

**Exam statute (RSA 400-A:37)<sup>1</sup> – excerpts:**

III. Conduct of Examinations.

(a) Upon determining that an examination should be conducted, the commissioner or the commissioner's designee shall issue an **examination warrant** appointing one or more examiners to perform the examination and instructing them as to the scope of the examination. . . .

(b)(1) Every company or person from whom information is sought, its officers, directors and agents must provide to the examiners timely, convenient and free access at all reasonable hours at its offices to all books, records, accounts, papers, documents and any or all computer or other recordings relating to the property, assets, business and affairs of the company being examined. The officers, directors, employees and agents of the company or person **must facilitate the examination and aid in the examination so far as it is in their power to do so.** . . .

IV. Exam Report, Distribution, Procedure.

(a) No later than 60 days following completion of the examination, **the examiner in charge shall file with the department a verified written report of examination under oath.** Upon receipt of the verified report, the department shall **transmit the report to the company examined, together with a notice which shall afford the company examined not more than 30 days to make a written submission or rebuttal** with respect to any matters contained in the examination report.

(b) Within 30 days of the period allowed for the receipt of written submissions or rebuttals, **the commissioner shall fully consider and review the report,** together with any written submissions or rebuttals, and any relevant portions of the examiner's workpapers **and enter an order:**

(1) Adopting the examination report as filed or with modification or corrections. If the examination report reveals that the company is operating in violation of any law, regulation or prior order of the commissioner, the commissioner **may order the company to take any action the commissioner considers necessary and appropriate to cure such violation;**

(2) Rejecting the examination report with directions to the examiners to reopen the examination; or

(3) Calling for an investigatory hearing with no less than 20 days notice to the company for purposes of obtaining additional documentation, data, information, and testimony.

(c)(1) Upon the adoption of the examination report, the commissioner shall continue to hold the content of the examination report as **private and confidential information for a period of 20 days,** except as otherwise provided in this chapter.

(2) If requested by the person examined within 20 days after receipt of the order adopting the examination report, or if deemed advisable by the commissioner, the commissioner shall hold a **closed meeting** relative to the report. The closed meeting shall be conducted within 20 days after a request for closed meeting. Any order of the commissioner . . . shall be suspended pending a final decision of the commissioner after the closed meeting and the commissioner shall not file the report until after such closed meeting and his or her final order on the report . . . .

(3) **After the closed meeting, the commissioner shall issue a final order on the report and shall file the final report.** The commissioner may order the company to take any action the commissioner considers necessary and appropriate to cure any violation. ***Twenty days after the report is filed as a final report, the commissioner may open the report for public inspection if no court of competent jurisdiction has stayed its publication.***

(4) If no request for a closed meeting is filed, the commissioner shall issue a final order on the report, shall file the final report, and may take all other appropriate action . . .

(5) A final report shall be filed, and any order shall be issued within 6 months after the adoption of the examination report.

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<sup>1</sup> Full statute: <http://www.gencourt.state.nh.us/rsa/html/XXXVII/400-A/400-A-37.htm>