



**The State of New Hampshire
Insurance Department**

21 South Fruit Street, Suite 14
Concord, NH 03301

**Christopher R. Nicolopoulos
Commissioner**

**David J. Bettencourt
Deputy Commissioner**

VIA US Mail and E-Mail

Forethought Life Ins. Co.
Andrew.shainberg@gafg.com

20 Guest St.
Brighton, MA 02135

10 West Market St, Suite 2300
Indianapolis, IN 46204

Dear Forethought Life Ins. Co.,

Please see the enclosed Cease & Desist Order issued by the New Hampshire Insurance Department on January 30, 2023. I anticipate further administrative action to remedy the prior unlawful sales by Forethought in New Hampshire.

Please contact me with any questions.

Thank you for your attention to this matter,

A handwritten signature in black ink, appearing to read "Joshua Hilliard".

Joshua Hilliard, Esq.
Compliance & Enforcement Counsel
New Hampshire Insurance Department
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**STATE OF NEW HAMPSHIRE
INSURANCE DEPARTMENT**

In re: Forethought Life Insurance Company

Docket No.: INS No. 23-004-EP

CEASE AND DESIST ORDER

The Commissioner of the New Hampshire Insurance Department (“NHID”), pursuant to his authority under RSA 400-A:3, orders Forethought Life Insurance Company (“FLIC”) to immediately Cease and Desist from engaging in insurance business in this State that is contrary to New Hampshire law and in a manner that has caused, is causing, or is reasonably expected to cause significant, imminent, and irreparable injuries to New Hampshire policyholders.

In support this Order to Cease & Desist, the NHID states as follows:

FINDINGS OF FACT

1. Forethought Life Insurance Company (“FLIC”) is an Indiana domiciled insurance company which is authorized to do business in New Hampshire and offers insurance policies and contracts to New Hampshire consumers.
2. Since 1992, FLIC has sold at least 1,792 “A1200-01” group life insurance policies or issued certificates thereof to New Hampshire consumers.
3. The A1200-01 policy form was never filed nor approved for sale in New Hampshire. FLIC has relied solely on the approval of the policy for use with the Indiana Group Trust by the Indiana Department of Insurance in 1991. FLIC has never filed a request with the NHID to seek approval of the Indiana Group Trust as a permissible group for the sale of group life policies in New Hampshire.

CONCLUSIONS OF LAW

4. The Commissioner regulates the business of insurance in New Hampshire pursuant to RSA 400-A:3.
5. Pursuant to RSA 408:16-d, effective July 6, 2010, no group policy shall issue until a copy of the form has been submitted to NHID for review of compliance with state laws.
6. Pursuant to NH RSA 408:15 and 408:16, New Hampshire law requires that all group life insurance policies conform with a required group definitions and include all standard provisions detailed therein.

7. RSA 408:15 VIII (a) offers the ability to issue a policy or certificate to a New Hampshire resident under a “discretionary group” that does not comply with a group explicitly detailed under RSA 408:15, provided the commissioner finds the group meets certain criteria. RSA 408:15, VIII (b) also deems a discretionary group approved by the department prior to July 1, 2009 to meet the requirements, subject to the commissioner’s right to revoke such approval after a hearing.
8. Because FLIC has not complied with New Hampshire’s filing requirements under RSA 408:16-d to confirm compliance with RSAs 408:15 and 408:16, FLIC has violated and will continue to violate New Hampshire law by selling group life insurance to New Hampshire consumers that does not meet New Hampshire’s requirements for group life policies and has not been approved by the NHID, in violation of NH RSAs 408:16-d, 408:15, and 408:16.
9. Because FLIC has not complied with New Hampshire’s filing requirements, FLIC has violated and will continue to violate New Hampshire law by selling group life insurance policies or issuing certificates to New Hampshire consumers without obtaining approval of a discretionary group from the Department prior to, or after, July 1, 2009, resulting in the sale of group life policies under a group that has not been approved by the NHID, in violation of NH RSAs 408:15 and 408:16.

ORDER

10. Based upon the information and allegations recited above, the New Hampshire Commissioner of Insurance hereby ORDERS that FLIC immediately CEASE AND DESIST from the sale of all A1200-01 policies or issuance of certificates thereof, none of which has been authorized by the Commissioner.
11. FLIC is not prohibited from curing any of its form or rate filing deficiencies by the proper notice and filing of such to the Commissioner, and should FLIC do so, it must devise and share with the NHID an appropriate procedure to notify current policyholders of any changes resulting from the review and disposition of said filing.
12. Pursuant to RSA 400-A:17, FLIC may request a hearing regarding this Order by filing a written application for hearing with the Commissioner within 30 (thirty) days of the date FLIC either knew or should have known of the issuance of this Order.

SO ORDERED

NEW HAMPSHIRE
INSURANCE DEPARTMENT


Date: 1/30/2023


Christopher Nicolopoulos, Commissioner

CERTIFICATION OF SERVICE

I certify that a copy of the foregoing Cease and Desist Order has been served upon FLIC by United State first class mail, postage prepaid, at 20 Guest Street, Brighton, MA 02135 and 10 West Market Street, Suite 2300 Indianapolis, IN 46204, the mailing and statutory home office addresses for FLIC.

Date: 1/30/23



Joshua Hilliard, Esq.