

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

IN THE MATTER OF)
NATIONWIDE LIFE) 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:

NATIONWIDE LIFE INSURANCE COMPANY, whose address of record is One Nationwide Plaza, DSPF-76, Columbus, OH 43215-2220, is an insurance company holding a certificate of authority to transact business in the State of South Dakota;

NATIONWIDE LIFE INSURANCE 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 the following:

- 1) NATIONWIDE LIFE INSURANCE COMPANY failed to respond in a timely manner to the Division’s request for premium tax information dated August 3, 2012 as sent by an examiner employed by the Division in violation of SDCL §§ 58-6-68, 58-3-7, and 58-6-47(5);
- 2) NATIONWIDE LIFE INSURANCE COMPANY was the subject of a March 28, 2003 Consent Order which alleged the failure of NATIONWIDE LIFE INSURANCE COMPANY to respond in a timely manner to the Division’s requests for premium tax information;
- 3) By failing to respond to the Division’s examiner, NATIONWIDE LIFE INSURANCE COMPANY is in violation of the 2003 Consent Order, a violation of SDCL § 58-6-46;
- 4) The above-cited conduct may be grounds for the revocation or suspension of NATIONWIDE LIFE INSURANCE COMPANY’s certificate of authority pursuant to SDCL §§ 58-3-7.2, 58-6-46, and 58-6-47(5);

NATIONWIDE LIFE INSURANCE COMPANY is aware of and understands the nature of the charges 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;

In return for NATIONWIDE LIFE INSURANCE COMPANY agreeing to the provisions of this Consent Order, the Division agrees not to proceed to hearing and agrees that this Consent Order will constitute an informal disposition of this licensing matter pursuant to SDCL § 1-26-20;

NATIONWIDE LIFE INSURANCE COMPANY agrees to a monetary penalty in the amount of \$40,000 pursuant to SDCL § 58-4-28.1, in lieu of contesting this matter formally; and

NATIONWIDE LIFE INSURANCE COMPANY agrees that this Consent Order may be considered for the purpose of determining the appropriate sanction in any future actions with the Division 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;

NATIONWIDE LIFE INSURANCE COMPANY further agrees to conduct itself in accordance with the insurance laws and regulations of the State of South Dakota;

By signing this Consent Order, NATIONWIDE LIFE INSURANCE COMPANY neither admits to nor denies any violation of the laws of this state;

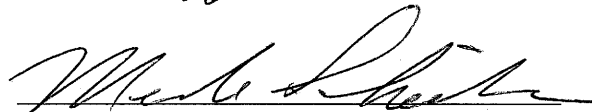
Wherefore, good cause appearing from the foregoing, it is hereby ORDERED that NATIONWIDE LIFE INSURANCE COMPANY pay a monetary penalty in the amount of \$40,000 payable to "South Dakota Division of Insurance" for deposit in the general fund of the State of South Dakota; and it is further

ORDERED that should NATIONWIDE LIFE INSURANCE COMPANY fail to comply with the provisions of this Order, the Division may seek the suspension or revocation of NATIONWIDE LIFE INSURANCE 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 at Pierre, South Dakota this 5th day of December, 2012.


Merle Scheiber, Director
South Dakota Division of Insurance

The undersigned, on behalf of NATIONWIDE LIFE INSURANCE 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 4th day of December, 2012.


Signature of Authorized Representative
Keith L. Sheridan
Printed Name
VP, Controller, NFS
Title