERED that the provisions of this Consent Order shall be effective from the date the Director signs this Order.

Dated this 6th day of November, 2015.



Larry Deiter, Director
South Dakota Division of Insurance

The undersigned, on behalf of the Company, represents it understands the terms of this Consent Order and the waiver of its due process rights and voluntarily enters into this Consent Order.

Dated this 26th day of October, 2015.



Signature of Authorized Representative

Stephen R. La Pierre
Name of Authorized Representative

Chief Operating Officer
Title of Authorized Representative