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FILED

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Department of Insurance
State of Idaho

Attorneys for Department of Insurance

**BEFORE THE DIRECTOR OF THE DEPARTMENT OF INSURANCE
OF THE STATE OF IDAHO**

In the Matter of:

ATLANTIC MUTUAL INSURANCE
COMPANY,

Certificate of Authority No. 493
NAIC No. 19895

Docket No. 18-2599-12

**ORDER CONTINUING SUSPENSION
OF CERTIFICATE OF AUTHORITY**

WHEREAS, Certificate of Authority No. 493 issued to ATLANTIC MUTUAL INSURANCE COMPANY (ATLANTIC MUTUAL), a New York-domiciled insurer licensed for property and casualty insurance, including workers' compensation insurance, in the state of Idaho under said certificate of authority, has been suspended by the Director of the Idaho Department of Insurance (Director) by orders dated March 31, 2010; February 17, 2011; and January 6, 2012; and

WHEREAS, ATLANTIC MUTUAL was placed into liquidation on April 27, 2011, by order of the Supreme Court of the State of New York, Index No. 402424/10, based on the petition of the Superintendent of Insurance of the State of New York;

NOW, THEREFORE, IT IS HEREBY ORDERED, pursuant to Idaho Code § 41-327(3), that Certificate of Authority No. 493 issued to ATLANTIC MUTUAL be CONTINUED IN SUSPENSION, effective immediately, for a period of one (1) year from the date of this order. The Director may terminate the suspension sooner if the cause for said suspension is corrected and ATLANTIC MUTUAL is otherwise in compliance with title 41, Idaho Code.

IT IS FURTHER ORDERED that ATLANTIC MUTUAL comply with the requirements of Idaho Code § 41-329, including § 41-329(2), which provides: “During the suspension period the insurer shall not solicit or write any new business in this state, but shall file its annual statement, pay fees, licenses, and taxes as required under this code, and may service its business already in force in this state, as if the certificate of authority had continued in full force.”

IT IS FURTHER ORDERED, pursuant to Idaho Code § 41-330(1), that, within four (4) days after notice of this suspension is provided, ATLANTIC MUTUAL shall notify, by any available means, every person authorized to write business in the state of Idaho by said insurance company, to immediately cease to write any further insurance business for ATLANTIC MUTUAL in Idaho.

NOTIFICATION OF RIGHTS

This is a final order of the Director. Any party may file a motion for reconsideration of this final order within fourteen (14) days of the service date of this order. The agency will dispose of the petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. *See* Idaho Code § 67-5246(4).

Pursuant to Idaho Code §§ 67-5270 and 67-5272, any party aggrieved by this final order or orders previously issued in this case may appeal this final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:


- i. A hearing was held,

- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or operates its principal place of business in Idaho, or
- iv. The real property or personal property that was the subject of the agency action is located.

An appeal must be filed within twenty-eight (28) days of (a) the service date of this final order, (b) an order denying petition for reconsideration, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration, whichever is later. *See Idaho Code § 67-5273.* The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

DATED this 20th day of November, 2012.

STATE OF IDAHO
DEPARTMENT OF INSURANCE

For  Dep Director
WILLIAM W. DEAL
Director

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on this 20th day of November, 2012, I caused a true and correct copy of the foregoing ORDER CONTINUING SUSPENSION OF CERTIFICATE OF AUTHORITY to be served upon the following by the designated means:

Atlantic Mutual Insurance Company
100 Wall Street, 28th Floor
New York, NY 10005-3743

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

Idaho Guaranty Association
Attn: Dave Edwards
Western Guaranty Fund Services
dedwards@wgfs.org

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

Idaho Industrial Commission
Attn: Michael Dahlmeir
mdahlmeir@iic.idaho.gov

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

Idaho State Treasurer's Office
Attn: Angela Bonaminio
angela.bonaminio@sto.idaho.gov

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

National Council on Compensation Insurance
Attn: Michelle Smith
michelle_smith@NCCI.com

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

A. René Martin
Deputy Attorney General
Idaho Department of Insurance
P.O. Box 83720
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- ☐ first class mail
- ☐ certified mail
- ☒ hand delivery
- ☐ via facsimile


Teresa Jones