

FILED

JUN 28 2023

Department of Insurance  
State of Idaho

**BEFORE THE DIRECTOR OF THE DEPARTMENT OF INSURANCE**

**STATE OF IDAHO**

In the Matter of:

IDAHO PETROLEUM CLEAN WATER  
TRUST FUND,

Certificate of Authority No. 2436

Docket No. 18-4301-23

**ORDER ADOPTING REPORT  
OF EXAMINATION AS OF  
DECEMBER 31, 2021**

The Idaho Department of Insurance (“Department”), in accordance with Idaho Code §§ 41-219(1) and 41-4932, has examined the affairs, transactions, accounts, records, and assets of the Idaho Petroleum Clean Water Trust Fund (“Trust Fund”), for the period of January 1, 2017 through December 31, 2021. The Department’s verified Report of Examination (“Report”), reflecting the examiner’s findings, was then filed with the Department per Idaho Code § 41-4932(3).

Having reviewed the Report and record, the Department’s Director (“Director”) enters this order adopting the Report as filed. A copy of the Report is attached to this Order as Exhibit “A”.

**FINDINGS OF FACT**

1. The Trust Fund is a liability insurance trust fund, created pursuant to the Petroleum Clean Water Trust Fund Act, Idaho Code § 41-4901 *et sec.*, formed and authorized to operate in Idaho as a non-profit special purpose vehicle that issues contracts of liability insurance to governmental and private owners and operators of petroleum storage tanks. Pursuant to Idaho Code § 41-4904(2), the administrator of the Trust Fund is the Idaho State Insurance Fund (“ISIF”). The Trust Fund was registered with the

Department on April 24, 1991, is domiciled in Idaho and doing business under Certificate of Authority No. 2436.

2. On or about May 23, 2023, the Department completed an examination of the Trust Fund per Idaho Code §§ 41-219(1) and 41-4932. The Department's examination disclosed no adverse material findings or any adjustments that impacted the Trust's reported net assets.

3. Per Idaho Code 41-4932(3) the Department transmitted a copy of the Report to the Trust Fund administrator on May 23, 2023.

4. Under Idaho Code § 41-4932(3), the Trust Fund had two weeks from receipt of the Report to make written recommendations for corrections or changes to the Report. On June 1, 2023, the Department received a "Waiver" from the Trust Fund administrator's Chief Legal Officer, Richard B. Burleigh, an authorized signatory. A copy of the Waiver is attached hereto as Exhibit "B". By executing the Waiver, the Trust Fund has consented to the Director's immediate entry of a final order adopting the Report without modification. The Trust Fund has also waived its rights to: (1) examine the Report for not more than two weeks; (2) make a written submission or rebuttal to the Report prior to the entry of a final order; (3) request a hearing, and (4) seek reconsideration or appeal from the Director's final order.

#### **CONCLUSIONS OF LAW**

5. Idaho Code § 41-227(5)(a) requires the Director to fully consider and review the Report, together with any written submissions or rebuttals and any relevant portions of the examiner's work papers and enter an order adopting the Report as filed or with modifications or corrections, rejecting the Report and reopening the examination, or calling for an investigatory hearing.

6. Having fully considered the Report and record, the Director concludes that, regarding the matters examined, the Report is appropriate and should be adopted and incorporated into this Order as if set forth in full.

**ORDER**

NOW, THEREFORE, IT IS ORDERED that the Report is adopted as filed and incorporated herein as if set forth in full.

IT IS FURTHER ORDERED, per Idaho Code §41-4932(3), that the adopted Report is a public record and shall not be subject to the exemptions from disclosure provided in chapter 1, title 74, Idaho Code.

IT IS FURTHER ORDERED, per Idaho Code § 41-227(6)(a), that within 30 days of the service date of this Order adopting the Report, the Trust must file with the Department's chief examiner, affidavits executed by each of its trustees, stating under oath that they have received a copy of the adopted Report and related orders.

DATED AND EFFECTIVE this 28<sup>th</sup> day of June, 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 14 days of the service date of this order. The agency will dispose of the motion for reconsideration within 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, 3<sup>rd</sup> 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:

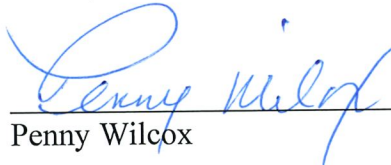
- i. A hearing was held;
- ii. The final agency action was taken;
- iii. The party seeking review of the order resides, or operates its principal place of business in Idaho; or
- iv. The real property or personal property that was the subject of the agency action is located.

A petition for judicial review must be filed within 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 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**

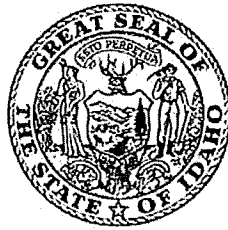
I HEREBY CERTIFY that, on this 28<sup>th</sup> day of June, 2023, I caused a true and correct copy of the foregoing ORDER ADOPTING REPORT OF EXAMINATION AS OF DECEMBER 31, 2021, to be served upon the following by the designated means:

Idaho Petroleum Clean Water Trust Fund c/o Idaho State Insurance Fund, Administrator Attn: Richard B. Burleigh 215 W. State Street Boise, ID 83720-0044	<input type="checkbox"/> First Class Mail <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Facsimile <input type="checkbox"/> Email:
John C. Keenan Deputy Attorney General Idaho Department of Insurance 700 W. State St., 3 <sup>rd</sup> Floor PO Box 83720 Boise, ID 83720-0043	<input type="checkbox"/> First Class Mail <input type="checkbox"/> Certified Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Facsimile <input checked="" type="checkbox"/> Email: <u>john.keenan@doi.idaho.gov</u>

