

STATE OF ARIZONA

STATE OF ARIZONA
FILED

DEPARTMENT OF INSURANCE

DEC 24 1996

DEPT. OF INSURANCE
BY KOH

5	In the Matter of the Withdrawal of:)	Docket No. 96A-201-INS
)	
6	NATIONAL AMERICAN HEALTH)	ORDER
	INSURANCE CORPORATION)	
7	(NAIC No. 60015),)	
)	
8	Petitioner.)	
)	
9)	

December 17, 1996, the Office of Administrative Hearings, through Administrative Law Judge Richard N. Blair, submitted "Recommended Decision of Administrative Law Judge" ("Recommended Decision"), a copy of which is attached and incorporated by this reference. The Director of the Arizona Department of Insurance has reviewed the Recommended Decision and enters the following order:

1. The recommended findings of fact and conclusions of law are adopted.
2. The Petitioner may file its Articles of Dissolution with the Arizona Corporation Commission.
3. The Petitioner is entitled to the release of its statutory deposit in the sum of \$100,000.00 and the statutory deposit will be released to the Petitioner after the Department has received the following: (a) a copy of Petitioner's Articles of Dissolution certified as filed with the Arizona Corporation Commission; and (b) a fully executed Form E126 (Notice of Trust Deposit Release). The

1 statutory deposit will not be released until the Department receives a fully executed copy of the official
2 State Treasurer Release Receipt.

3 4. The sum of \$100.00 previously credited to the Insurance Examiners' Revolving
4 Fund will be refunded to the Petitioner, pursuant to A.R.S. § 20-159.

5 5. The Petitioner will file its 1996 Annual Statement with the Department, together
6 with all applicable fees, unless Petitioner files its Articles of Dissolution with the Arizona Corporation
7 Commission on or before December 31, 1996.

8 NOTIFICATION OF RIGHTS

9 The aggrieved party may request a rehearing with respect to this Order by filing a written
10 petition with the Office of Administrative Hearings within 30 days of the date of this Order, setting forth
11 the basis for such relief pursuant to A.A.C. R20-6-114(B).

12 The final decision of the Director may be appealed to the Superior Court of Maricopa
13 County for judicial review pursuant to A.R.S. § 20-166.

14 EFFECTIVE this 24th day of October, 1996

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16 
17 _____
18 John King
19 Director of Insurance
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23

1 A copy of the foregoing mailed
this 24th day of December, 1996

2 Charles R. Cohen, Deputy Director
3 Gregory Y. Harris, Executive Assistant Director
Mary Butterfield, Assistant Director
4 Catherine O'Neil, Assistant Director
Gary Torticill, Assistant Director
5 Deloris Williamson, Assistant Director
Scott Greenberg, Business Administrator
6 Rose McNabb, Solvency Support Unit Supervisor
Kurt Regner, Examiner
7 Arizona Department of Insurance
2910 N. 44th Street, Suite 210
8 Phoenix, AZ 85018

9 Office of Administrative Hearings
1700 West Washington, Suite 602
10 Phoenix, AZ 85007

11 Philip T. Paris
2929 N. 44th Street, Suite 120
12 Phoenix, AZ 85018

13 
14 _____

1 **IN THE OFFICE OF ADMINISTRATIVE HEARINGS**

2
3 In the Matter of the Withdrawal of:

No. 96A-201-INS

4 **NATIONAL AMERICAN HEALTH**
5 **INSURANCE CORPORATION**
6 (NAIC #60015),

RECOMMENDED DECISION
OF ADMINISTRATIVE
LAW JUDGE

7 Petitioner.

10 **HEARING:** December 16, 1996

11 **APPEARANCES:** Philip Paris, Esq. appeared on behalf of National American
12 Health Insurance Corporation; Kurt Regner appeared on behalf of the Arizona
13 Department of Insurance.

14 **ADMINISTRATIVE LAW JUDGE:** Richard N. Blair

17 Based upon the record, the following Recommended Findings of Fact,
18 Conclusions of Law and Recommended Order are made:

19 **FINDINGS OF FACT AND CONCLUSIONS OF LAW**

20 1. National American Health Insurance Corporation (the "Petitioner") has
21 surrendered its Certificate of Authority to the Arizona Department of Insurance (the
22 "Department").

23 2. The Petitioner has filed with the Department certified copies of
24 Resolutions of the Petitioner's Board of Directors and of the Petitioner's sole
25 shareholder authorizing Petitioner to withdraw from the insurance business by
26 dissolution. The Petitioner has no insurance obligations owing to it, whether by policies
27 written direct or by reinsurance ceded to it.

28 3. The Petitioner has filed its certified financial statement as of September
29 18, 1996 with the Department.
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Office of Administrative Hearings
1700 West Washington, Suite 602
Phoenix, Arizona 85007
(602) 542-9826

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2 4. At least 10 business days before the hearing of this matter, Petitioner
3 gave special notice to creditors and policyholders of the Petitioner, setting forth the
4 date, place, nature and purpose of the hearing, as evidenced by the affidavit of
5 publication. Petitioner also provided individual notice by mail to its known creditors, as
6 evidenced by affidavit.

7 5. The Petitioner has a \$100,000.00 statutory deposit with the Department
8 and a \$100.00 deposit with the Insurance Examiners' Revolving Fund ("IERF").

9 6. The Petitioner has complied with the provisions of A.R.S. §20-588 and
10 with A.A.C. R20-6-303, relating to the release of its \$100,000.00 statutory deposit.

11 **RECOMMENDED ORDER**

12 The undersigned Administrative Law Judge recommends that:

13 1. The Petitioner may file its Articles of Dissolution with the Arizona
14 Corporation Commission.

15 2. The Petitioner is entitled to the release of its statutory deposit in the sum of
16 \$100,000.00 and the statutory deposit shall be released to the Petitioner
17 after the Department has received the following: (a) a copy of Petitioner's Articles of
18 Dissolution certified as filed with the Arizona Corporation Commission; and (b) a fully
19 executed Form E126 (Notice of Trust Deposit Release). The statutory deposit cannot
20 be released until the Department receives a fully executed copy of the official State
21 Treasurer Release Receipt.

22 3. The sum of \$100.00 previously credited to the IERF be refunded to the
23 Petitioner, pursuant to A.R.S. §20-159.

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25 . . .
26 . . .
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28 . . .
29 . . .

1 4. The Petitioner file its 1996 Annual Statement with the Department,
2 together with all applicable fees, unless Petitioner files its Articles of Dissolution with the
3 Arizona Corporation Commission on or before December 31, 1996.

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5 Done this day, December 17, 1996.

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9 **Richard N. Blair**
Administrative Law Judge

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17 Copy transmitted by mail
18 December 17, 1996
19 by Chris Crawford ; to:

20
21 John King
22 Director
23 Department of Insurance
24 2910 North 44th Street, #210
ATTN: Curvey Burton
Phoenix, AZ 85018-7256