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FILED
JAN 29 2013
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:

ZENITH AMERICAN SOLUTIONS, INC.,
Third Party Administrator License No. 94425,

RESPONDENT.

Docket No. 18-2833-13

**STIPULATION AND FINAL ORDER
RESOLVING VIOLATIONS OF
IDAHO INSURANCE CODE**

The parties herein, namely the Idaho Department of Insurance (“**Department**”) and its counsel of record, Richard B. Burleigh, Deputy Attorney General, and ZENITH AMERICAN SOLUTIONS, INC., Third Party Administrator License No. 94425, do hereby agree and stipulate to the following facts and conclusions of law:

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

2. That ZENITH AMERICAN SOLUTIONS, INC. (“RESPONDENT”), was granted Third Party Administrator (“TPA”) License No. 94425 effective August 22, 2002, pursuant to the previous version of chapter 9, title 41, Idaho Code, which chapter was replaced in its entirety in 2010 by the current version of chapter 9, title 41, Idaho Code.

3. That RESPONDENT's TPA License No. 94425 is scheduled to expire as of January 1, 2015.

4. That RESPONDENT was notified by letter dated February 22, 2012, and sent by U.S. First Class Mail, postage prepaid, that it would be required to file either a home state license application pursuant to Idaho Code § 41-911 or a nonresident application pursuant to Idaho Code § 41-912, on or before July 1, 2012. The notice informed RESPONDENT that the filing fee for the application would be waived.

5. That RESPONDENT failed to file a TPA application pursuant to chapter 9, title 41, Idaho Code on or before July 1, 2012

6. That, pursuant to Idaho Code § 41-914, all licensed TPAs are required to file an annual report with the Department on or before July 1 of each year.

7. That, on June 29, 2012 RESPONDENT requested an extension to file the annual report.

8. That the Department granted RESPONDENT an extension of time to file the annual report until August 1, 2012, which extension, by implication included an extension to file a home state or nonresident TPA license application.

9. That RESPONDENT failed to file an annual report or application for a TPA license by the August 1, 2012 deadline.

10. That RESPONDENT filed an incomplete annual report and application for a nonresident TPA license on December 21, 2012, four months after the deadline for filing as extended by the Department.

11. That RESPONDENT continues to operate as an administrator in Idaho notwithstanding its failure to comply with the requirements of the Idaho Code.

12. That, pursuant to Idaho Code § 41-915(2)(a), the Department may seek

suspension or revocation of RESPONDENT's TPA license for failure to comply with the Idaho Code.

13. That, pursuant to Idaho Code §§ 41-117 and 41-915(4), the Department may seek general penalties against RESPONDENT of up to five thousand dollars (\$5,000.00) per violation of the Idaho Insurance Code.

14. That, in lieu of a contested enforcement action, the parties agree that this matter can be brought to a close by a negotiated and stipulated settlement.

15. RESPONDENT therefore agrees as follows:

- a. RESPONDENT shall pay a five hundred dollar (\$500.00) penalty to the Department within fifteen (15) days following the entry of the final order concerning this Stipulation.
- b. RESPONDENT shall submit to the Department all necessary documentation to complete its application for a nonresident license pursuant to Idaho Code § 41-912 and its 2011 annual report within fifteen (15) days from the entry of the final order concerning this Stipulation.
- c. If RESPONDENT fails to comply with the preceding, RESPONDENT agrees that the Department may revoke RESPONDENT's TPA license without further notice or hearing.

16. Nothing in this Stipulation shall affect the Department's review of RESPONDENT's nonresident TPA license application, which review and approval, if appropriate, shall proceed in the Department's normal course.

17. RESPONDENT acknowledges that it has had the opportunity to consult with counsel concerning this Stipulation. RESPONDENT waives its right to notice and hearing at which it may be represented by counsel, present evidence and examine witnesses.

RESPONDENT waives its right to submit this matter for review by a court of competent jurisdiction.

18. 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.

19. The parties hereby waive the right to seek reconsideration and judicial review of this Stipulation or the violations of the Idaho Code referenced herein.

AGREED THIS 22nd day of January, 2013.

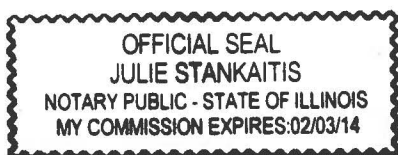
ZENITH AMERICAN SOLUTIONS, INC.
a Maryland corporation

By: Joann M. Kaminski
Name: Joann M. Kaminski
Its: CFO/EVP

STATE OF ILLINOIS)
) ss.
County of DUPAGE)

On this 22nd day of JANUARY, 2013, before me, the undersigned, a Notary Public in and for said State, personally appeared JOANN KAMINSKI, the CFO + EVP of ZENITH AMERICAN SOLUTIONS, INC., a Maryland corporation, who executed the foregoing instrument on behalf of said company, 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.

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



Julie Stankaitis
Notary Public in and for the
State of ILLINOIS
Residing at 6910 WATERFALL PL DG, IL 60516
My commission expires: 2/3/2014

AGREED THIS 29th day of January, 2013.

IDAHO DEPARTMENT OF INSURANCE

By: Georgia Siehl
Georgia Siehl, CPA, CFE
Bureau Chief, Chief Examiner
Idaho Department of Insurance

Approved as to Form:

OFFICE OF THE ATTORNEY GENERAL
STATE OF IDAHO

By: [Signature]
Richard B. Burleigh
Deputy Attorney General
Attorney for the Idaho Department of Insurance

FINAL ORDER

IT IS HEREBY ORDERED,

- a. That the preceding Stipulation is approved and adopted in full.
- b. RESPONDENT shall pay a five hundred dollar (\$500.00) penalty to the Department within fifteen (15) business days following the entry of this Order
- c. RESPONDENT shall submit to the Department all necessary documentation to complete its application for a nonresident license pursuant to Idaho Code § 41-912 and its 2011 annual report within fifteen (15) days from the entry of this Order.
- d. If RESPONDENT fails to comply with this Order, RESPONDENT agrees that the Department may revoke RESPONDENT's TPA license without further notice or hearing.

DATED this 29TH day of January, 2013.

STATE OF IDAHO
DEPARTMENT OF INSURANCE



WILLIAM W. DEAL
Director

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 29th day of January, 2013, I caused a true and correct fully-executed copy of the foregoing STIPULATION AND FINAL ORDER RESOLVING VIOLATIONS OF IDAHO INSURANCE CODE to be served on the following by the designated means:

Zenith American Solutions, Inc.
Attn: Jeff Bell
3501 Frontage Road
Tampa, Florida 33607

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

Richard B. Burleigh
Deputy Attorney General
Idaho Department of Insurance
700 W. State Street, 3rd Floor
P.O. Box 83720
Boise, ID 83720-0043

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


Teresa Jones