

MAR 22 2018

STATE OF ARIZONA

DEPARTMENT OF INSURANCE

DEPT OF INSURANCE
BY ms

In the Matter of:

**ACCESS INSURANCE COMPANY,
(NAIC NO. 11711)**

Respondent.

No. 18A-013-INS

**ORDER SUSPENDING
CERTIFICATE OF AUTHORITY**

The Arizona Department of Insurance (the "Department") alleges that **Access Insurance Company ("Respondent")** has violated provisions of Arizona Revised Statutes ("A.R.S."), Title 20 requiring mandatory suspension of Respondent's Certificate of Authority.

FINDINGS OF FACT

1. Respondent is domiciled in Texas and presently holds a certificate of authority issued by the Arizona Department of Insurance ("Department") to transact property and casualty insurance with a vehicle line of business.

2. On or about March 13, 2018, the District Court of Travis County, Texas, 261st Judicial District, filed an Agreed Order Appointing Liquidator, Permanent Injunction and Notice of Automatic Stay in The Texas Department of Insurance v. Access Insurance Company, No. D-1-GN-18-001285 ("TX Liquidation Order").

3. The TX Liquidation Order appointed the TX Commissioner as Liquidator of Respondent and issued a Permanent Injunction enjoining Respondent and its agents from conducting or transacting any business except through the authority of the Liquidator.

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1 **CONCLUSIONS OF LAW**

2 1. The Director shall refuse to renew or shall revoke or suspend an insurer's
3 certificate of authority if the insurer no longer meets the requirements for the authority
4 originally granted, on account of deficiency in assets or otherwise. A.R.S. § 20-219(2).

5 2. To apply for an original certificate of authority an insurer shall file with the
6 Director its application for a certificate of authority together with the following applicable
7 documents: (7) If a foreign . . . insurer, a certificate of the public official having supervision of
8 insurance in its state . . . showing that it is authorized to transact the kinds of insurance
9 proposed to be transacted in this state. A.R.S. § 20-215(7).

10 **ORDER**

11 IT IS ORDERED

12 1. The Certificate of authority for Access Insurance Company (NAIC No. 11711) is
13 suspended, effective immediately.

14 2, Respondent is prohibited from issuing new and renewal policies in Arizona.

15 3. All policies and insurance contract issued by Respondent in Arizona and in effect
16 at the time of the filing of the TX Liquidation Order shall continue in force only until the earlier
17 of:

18 a. the 30th day after the filing of the TX District Court Order which was March
19 13, 2018;

20 b. the date of expiration of the policy coverage; or

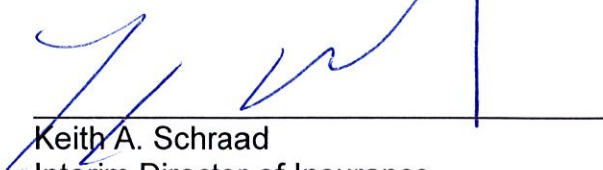
21 . . .

22 . . .

23 . . .

1 c. the date the insured has replaced the policy or otherwise terminated the
2 policy.

3 DATED AND EFFECTIVE this 19th day of March, 2018.

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6 Keith A. Schraad
Interim Director of Insurance

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8 **NOTIFICATION OF RIGHTS**

9 **You have the right to request a hearing on this determination by filing a notice of**
10 **appeal after your receipt of this notice.** The notice of appeal must identify the party
11 appealing, the party's address, the matter being appealed and must contain a detailed
12 statement of the reason for the appeal. Your hearing will be treated as a "contested case" and
13 promptly instituted and determined as prescribed by A.R.S. §§ 41-1001(5) and 41-1092.05 to
14 the extent the Office of Administrative Hearings' calendar permits. In any event, your hearing
15 will be held within sixty (60) days of the filing of your notice of appeal, unless the hearing is
16 advanced or delayed by agreement or a showing of good cause by any party. The
Department will serve a "Notice of Hearing" that will inform you of the date, time and location
of the hearing as well as the issues to be determined.

17 If you file an appeal, you may also request an "informal settlement conference"
18 pursuant to A.R.S. § 41-1092.06 by filing a **written request no more than twenty (20) days**
19 **before the scheduled hearing.** The conference will be held within fifteen (15) days after our
20 receipt of your request. If an informal settlement conference is requested, a person with the
21 authority to act on behalf of the Department will be present. Please note that you waive any
22 right to object to participation of the Department's representative in the final administrative
23 decision of the matter if it is not settled.

1 Your notice of appeal and/or request for an information settlement conference may be
2 addressed to the attention of:

3 **Arizona Department of Insurance**
4 **Hearing Administration – Notice of Appeal**
5 **2910 North 44th Street, Suite 210**
6 **Phoenix, Arizona 85018-7256**

7 COPY of the foregoing mailed/hand-delivered
8 this 22nd day of March, 2018, to:

9 Access Insurance Company (In Liquidation)
10 c/o Kent C. Sullivan
11 Commissioner of Insurance
12 Texas Department of Insurance
13 P.O. Box 149104
14 Austin, Texas 78714-9104
15 Respondent

16 Access Insurance Company
17 c/o Michael McMenamin
18 P.O. Box 105171
19 Atlanta, Georgia 30348-5171
20 Respondent

21 Access Insurance Company
22 1999 Bryan Street, Suite 900
23 Dallas, Texas 75201
Statutory Home Office of Respondent

Michael E. Surguine
Executive Director
Arizona Property and Casualty Insurance Guaranty Fund
1110 W. Washington, Suite 270
Phoenix, Arizona 85007

Kurt Regner, Assistant Director
Cary Cook, Chief Financial Compliance Officer
Mary E. Kosinski, Regulatory Legal Affairs Officer
Arizona Department of Insurance
2910 N. 44th Street, Suite 210
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4 Phoenix, Arizona 85004

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6 Maidene Scheiner

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