

**FILED**

MAY 22 2020

INSURANCE REGULATION  
Docketed by:    



**OFFICE OF INSURANCE REGULATION**

**DAVID ALTMAIER**  
COMMISSIONER

IN THE MATTER OF:

CASE NO.: 262803-20-CO

EQUITABLE FINANCIAL LIFE INSURANCE  
COMPANY OF AMERICA

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CONSENT ORDER

THIS CAUSE came on for consideration upon the filing of a request by EQUITABLE FINANCIAL LIFE INSURANCE COMPANY OF AMERICA ("EQUITABLE"), which was formerly known as MONY Life Insurance Company of America ("MONY"), to use previously approved MONY forms with the new name without re-filing same for approval pursuant to Section 627.410, Florida Statutes. Following a complete review of the entire record, and upon consideration thereof, and being otherwise fully advised in the premises, the FLORIDA OFFICE OF INSURANCE REGULATION ("OFFICE"), hereby finds as follows:

1. The OFFICE has jurisdiction over the subject matter and the parties herein.
2. EQUITABLE is a foreign life and health insurer domiciled in Arizona and authorized to transact insurance business in Florida.
3. MONY has applied for and, subject to the present and continuing satisfaction of the requirements, terms, and conditions established herein, has satisfactorily met all of the conditions precedent to change its name to EQUITABLE, effective March 25, 2019, pursuant to the requirements set forth by Section 627.410, Florida Statutes. The name change was approved, and

the OFFICE issued a new Certificate of Authority reflecting the name change, on April 7, 2020, attached as Exhibit A.

4. In conjunction with the request to use previously approved MONY forms, EQUITABLE has filed with the OFFICE a "Corporate Name Change Endorsement," which reflects the corporate name change from MONY to EQUITABLE. The endorsement is attached as Exhibit B.

5. EQUITABLE states that no changes were realized within the corporate structure.

6. As a material condition to approval of the above request, EQUITABLE, by execution of this Consent Order, certifies to the OFFICE that all policy forms previously utilized by MONY in Florida comply with applicable provisions of the Florida Insurance Code. EQUITABLE further certifies that the only change required to achieve compliance prospectively is the substitution of the name EQUITABLE in lieu of MONY and the only change in the forms is the name, address, or logo. If the above certification is not correct, EQUITABLE acknowledges that such misrepresentations may be considered willful and penalties assessed accordingly.

7. Attached as Exhibit C is a list of all policy forms EQUITABLE will modify with the name change.

8. EQUITABLE shall mail to each of its insureds a copy of the name change endorsement. EQUITABLE may continue to sell the old policy forms, with the name change endorsement, for a period of 90 days after the date this Consent Order is executed by the OFFICE. During the 90-day time period allowed by this paragraph, EQUITABLE shall reprint the policy forms contained in Exhibit C containing the new corporate name. After 90 days from the date this Consent Order is executed by the OFFICE, EQUITABLE shall only sell policy forms containing

the new company name and is not authorized to sell previously approved policies containing the old information with a name change endorsement affixed.

9. EQUITABLE shall pay costs in the amount of \$3,000 United States Dollars within 30 days of the date this Consent Order is executed by the OFFICE. EQUITABLE shall send payment for the administrative costs to the payment address on the attached invoice.

10. EQUITABLE shall continue to comply with all statutes and applicable rules of the OFFICE governing form filings and rate filings.

11. EQUITABLE agrees that any deadlines, reporting requirements, other provisions, or requirements set forth in this Consent Order may be altered or terminated by written approval of the OFFICE. Such written approval by the OFFICE is subject to statutory or administrative regulation limitations.

12. EQUITABLE agrees that, upon execution of this Consent Order, failure to adhere to one or more of the terms and conditions contained herein may result, without further proceedings, in the OFFICE suspending, revoking, or taking other administrative action as it deems appropriate upon EQUITABLE's Certificate of Authority in this state in accordance with Sections 120.569(2)(n) and 120.60(6), Florida Statutes.

13. EQUITABLE expressly waives a hearing in this matter, the making of findings of fact and conclusions of law by the OFFICE, and all further and other proceedings herein to which it may be entitled by law or rules of the OFFICE. EQUITABLE hereby knowingly and voluntarily waives all rights of any kind to challenge or to contest this Consent Order in any forum available to it, now or in the future, including the right to any administrative proceeding, state or federal court action, or any appeal.

14. EQUITABLE affirms that all requirements set forth herein are material to the issuance of this Consent Order.

15. Except as set forth in this Consent Order, each party to this section shall bear its own costs and fees.

16. The parties agree that this Consent Order shall be deemed to be executed when the OFFICE has executed a copy of this Consent Order bearing the signature of the authorized representative of EQUITABLE, notwithstanding the fact that the copy may have been transmitted to the OFFICE electronically. Further, EQUITABLE agrees that the signature of its authorized representative, as affixed to the Consent Order, shall be under the seal of a Notary Public.

WHEREFORE, the agreement between EQUITABLE FINANCIAL LIFE INSURANCE COMPANY OF AMERICA and the FLORIDA OFFICE OF INSURANCE REGULATION, the terms and conditions of which are set forth above, is APPROVED, and the request to use previously approved MONY forms with the new name without re-filing same for approval pursuant to Section 627.410, Florida Statutes, is APPROVED.

FURTHER, all terms and conditions contained herein are hereby ORDERED.

DONE AND ORDERED this 22 day of May, 2020.



*David Altmaier*

David Altmaier, Commissioner  
Office of Insurance Regulation

By execution hereof, EQUITABLE FINANCIAL LIFE INSURANCE COMPANY OF AMERICA consents to entry of this Consent Order, agrees without reservation to all of the above terms and conditions and shall be bound by all provisions herein. The undersigned represents that they have the authority to bind EQUITABLE FINANCIAL LIFE INSURANCE COMPANY OF AMERICA to the terms and conditions of this Consent Order.

EQUITABLE FINANCIAL LIFE INSURANCE  
COMPANY OF AMERICA

(Corporate Seal)

By: David Miceli

Print Name: David Miceli

Title: Director

Date: May 19, 2020

STATE OF New York

COUNTY OF New York

The foregoing instrument was acknowledged before me by means of  physical presence

or  online notarization, this 19<sup>th</sup> day of May 2020, by David Miceli

as Officer for Equitable Financial Life Insurance  
(type of authority; e.g., officer, trustee, attorney in fact) (name of person) (company name) Company of America.

Denesch

(Signature of the Notary)

(Print, Type or Stamp Commissioned Name of Notary)

Personally Known  OR Produced Identification \_\_\_\_\_

Type of Identification Produced \_\_\_\_\_

My Commission Expires: \_\_\_\_\_

**DENISE TEDESCHI**  
**Notary Public - State of New York**  
**No. 0TE5016838**  
**Qualified in Nassau County**  
**My Commission Expires Aug. 23, 2021**

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