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Attorney General

RICHARD B. BURLEIGH
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Idaho Department of Insurance
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ISB No. 4032

FILED 

FEB 28 2011

Department of Insurance
State of Idaho

Attorneys for the Department of Insurance

BEFORE THE DIRECTOR OF THE DEPARTMENT OF INSURANCE

STATE OF IDAHO

In the Matter of:

THE LOOMIS COMPANY,
unlicensed.

Docket No. 18-2664-11

**STIPULATION AND ADMISSION TO
VIOLATION OF IDAHO CODE § 41-
911 AND FORMER IDAHO CODE §
41-913(1)**

The parties herein, namely the Idaho Department of Insurance and its counsel of record, Richard B. Burleigh, Deputy Attorney General, and The Loomis Company (the "Respondent"), do hereby agree and stipulate as follows:

1. That the Director of the Idaho Department of Insurance has jurisdiction over this matter pursuant to title 41, Idaho Code, including the authority to impose administrative penalties.

2. That on February 3, 2011, the Idaho Department of Insurance did file and serve a Verified Complain and Notice of Right of Hearing on the Respondent.

3. That the Verified Complaint alleged that Respondent was operating as a third

party administrator within the State of Idaho since at least 2001.

4. That the Verified Complaint alleged that Respondent violated of Idaho Code §41-911 by failing to secure a home state license as a third party administrator subsequent to February 1, 2010,

5. That the Verified Complaint alleged that Respondent violated former Idaho Code §41-913 by failing to apply for or receive a certificate of registration as a third party administrator prior to February 1, 2010 as required by the Idaho Code.

6. That the parties hereto believe that this matter may be brought to a close by a negotiated and stipulated settlement.

7. That based on the foregoing, the parties agree as follows:

a. Respondent admits to having operated in Idaho subsequent to February 1, 2010 as a third party administrator without a home state license in either Idaho or a reciprocal state in violation of Idaho Code § 41-911.

b. Respondent admits to having operated in Idaho prior to February 1, 2010, and since at least 2001, as a third party administrator without a certificate of registration issued by the Director in violation of the former Idaho Code § 41-913(1), which section was repealed effective February 1, 2010.

c. Respondent shall, within thirty (30) days of the date of the entry of an order by the Director accepting this Stipulation, cease all operations in State of Idaho regulated by the Idaho Department of Insurance and shall amend any contract(s) with insurer(s) licensed in the State of Idaho expressly excluding the administration of any Idaho insurance policies by Respondent from such the contract(s).

d. Respondent shall provide copies of all such amended contract(s) to the Department of Insurance.

e. Respondent shall, within thirty (30) days of the date of the entry of an order by the Director accepting the Stipulation, transfer all of its Idaho business to its affiliate Loomis Benefits West, Inc., who shall secure a nonresident administrator license pursuant to Idaho Code § 41-912(1), or otherwise adequately demonstrate to the Department that it is exempt from such license requirement pursuant to §41-912(7).

f. Respondent shall, within thirty (30) days of the date of the entry of an order by the Director accepting the Stipulation, cause its affiliate Loomis Benefits West, Inc., enter into appropriate contract(s) with the Idaho insurer(s), whereby Loomis Benefits West, Inc., shall assume one hundred percent (100%) of the obligations to administer all Idaho insurance policies previously administered by Respondent. Respondent shall provide copies of all such amended contract(s) to the Department of Insurance.

g. Respondent shall pay an administrative penalty to the Department in the amount of Fifteen Thousand Dollars (\$15,000.00) upon the entry of an order by the Director accepting the Stipulation and prior to its affiliate, Loomis Benefits West, Inc., applying for a nonresident administrator license pursuant to Idaho Code § 41-912(1), or exemption to such licensing requirement pursuant to §41-912(7).

8. That the parties waive their right to notice and hearing at which they may be represented by counsel, present evidence and examine witnesses. The parties waive their right to submit this matter for review by a court of competent jurisdiction.

9. That the parties agree that the terms of this Stipulation are appropriate and proper under the circumstances referenced herein, and that they have entered into this Stipulation knowingly, voluntarily and with full knowledge of any rights they may be waiving thereby.

10. That the parties have reviewed the proposed Final Order and agree as to its form

and that said Final Order may be submitted to the Director of the Department of Insurance for his review and signature.

11. That the parties hereby waive the right to seek reconsideration and judicial review of the Final Order to be entered herein.

12. IT IS SO AGREED.

DATED this 25th day of February, 2011.

RESPONDENT

THE LOOMIS COMPANY,
a Pennsylvania corporation

By: 

James R. Loomis
President

Commonwealth
STATE OF PENNSYLVANIA)
) ss.
County of BERKS)


On this 25TH day of February, 2011, before me, the undersigned, a Notary Public in and for said State, personally appeared James R. Loomis, to me known to be the President of The Loomis Company, a Pennsylvania corporation, the corporation that executed the foregoing instrument, and acknowledged to me that the said instrument is the free and voluntary act and deed of said corporation, for the uses and purposes therein mentioned, and on oath stated that he is authorized to execute the said instrument.

WITNESS MY HAND and official seal hereto affixed the day, month and year in this certificate first above written.

My commission expires: 7-20-2012

COMMONWEALTH OF PENNSYLVANIA

NOTARIAL SEAL
CAROL G. LAIBE, NOTARY PUBLIC
WYOMISSING BORO, BERKS COUNTY
MY COMMISSION EXPIRES JULY 20, 2012


Notary Public in and for the
State of Pennsylvania
Residing at Berks Co.

DATED this 28th day of February, 2011.

