

**DEPARTMENT OF COMMERCE & INSURANCE**

P.O. Box 690, Jefferson City, Mo. 65102-0690

*In Re:* )  
 )  
NASSAU LIFE INSURANCE COMPANY ) **Market Conduct Investigation No. 391197**  
(NAIC #4736-67814) )

**ORDER OF THE DIRECTOR**

NOW, on this 27<sup>th</sup> day of September, 2023, Director, Chlora Lindley-Myers, after consideration and review of the Stipulation of Settlement and Voluntary Forfeiture (hereinafter “Stipulation”) entered into by the Division of Insurance Market Regulation (hereinafter “Division”), and Nassau Life Insurance Company (NAIC #4736-67814) (hereinafter “Nassau”), relating to the market conduct investigation no. 391197, does hereby issue the following orders:

This order, issued pursuant to §374.046.15<sup>1</sup> and §374.280 is in the public interest.

**IT IS THEREFORE ORDERED** that Nassau and the Division having agreed to the Stipulation, the Director does hereby approve and agree to the Stipulation.

**IT IS FURTHER ORDERED** that Nassau shall not engage in any of the violations of statutes and regulations set forth in the Stipulation, shall implement procedures to place it in full compliance with the requirements in the Stipulation and the statutes and regulations of the State of Missouri, and to maintain those corrective actions at all times, and shall fully comply with all terms of the Stipulation.

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<sup>1</sup> All references, unless otherwise noted, are to Revised Statutes of Missouri 2016.

**IT IS FURTHER ORDERED** that Nassau shall pay, and the Department of Commerce and Insurance, State of Missouri, shall accept, the Voluntary Forfeiture of \$1,500.00, payable to the Missouri State School Fund.

**IT IS SO ORDERED.**

**IN WITNESS WHEREOF**, I have hereunto set my hand and affixed the seal of my office in Jefferson City, Missouri, this 27<sup>th</sup> day of September, 2023.



*Chlora Lindley-Myers*  
Chlora Lindley-Myers  
Director

IN THE DEPARTMENT OF COMMERCE AND INSURANCE  
STATE OF MISSOURI

*In Re:* )  
)  
NASSAU LIFE )  
INSURANCE COMPANY )  
(NAIC # 4736-67814) )      Market Conduct Investigation No. 391197  
)

**STIPULATION OF SETTLEMENT AND VOLUNTARY FORFEITURE**

It is hereby stipulated and agreed by the Division of Insurance Market Regulation (hereinafter the “Division”), and Nassau Life Insurance Company (hereinafter “Nassau”), as follows:

**WHEREAS**, the Division is a unit of the Missouri Department of Commerce and Insurance (hereinafter the “Department”), an agency of the State of Missouri, created and established for administering and enforcing all laws in relation to insurance companies doing business in the State of Missouri;

**WHEREAS**, Nassau has been granted a certificate of authority to transact the business of insurance in the State of Missouri;

**WHEREAS**, the Division conducted a market conduct investigation of Nassau, investigation no. 391197; and

**WHEREAS**, based on the market conduct investigation of Nassau, the Division alleges that:

1. Nassau created and disseminated inaccurate 1099 forms, in violation of § 375.936.6(c), RSMo.<sup>1</sup>
2. Nassau furnished inaccurate information to the Department regarding one policy, in

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<sup>1</sup> All statutory references, unless otherwise noted, are to the 2016 Revised Statutes of Missouri.

violation of § 374.210.1(2).

**WHEREAS**, the Division and Nassau have agreed to resolve the issues raised in the market conduct investigation as follows:

A. **Scope of Agreement.** This Stipulation of Settlement and Voluntary Forfeiture (hereinafter “Stipulation”) embodies the entire agreement and understanding of the signatories with respect to the subject matter contained herein. The signatories hereby declare and represent that no promise, inducement or agreement not herein expressed has been made, and acknowledge that the terms and conditions of this agreement are contractual and not a mere recital.

B. **Remedial Action.** Nassau agrees to take remedial action bringing it into compliance with the statutes and regulations of Missouri and agrees to maintain those remedial actions at all times. Such remedial actions shall include the following:

1. Nassau agrees to review the 1099-Rs and all underlying information that formed the basis for the 1099-Rs issued in the 2020, 2021, and 2022 tax years for Missouri OptionTerm policies to determine whether the 1099-Rs contain any inaccuracies. Nassau agrees that, for each policy in which an inaccurate 1099-R was issued, Nassau shall issue a corrected 1099-R. The corrected 1099-Rs shall be sent to affected policyholders and shall be accompanied by a letter stating: “As a result of the Missouri Market Conduct Investigation, a corrected 1099-R has been issued.”

2. Nassau agrees to establish and implement written procedures to ensure the creation of accurate 1099-Rs going forward.

C. **Compliance.** Nassau agrees to file documentation pursuant to §374.190 with the Division, in a format acceptable to the Division, within 120 days of the entry of an Order approving this Stipulation, of any remedial action taken to implement compliance with the terms of this Stipulation.

D. **Voluntary Forfeiture.** Nassau agrees, voluntarily and knowingly, to surrender and forfeit the sum of \$1,500.00, such sum payable to the Missouri State School Fund, in accordance with §§ 374.049.11 and 374.280.2.

E. **Non-Admission.** Nothing in this Stipulation shall be construed as an admission by Nassau, this Stipulation being part of a compromise settlement to resolve disputed factual and legal allegations arising out of the above referenced market conduct investigation.

F. **Waivers.** Nassau, after being advised by legal counsel, does hereby voluntarily and knowingly waive any and all rights to procedural requirements, including notice and an opportunity for a hearing, and review or appeal by any trial or appellate court, which may have otherwise applied to the market conduct investigation no. 391197.

G. **Amendments.** No amendments to this Stipulation shall be effective unless made in writing and agreed to by authorized representatives of the Division and Nassau.

H. **Governing Law.** This Stipulation shall be governed and construed in accordance with the laws of the State of Missouri.

I. **Authority.** The signatories below represent, acknowledge and warrant that they are authorized to sign this Stipulation, on behalf of the Division and Nassau, respectively.

J. **Counterparts.** This Stipulation may be executed in multiple counterparts, each of which shall be deemed an original and all of which taken together shall constitute a single document. Execution by facsimile or by electronically transmitted signature shall be fully and legally effective and binding.

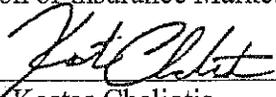
K. **Effect of Stipulation.** This Stipulation shall not become effective until entry of an Order by the Director of the Department (hereinafter "Director") approving this Stipulation.

L. **Request for an Order.** The signatories below request that the Director issue an Order approving this Stipulation and ordering the relief agreed to in the Stipulation, and consent to the issuance of such Order.

DATED: August 28, 2023

  
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Teresa Kroll  
Chief Market Conduct Examiner  
Division of Insurance Market Regulation

DATED: 8/14/23

  
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Name: Kostas Cheliotis  
Title: VP, General Counsel and Secretary  
Nassau Life Insurance Company