MIKE KREIDLER
STATE INSURANCE COMMISSIONER

STATE OF WASHINGTON

Phone: (360) 725-7000

3837 05/06/05 $1,000.00

OFFICE OF
INSURANCE COMMISSIONER

In the Matter of
MERCHANTS BONDING CO (MUTUAL),)
)
An Authorized Insurer.)

No. D 2005 - 225

CONSENT ORDER

Comes now the Insurance Commissioner of the State of Washington, pursuant to the authority set forth in RCW 48.01.020 and RCW 48.05.130-185, and having reviewed the official records and files of the Office of the Insurance Commissioner, makes the following:

FINDINGS OF FACT

1. MERCHANTS BONDING CO (MUTUAL) is an insurer holding a certificate of authority to transact insurance in the State of Washington, and is therefore governed by Title 48 RCW.

2. RCW 48.05.130-185 provides a process for addressing insurer violations of Title 48 Revised Code of Washington and Title 284 Washington Administrative Code.

3. RCW 48.05.250 requires each insurer, before the first day of March, to file a true statement of its financial condition, transactions, and affairs as of the thirty-first day of December preceding.

4. Chapter 284-07 WAC sets forth the form and requirements for filing financial statements for the year ended the immediately preceding December thirty-first.

5. The Company failed to file with its annual financial statement for the year ended December 31, 2004 before March 1, 2005.

6. Attached Exhibit A is incorporated herein for the purpose of identifying the date of The Company's annual statement filing.

Based upon the foregoing Findings of Fact, the Commissioner makes the following:

CONCLUSIONS OF LAW

1. The Company by and through the conduct described above has violated RCW 48.05.250 and Chapter 284-07 WAC by failing to timely file in proper form its annual statement as of December 31, 2004.

2. RCW 48.05.185 authorizes the Insurance Commissioner to impose a fine in lieu of the suspension or revocation of a certificate of authority.

3. The Company committed the following violation of Washington law:

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MAY 06 2005
INSURANCE COMMISSIONER
ACCOUNTING

Mailing Address: P.O. Box 40255 • Olympia, WA 98504-0255
Street Address: 5000 Capitol Blvd. • Tumwater, WA 98501

The Company failed to timely file its annual financial statement for the year ended December 31, 2004 in the form required by Chapter 284-07 WAC.

CONSENT TO ORDER

The Company consents to entry of this Order, waives further administrative or judicial proceedings in this matter, and acknowledges its duty to comply fully with the applicable laws of the State of Washington. The Insurance Commissioner has offered a settlement in lieu of suspending or revoking the certificate of authority.

By agreement of the parties, the Insurance Commissioner will impose a fine of $1000 on condition that:

1. Within thirty days, The Company pays to the Insurance Commissioner the full amount of the fine;

2. The Company commits no further violations of the statutes and regulations that are the subject of this Consent Order;

3. The Company voluntarily consents to this order to resolve the issues and conduct described herein and with the understanding that the payment of the amount due is a condition to avoiding suspension or revocation of the Certificate of Authority.

EXECUTED this 3rd day of May, 2005.

Edwin D. Tock
Signature

Treasurer
Title

ORDER OF THE INSURANCE COMMISSIONER

NOW, THEREFORE, pursuant to the foregoing Findings of Fact, Conclusions of Law, and Consent to Order, the Insurance Commissioner hereby orders as follows:

1. The Company is ordered to pay a fine in the amount of $1000 upon the condition that The Company fully complies with the laws and regulations of the State of Washington which are the subject of this Order; and

2. Upon failure to pay the fine within the time limit set forth above, the sum will be recoverable in a civil action brought on behalf of the Insurance Commissioner by the Attorney General of the State of Washington, pursuant to RCW 48.05.185.

ENTERED TUMWATER, WASHINGTON this 10 day of May, 2005.

MIKE KREIDLER
Insurance Commissioner

By:

JAMES T. ODIORNE, CPA, JD
Deputy Insurance Commissioner
Company Supervision Division

OFFICE OF INSURANCE COMMISSIONER