IDAHO DEPARTMENT OF INSURANCE

By: Georgia Siehl
Georgia Siehl
Chief Examiner / Bureau Chief

STATE OF IDAHO)
: ss.
County of Ada)

On this 28th day of February, 2011, before me, the undersigned, a Notary Public in and for said State, personally appeared GEORGIA SIEHL, Chief Examiner / Bureau Chief of the Company Activities Bureau of the Department of Insurance, State of Idaho, the individual that executed the foregoing instrument on behalf of the Idaho Department of Insurance, and acknowledged to me that the said instrument is the free and voluntary act and deed of the Idaho Department of Insurance, for the uses and purposes therein mentioned, and on oath stated that she is authorized to execute the said instrument.

WITNESS MY HAND and official seal hereto affixed the day, month and year in this certificate first above written.

My commission expires: 30 Oct 2013



John C. Keenan
Notary Public in and for the
State of Idaho
Residing at Bonise

Approved as to Form:

OFFICE OF THE ATTORNEY GENERAL

By: Richard B. Burleigh
Richard B. Burleigh
Deputy Attorney General
Attorney for the Department of Insurance

LAWRENCE G. WASDEN
Attorney General

RICHARD B. BURLEIGH
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Idaho Department of Insurance
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Department of Insurance
State of Idaho

Attorneys for the Department of Insurance

BEFORE THE DIRECTOR OF THE DEPARTMENT OF INSURANCE

STATE OF IDAHO

In the Matter of:

THE LOOMIS COMPANY,
unlicensed.

Docket No. 18-2664-11

FINAL ORDER

The parties herein, namely the Idaho Department of Insurance and its counsel of record, Richard B. Burleigh, Deputy Attorney General, and The Loomis Company (the "Respondent"), having entered into that certain STIPULATION AND ADMISSION TO VIOLATION OF IDAHO CODE § 41-911 AND FORMER IDAHO CODE § 41-913(1), on file herein, and the form of the order having been reviewed and approved by the parties, and the Director having reviewed the same, and having found that there is a factual basis for the matters as alleged, does hereby enter his findings of Fact and Conclusion of Law as follows:

1. That The Loomis Company operating as a third party administrator within the

State of Idaho since at least 2001.

2. That The Loomis Company violated of Idaho Code §41-911 by failing to secure a home state license as a third party administrator subsequent to February 1, 2010.

3. That The Loomis Company violated former Idaho Code §41-913 by failing to apply for or receive a certificate of registration as a third party administrator prior to February 1, 2010 as required by the Idaho Code.

4. That the admissions of violation set forth in the Stipulation on file herein are accepted.

Based on the foregoing and in consideration of the premises,

IT IS HEREBY ORDERED that the STIPULATION AND ADMISSION TO VIOLATION OF IDAHO CODE § 41-911 AND FORMER IDAHO CODE § 41-913(1) on file herein is approved and adopted as an Order of the Director, and is incorporated herein as if set forth in full and made a part hereof; and

IT IS HEREBY ORDERED that Respondent shall, within thirty (30) days of the date of the entry of this order, cease all operations in State of Idaho regulated by the Idaho Department of Insurance and shall amend any contract(s) with insurer(s) licensed in the State of Idaho expressly excluding the administration of any Idaho insurance policies by Respondent from such the contract(s), and Respondent shall provide copies of all such amended contract(s) to the Department of Insurance; and

IT IS FURTHER ORDERED that Respondent shall, within thirty (30) days of the date of the entry of an order by the Director accepting the Stipulation, cause its affiliate Loomis Benefits West, Inc., enter into appropriate contract(s) with the Idaho insurer(s), whereby Loomis Benefits West, Inc., shall assume one hundred percent (100%) of the obligations to administer all Idaho insurance policies administered by Respondent, and Respondent shall provide copies of all

such amended contract(s) to the Department of Insurance, and

IT IS FURTHER ORDERED that Respondent shall, within thirty (30) days of the date of the entry of an order by the Director accepting the Stipulation, transfer all of its Idaho business to its affiliate Loomis Benefits West, Inc., who shall secure a nonresident administrator license pursuant to Idaho Code § 41-912(1), or otherwise adequately demonstrate to the Department that it is exempt from such license requirement pursuant to §41-912(7), and

IT IS FURTHER ORDERED that Respondent shall pay an administrative penalty to the Department of Insurance in the amount of Fifteen Thousand Dollars (\$15,000.00) upon the entry of an order by the Director accepting the Stipulation and prior to its affiliate, Loomis Benefits West, Inc., applying for a nonresident administrator license pursuant to Idaho Code § 41-912(1), or exemption to such licensing requirement pursuant to §41-912(7).

IT IS SO ORDERED.

DATED this 20th day of FEBRUARY, 2011.

IDAHO DEPARTMENT OF INSURANCE

By: 

WILLIAM W. DEAL

Director

CERTIFICATE OF SERVICE

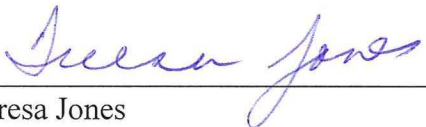
I HEREBY CERTIFY that I have, on this 18th day of February, 2011, caused a true and correct copy of the foregoing FINAL ORDER to be served upon the following by the designated means:

THE LOOMIS COMPANY
Attn: James R. Loomis, President
850 N. Park Road
Wyomissing, PA 19610-6011
CLaibe@loomisco.com
jloomis@loomisco.com

- ☒ first class mail
- ☐ certified mail
- ☒ e-mail
- ☐ via facsimile

RICHARD B. BURLEIGH
Deputy Attorney General
Idaho Department of Insurance
700 W. State Street
P.O. Box 83720
Boise, Idaho 83720-0043

- ☐ first class mail
- ☐ certified mail
- ☒ hand delivery
- ☐ via facsimile



Teresa Jones