

File: 29671/SK
E-Case ID: 913

State of Minnesota
Dept. of Commerce

JAN 29 2014

Rec'd \$ 10,000

4030

**STATE OF MINNESOTA
COMMISSIONER OF COMMERCE**

In the Matter of
Kroger Prescription Plans

CONSENT ORDER

To: Kroger Prescription Plans
380 Jackson Street #700
St. Paul, MN 55101

1. The Commissioner of Commerce Mike Rothman (Commissioner) has advised Kroger Prescription Plans (Respondent) that he is prepared to commence formal proceedings in accordance with the provisions of Minn. Stat. § 45.027 (2012) against Respondent based on allegations that Respondent has engaged in providing risk management services in Minnesota without the required license, in violation of Minn. Stat. § 60A.23, Subd. 8, (3) (2012).
2. Respondent acknowledges that it has been advised of its rights to a hearing in this matter, to present argument to the Commissioner and to appeal from any adverse determination after a hearing and Respondent hereby expressly waives those rights. Respondent further acknowledges that it has been represented by legal counsel throughout these proceedings, or has been advised of its right to be represented by legal counsel, which right it hereby waives.
3. Respondent has agreed to informal disposition of this matter without a hearing as provided under Minn. Stat. § 14.59 (2012) and Minn. R. 1400.5900 (2013).
4. The following Order is in the public interest.

NOW, THEREFORE, IT IS HEREBY ORDERED, that pursuant to Minn. Stat. § 60A.23, Subd. 8 (3) (2012), Respondent shall submit an application to be licensed as a risk management administrator prior to or concurrently with the signing of this Order.

IT IS FURTHER ORDERED, that if the application is not submitted or the issuance of the license is denied, Respondent shall cease and desist from engaging in risk management services.

IT IS FURTHER ORDERED, that pursuant to Minn. Stat. § 45.027 (2012), Respondent shall pay to the State of Minnesota a civil penalty of \$10,000.

This Order shall be effective upon signature by or on behalf of the Commissioner.

Dated: 2/5/2014.

MIKE ROTHMAN
Commissioner

By:


NANCY J. LEPPINK
Assistant Commissioner - Enforcement

85 7th Place East, Suite 500
St. Paul, MN 55101
Telephone: (651) 296-2488

NOW, THEREFORE, IT IS HEREBY ORDERED, that pursuant to Minn. Stat. § 60A.23, Subd. 8 (3) (2012), Respondent shall submit an application to be licensed as a risk management administrator prior to or concurrently with the signing of this Order.

IT IS FURTHER ORDERED, that if the application is not submitted or the issuance of the license is denied, Respondent shall cease and desist from engaging in risk management services.

IT IS FURTHER ORDERED, that pursuant to Minn. Stat. § 45.027 (2012), Respondent shall pay to the State of Minnesota a civil penalty of \$10,000.

This Order shall be effective upon signature by or on behalf of the Commissioner.

Dated: 2/5/2014

MIKE ROTHMAN
Commissioner

By:


NANCY J. LEMPINK
Assistant Commissioner - Enforcement

85 7th Place East, Suite 500
St. Paul, MN 55101
Telephone: (651) 296-2488

CONSENT TO ENTRY OF ORDER

The undersigned, acting on the behalf of Kroger Prescription Plans (Respondent), states that he/she has read the foregoing Consent Order; that he/she knows and fully understands its contents and effect; that he/she has been advised of his/her right to a hearing; that he/she has been represented by legal counsel in this matter; or that he/she has been advised of his/her right to be represented by legal counsel and that he/she has waived this right; and that he/she consents to entry of this Order by the Commissioner of Commerce. It is further expressly understood that this Order constitutes the entire settlement agreement between the parties hereto, there being no other promises or agreements, either express or implied.

Kroger Prescription Plans

FAT

By: Paul Heldman

Its: Vice President & Secretary

STATE OF OHIO

COUNTY OF HAMILTON

This instrument was acknowledged before me on Jan. 22, 2014 (date) by Paul Heldman

(name(s) of person(s)) as Vice President + Secretary (type of authority, e.g., officer, trustee, etc.) of

Kroger Prescription Plans (name of party on behalf of whom the instrument was executed).

(stamp)



KIMBERLY J. RASNAKE
Notary Public, State of Ohio
My Commission Expires
September 13, 2014

Kimberly J. Rasnake
(Signature of notary officer)

Notary
Title (and Rank)

My commission expires: 9-13-14