

FILED

FEB 27 2023

**Department of Insurance
State of Idaho**

BEFORE THE DIRECTOR OF THE DEPARTMENT OF INSURANCE

STATE OF IDAHO

In the Matter of:

WESTERN GENERAL INSURANCE
COMPANY,

Certificate of Authority No. 3570
NAIC No. 27502

Docket No. 18-4091-23

**ORDER CONTINUING SUSPENSION
OF CERTIFICATE OF AUTHORITY**

On April 11, 2022, the Director of the Idaho Department of Insurance suspended the Idaho Certificate of Authority No. 3570 issued to WESTERN GENERAL INSURANCE COMPANY (“Western General”), a California-domiciled insurer licensed to transact property and casualty insurance, excluding workers’ compensation in the State of Idaho. With this Order, the Director continues to suspend Western General’s Idaho Certificate of Authority.

FINDINGS AND DISCUSSION

On August 5, 2021, Western General was placed under a Liquidation Order with a Finding of Insolvency by the Superior Court of the State of California, County of Los Angeles Central District, Case No. 21STCP01655, based upon the ex parte application and supporting papers of Ricardo Lara, in his capacity as Insurance Commissioner of the State of California.

On April 11, 2022, the Director suspended Western General’s Idaho Certificate of Authority under Idaho Code § 41-327(3), which empowers the Director to, without advance notice

or hearing, “immediately suspend the certificate of authority of any insurer as to which proceedings for receivership, conservatorship, rehabilitation, or other delinquency proceedings have been commenced in any state by the public insurance supervisory official of such state.” Per Idaho Code § 41-329, the Director ordered that the suspension would last for one (1) year from the date of the order.

On March 17, 2022, the Insurance Commissioner of the State of California reported to the court on the status of the Western General liquidation. Among other things, the Report reflected that, as of December 31, 2021, Western General possessed a total surplus of (-\$586,694). *See* Insurance Commissioner’s Status Report on the Liquidation of Western General and Response to Order to Show Cause Re: Dismissal dated March 21, 2022.

Idaho Code § 41-326(1)(b) states the Director shall refuse to continue, or shall suspend or revoke, a foreign insurer’s Idaho certificate of authority if the insurer “no longer meets the requirements for the authority, on account of deficiency of assets or otherwise.” Idaho Code § 41-326(2) also empowers the Director to take such action without a hearing in cases of insolvency or impairment of required capital or surplus. Under Idaho Code § 41-313(1), a mutual insurer like Western General must possess at least One Million Dollars (\$1,000,000) in unimpaired basic surplus and additional surplus to qualify for and maintain authority to transact insurance in Idaho. Western General no longer satisfies this requirement.

Based on these findings that Western General is subject to delinquency proceedings within the meaning of Idaho Code § 41-327(3) and does not meet the surplus requirements in Idaho Code § 41-313(1), and good cause appearing;

NOW, THEREFORE, IT IS ORDERED, per Idaho Code §§ 41-326(1)(b) and 41-327(3), that Certificate of Authority No. 3570 issued to Western General is 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 Western General is otherwise in compliance with title 41, Idaho Code.

IT IS FURTHER ORDERED that Western General shall comply with Idaho Code § 41-329, including § 41-329(2), which states: "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 force."

IT IS FURTHER ORDERED, pursuant to Idaho Code § 41-330(1), that, within four (4) days after notice of this suspension is provided, Western General 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 business for Western General in Idaho.

IT IS FURTHER ORDERED that, within 60 days of the date of this order, Western General file with the Director a complete listing of its policies owned by or issued to residents of Idaho. Such list shall include the name and address of each policyholder and insured, policy type, face amount, and cash surrender value of the policy, as applicable.

DATED this 27th day of February, 2023.

STATE OF IDAHO
DEPARTMENT OF INSURANCE


DEAN L. CAMERON
Director

NOTIFICATION OF RIGHTS

This is a final order of the agency. 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 motion for reconsideration within twenty-one (21) days of its receipt, or the motion will be considered denied by operation of law. See Idaho Code § 67-5246(4).

Any such motion for reconsideration shall be served on the Director of the Idaho Department of Insurance, addressed as follows:

Dean L. Cameron, Director
Idaho Department of Insurance
700 W. State Street, 3rd Floor
P.O. Box 83720
Boise, ID 83720-0043

Pursuant to Idaho Code §§ 67-5270 and 67-5272, any party aggrieved by this final order or orders previously issued in this case may file a petition for judicial review 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.

A petition for judicial review must be filed within twenty-eight (28) days of: (a) the service date of this final order, (b) the service of an order denying motion for reconsideration, or (c) the failure within twenty-one (21) days to grant or deny a motion for reconsideration, whichever is later. See Idaho Code § 67-5273. The filing of a petition for judicial review does not itself stay the effectiveness or enforcement of the order under appeal. Idaho Code § 67-5274.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 27th day of February 2023, I caused a true and correct copy of the foregoing ORDER CONTINUING SUSPENSION OF CERTIFICATE OF AUTHORITY to be served on the following parties by the method(s) designated below:

John L. Albanese
WESTERN GENERAL INSURANCE COMPANY
5230 Las Virgenes Road, Suite 100
Calabasas, CA 91302

- ☒ first class mail
- ☐ certified mail
- ☐ hand delivery
- ☐ facsimile
- ☒ email: jalbanese@westerngeneral.com
pbrents@westerngeneral.com

Ricardo Lara, Insurance Commissioner
CALIFORNIA DEPT. OF INSURANCE
300 Capitol Mall, 17th Floor
Sacramento, CA 95814

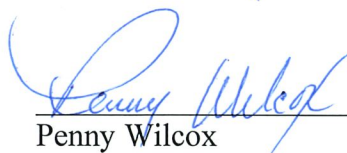
- ☒ first class mail
- ☐ certified mail
- ☐ hand delivery
- ☐ facsimile
- ☐ email:

Chad Anderson, President
IDAHO GUARANTY ASSOCIATION
WESTERN GUARANTY FUND SERVICES
1873 S. Bellaire St. #920
Denver, CO 80222-4386

- ☐ first class mail
- ☐ certified mail
- ☐ hand delivery
- ☐ facsimile
- ☒ email: canderson@wgfs.org

Karl T. Klein
Lead Deputy Attorney General
Idaho Department of Insurance
P.O. Box 83720
Boise, ID 83720-0043

- ☐ first class mail
- ☐ certified mail
- ☐ hand delivery
- ☐ facsimile
- ☒ email: karl.klein@doi.idaho.gov


Penny Wilcox