

STATE OF ARIZONA

DEPARTMENT OF INSURANCE AND FINANCIAL INSTITUTIONS

In the Matter of:

**PARK AVENUE PROPERTY &
CASUALTY INSURANCE COMPANY
FKA PROVIDENCE PROPERTY AND
CASUALTY INSURANCE COMPANY**

IN LIQUIDATION

(SBS NO. 49208729)

Petitioner.

No. 22A-031-INS

**ORDER FOR RELEASE OF
WORKERS' COMPENSATION
DEPOSIT**

Arizona Revised Statutes ("A.R.S.") § 23-961 provides that workers' compensation deposits shall be held by the Director of the Arizona Department of Insurance and Financial Institutions ("Director") as security for fulfillment of the obligations of an insurer under Title 23. Upon proper order of a court of competent jurisdiction to the receiver, the Director shall issue an Order releasing deposited funds pursuant to A.R.S. § 20-588(A)(3).

FINDINGS OF FACT

1. Park Avenue Property & Casualty Insurance Company fka Providence Property and Casualty Insurance Company ("Park Avenue" or "Petitioner") is an Oklahoma domiciled insurer that transacted workers' compensation insurance business in Arizona.

2. On November 18, 2009, a Consent Order of Liquidation with a Finding of Insolvency and Permanent Injunction ("Consent Order") was filed in the District Court of Oklahoma County, State of Oklahoma, Case No. CJ-2009-11178. Per the Consent Order,

1 Park Avenue was placed in receivership due to being “impaired and/or insolvent” and the
2 Commissioner of the Oklahoma Insurance Department was hereby appointed Receiver of
3 Park Avenue.

4 3. Park Avenue placed a workers’ compensation deposit (“WC Deposit”)
5 pursuant to A.R.S. § 23-961 with the Arizona Department of Insurance and Financial
6 Institutions (“Department”) held through the Arizona State Treasurer, currently in the
7 approximate amount of \$ 885,344.38.

8 4. On December 31, 2022, the Department entered into a Special Deposit
9 Release Agreement with Petitioner for the purpose of releasing the special deposit proceeds;
10 paying the claims of the Arizona Property and Casualty Insurance Guaranty Fund and the
11 Special Fund of the Industrial Commission of Arizona, and paying the Department’s
12 administrative expenses.

13 **CONCLUSIONS OF LAW**

14 5. Petitioner is entitled to the release of the WC Deposit pursuant to A.R.S. § 20-
15 588(A)(3).

16 6. The Director has no personal liability for the release of the WC Deposit made
17 in good faith as provided in A.R.S. § 20-588(B).

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ORDER

THEREFORE IT IS ORDERED that the WC Deposit shall be released and distributed pursuant to the instructions in the Arizona Special Deposit Release Agreement.

Effective this **1st** day of **June**, 2022.



Evan G. Daniels, Director
Arizona Department of Insurance and Financial Institutions

1 COPY of the foregoing mailed/delivered
this 2nd day of June, 2022 to:

2 Park Avenue Property & Casualty Insurance Company
3 fka Providence Property and Casualty Insurance Company
4 In care of Mark Tharp, Assistant Receiver of
Park Avenue Property and Casualty Insurance
larrif@tharpassociates.com

5 Lori D. Nestor, Executive Director
6 Arizona Department of Insurance and Financial Institutions
Insurance Guaranty Funds Office
7 100 N. 15th Ave., Ste. 261
Phoenix, AZ 85007

8 Deian Ousounov, Assitant Director
9 Gio Espinosa, Regulatory Legal Affairs Officer
Kurt Regner, CFE, Assistant Director
10 Cary W. Cook, Chief Financial Compliance Officer
Ana Starcevic, Paralegal Project Specialist
11 Arizona Department of Insurance and Financial Institutions
100 N. 15th Avenue, Suite 261
12 Phoenix, AZ 85007-2630

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