

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

IN THE MATTER OF)	
TRANSAMERICA LIFE INS. CO.)	CONSENT ORDER
)	

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:

TRANSAMERICA LIFE INS. CO., ("TRANSAMERICA") whose address of record is 4333 Edgewood Rd., NE, Cedar Rapids, IA 52499, holds a certificate of authority to do business in the State of South Dakota;

TRANSAMERICA is aware that the South Dakota Division of Insurance ("Division") has conducted an investigation into its insurance-related activities in South Dakota;

The Division alleges the following:

- 1) TRANSAMERICA failed to retain all records required by Ch. 58-3 for not less than five years, in violation of SDCL § 58-1-26 and ARSD 20:06:01:05;
- 2) TRANSAMERICA paid commissions to producers not licensed in South Dakota, in violation of SDCL § 58-30-171;
- 3) TRANSAMERICA allowed policies to be sold by unlicensed and/or unappointed agents, in violation of SDCL § 58-1-5, 58-30-143, and 58-30-176;
- 4) TRANSAMERICA improperly issued insurance certificates in South Dakota, without filing the certificates with the Division, in violation of SDCL § 58-11-66;
- 5) TRANSAMERICA improperly issued insurance certifications through an association that was not approved in South Dakota, in violation of SDCL §§ 58-18-3, as well as ARSD 20:06:42:01;
- 6) The above-cited conduct may be grounds for the revocation or suspension of TRANSAMERICA's certificate of authority pursuant to SDCL §§ 58-6-46, 58-1-5, 58-1-26, 58-11-66, 58-18-3, 58-30-143, 58-30-171, and 58-30-176, as well as ARSD 20:06:01:05 and 20:06:42:01;

TRANSAMERICA is aware of and understands the nature of the allegations and has been informed that it has the right to a Notice of Hearing, counsel, and appeal; and that by agreeing to sign this Consent Order, waives these rights;

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

By the execution of this Consent Order and the payment of a penalty pursuant to this Consent Order, TRANSAMERICA waives its right to contest the allegations contained in this Consent Order in any future actions or licensing procedures with the Division;

TRANSAMERICA agrees to pay a monetary penalty of \$30,000 pursuant to SDCL §§ 58-6-46 and 58-4-28.1, in lieu of an administrative hearing and Final Decision;

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

TRANSAMERICA further 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;

Wherefore, good cause appearing from the foregoing, it is hereby ORDERED that TRANSAMERICA pay a monetary penalty in the amount of \$30,000 payable to "South Dakota Division of Insurance" for deposit in the general fund of the State of South Dakota; and it is further

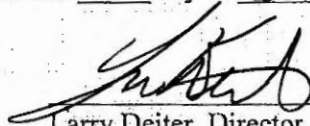
ORDERED that TRANSAMERICA abide by the agreements made in this Consent Order; and it is further

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.

(Signatures contained on the following page)

Dated at Pierre, South Dakota this 4th day of December, 2019.



Larry Deiter, Director
South Dakota Division of Insurance

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

Dated this 19th day of November, 2019.



Signature of Authorized Representative

MARK D. PINOCCI

Printed Name

Chief Compliance Officer

Title