

1 State of New Hampshire Banking Department

2 In re the Matter of:)Case No.: 08-BD-009
)
3 State of New Hampshire Banking)Cease and Desist Order
)
4 Department,)
)Consent Order
5 Petitioner,)
)
6 and)
)
7 Globe Life Insurance Company (d/b/a)
)
8 Globe Life, d/b/a Globe Life and)
)
9 Accident Insurance Company, d/b/a Globe)
)
10 Life Center, and d/b/a Home Mortgage)
)
11 Group),)
)
12 Respondent)
)

13
14 CONSENT ORDER

15 I. For purposes of settling the above-referenced matter, among other
16 things, the New Hampshire Banking Department (hereinafter referred to
17 as "the Department") and Respondent "Globe Life Insurance Company
18 (d/b/a Globe Life, d/b/a Globe Life and Accident Insurance Company,
19 d/b/a Globe Life Center and d/b/a Home Mortgage Group)(hereinafter
referred to as "Respondent Globe Life"), do hereby enter this Consent
Order and stipulate to the following:

20 1. Respondent Globe Life is a company that solicits mortgage
21 protection insurance products to mortgage holders by obtaining
22 public records.

23 2. The Department and Respondent Globe Life agree that Respondent
24 Globe Life was subject to RSA 384:67 ("Unauthorized and
25 Deceptive Use"), as amended by 2008 New Hampshire Senate Bill
315 (SB0315).

1 3. Respondent Globe Life admits the allegations of the Staff
2 Petition in this cause.

3 II. For purposes of amicably resolving and closing the above-referenced
4 matter, the Respondent Globe Life agrees to the following terms and
5 conditions and the Department accepts the same:

6 1. Respondent Globe Life agrees that it has voluntarily entered
7 into this Consent Order without reliance upon any discussions
8 between the Department and Respondent Globe Life, without
9 promise of a benefit of any kind (other than concessions
10 contained in this Consent Order), and without threats, force,
11 intimidation, or coercion of any kind. The Respondent Globe
12 Life further acknowledges its understanding of the nature of the
13 offense stated above, including the penalties provided by law.

14 2. Respondent Globe Life agrees to waive any and all rights to a
15 hearing and appeal thereof.

16 3. Respondent Globe Life agrees that it will not deny the factual
17 basis for this Consent Order to which it has stipulated above
18 and will not give conflicting statements about such facts or its
19 involvement in the stipulated facts.

20 4. Respondent Globe Life agrees that all terms of this Consent
21 Order are contractual and none is a mere recital.

22 5. Respondent Globe Life agrees it is subject to an administrative
23 penalty of \$2,500.00.

24 6. The Department agrees to hold the \$2,500.00 penalty in abeyance
25 for thirty days from the date of this Consent Order, as long as
26 Respondent Globe Life complies with RSA 384:67, as amended.

27 7. Respondent Globe Life agrees to alter its solicitation to comply
28 with RSA 384:67 and SB0315 as follows:

29 a. Respondent Globe Life shall not use the full or abbreviated
30 name, trade name, service mark, or trademark of any
31 financial institution in any written, electronic, or oral
32 advertisement or solicitation for products and services
33 without the financial institution's express prior written
34 authorization;

1 b. Respondent Globe Life shall not make reference to a loan
2 number or other specific loan information on the outside of
3 an envelope, visible through an envelope window, on a
4 postcard, or in electronic communication in connection with
5 any written or electronic solicitation without the
6 financial institution's express prior written
7 authorization;

8 c. Respondent Globe Life shall not include a loan number or
9 other specific loan information, other than a loan amount,
10 relative to a specifically identified consumer that is
11 publicly available:

12 (1) in any written or electronic solicitation, unless
13 the advertisement or solicitation clearly and
14 conspicuously states on the front page or
15 introduction in bold-faced type that is in the
16 same font size as is predominately used in the
17 advertisement or solicitation disclosing that such
18 individual or business entity is not sponsored by
19 or affiliated with, and that such solicitation is
20 not authorized by, the financial institution and
21 the information was retrieved from public records;
22 or

23 (2) in an oral solicitation unless the same disclosure
24 is made at the beginning of the solicitation.

25 8. Respondent Globe Life agrees that it shall exclude the loan date
 and the name of the financial institution from its
 solicitations.

 9. Respondent Globe Life acknowledges that failure to comply as
 agreed above will result in imposition of the suspended fine,
 further administrative fines, which may include a fine for each
 individual mailing that violates RSA 384:67, as amended, and
 possible criminal liability.

This Consent Order represents the complete and final resolution of, and
discharge of any basis for any civil or administrative proceeding by the
Department against Respondent Globe Life for violations arising as a result
of or in connection with any actions or omissions by Respondent Globe Life
through the date of this Order as it applies to such fraudulent activity;

1 provided, however, this release does not apply to facts not known by the
2 Department or not otherwise provided by Respondent Globe Life to the
3 Department as of the date of this Order. The Department expressly reserves
4 its right to pursue any administrative or civil action or remedy available
5 to it should Respondent Globe Life breach this Consent Order or in the
6 future violate the Act or rules and orders promulgated thereunder.
7

8 **WHEREFORE**, based on the foregoing, we have set our hands to this Consent
9 Order, with it taking effect upon the signature of Robert A. Fleury, Deputy
10 Bank Commissioner.

11 Recommended this 29th day of December, 2008 by

12 _____
13 /s/
14 **Maryam Torben Desfosses, Hearings Examiner, Banking Department**

15 Executed this 12th day of December, 2008.

16 _____, as counsel for Respondent Globe Life Insurance
17 **Martha Van Oot, Esq.** Company (d/b/a Globe Life, d/b/a Globe Life and
18 Accident Insurance Company, d/b/a Globe Life
19 Center and d/b/a Home Mortgage Group)

20 **SO ORDERED,**

21 Entered this 29th day of December, 2008.

22 _____
23 /s/
24 Robert A. Fleury,
25 Deputy Bank Commissioner