  
\_\_\_\_\_  
Penny Wilcox

DEPARTMENT OF INSURANCE

STATE OF IDAHO



REPORT OF EXAMINATION

Of

IDAHO PETROLEUM CLEAN WATER TRUST FUND  
(a property & casualty entity)  
(NAIC Company Code: 14430)

As of  
December 31, 2021

**EXHIBIT**

    A    

exhibitid.com

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Boise, Idaho  
May 23, 2023

The Honorable Dean L. Cameron  
Director of Insurance  
State of Idaho  
700 West State Street  
P.O. Box 83720  
Boise, Idaho 83720-0043

Dear Director:

Pursuant to your instructions, in compliance with Section 41-219(1), Idaho Code, and in accordance with the practices and procedures promulgated by the National Association of Insurance Commissioners (NAIC), we have conducted an examination as of December 31, 2021, of the financial condition and corporate affairs of:

Idaho Petroleum Clean Water Trust Fund  
1215 West State Street  
Boise, Idaho 83702

Hereinafter referred to as (the "Fund") at its offices in Boise, Idaho. The following report of examination is respectfully submitted.



## SCOPE OF EXAMINATION

### *Period Covered*

We have performed a single state, full scope examination of Idaho Petroleum Clean Water Trust Fund. The last examination was completed as of December 31, 2016. This examination covers the period of January 1, 2017, through December 31, 2021.

### *Examination Procedures Employed*

Our examination was conducted in accordance with the NAIC *Financial Condition Examiners Handbook* to determine compliance with accounting practices and procedures in conformity with the applicable laws and insurance rules promulgated by the Idaho Department of Insurance (the "Department"). The handbook requires that we plan and perform the examination to evaluate the financial condition, assess corporate governance, identify current and prospective risks of the Fund, and evaluate system controls and procedures used to mitigate those risks. An examination also includes identifying and evaluating significant risks that could cause an insurer's surplus to be materially misstated both currently and prospectively.

All accounts and activities of the Fund were considered in accordance with the risk-focused examination process. This may include assessing significant estimates made by management and evaluating management's compliance with Statutory Account Principles. The examination does not attest to the fair presentation of the financial statements herein. If during the course of the examination an adjustment was identified, the impact of such an adjustment will be documented separately following the Fund's financial statements.

The report of examination includes findings of fact and general information about the insurer and its financial condition. There may be other items identified during the examination that, due to their nature, are not included within the report of examination but separately communicated to the Fund.

The examination determined the risks associated with identified key functional areas of the Fund's operation and considered mitigating factors. Interviews were held with the senior management of the Fund to gain an understanding of the entity's operating profile and control environment.

For the year ending December 31, 2021, the Fund retained the services of a certified public accounting firm, Johnson Lambert, LLP, to audit its financial records. The firm allowed the examiners access to the requested work papers prepared in connection with its audit. The external audit work was relied upon where deemed appropriate.

The examination relied on the findings of the actuarial firm contracted by the Department to verify reserves.

A letter of representation certifying that management disclosed all significant matters and records was obtained from management and included in the examination working papers.

### *Status of Prior Examination Findings*

There were no exceptions commented upon in our preceding Report of Examination, dated August 22, 2018, which covered the period from January 1, 2012, to December 31, 2016.

The prior Report of Examination as of December 31, 2016, was distributed and reviewed by the Board of Trustees (the "Board") on July 24, 2018, in accordance with Idaho Code § 41-227(6)(a).

## **SUMMARY OF SIGNIFICANT FINDINGS**

Our examination did not disclose any material adverse findings or any adjustments that impacted the Fund's reported capital and surplus.

## **SUBSEQUENT EVENTS**

On March 11, 2020, the World Health Organization declared the spreading Novel Coronavirus Diseases, COVID-19, a pandemic. On March 13, 2020, the United States declared the COVID-19 pandemic as a national emergency. COVID-19 has created economic disruptions on a global scale which has led to uncertainty about the overall economic impact to financial markets. At this time, the full effect of COVID-19 on the Fund is unknown. In a coordinated effort, the Fund and the Department will continue to monitor the effects of the pandemic to the Fund.

## **FUND HISTORY**

### *General*

The Fund was established by an act of the Idaho Legislature with the passage of the *Idaho Petroleum Clean Water Trust Fund Act*, pursuant to the provisions of Idaho Code, Title 41, Chapter 49, which was approved on March 23, 1990. The Fund received a certificate of registration to do business in Idaho on April 24, 1991. The Fund is a state created, not-for-profit insurance organization that insures owners and operators of eligible petroleum storage tanks in Idaho for the cost of corrective action due to accidental releases of petroleum products and any resulting bodily injury or property damages suffered by third parties.

Major funding is provided by the collection of a transfer fee assessed at a rate of \$0.01 per gallon on petroleum products pursuant to Idaho Code § 41-4909(7). Per Idaho Code § 41-4910(4)(a) (4)(b) (5)(a), the fee is collected by the Idaho State Tax Commission and apportioned as follows:

Agency	Apportionment
The Fund	20%
Idaho State Highway Fund	77%
Idaho Department of Parks and Recreation	3%

Per Idaho Code § 41-4909(10), the transfer fees are suspended when the unencumbered balance in the Fund reaches thirty-five million and reinstated when the balance in the Fund equals twenty-five million. Application fees are collected from owners or operators of underground or above

ground storage tanks. The individual applications are five dollars to twenty-five dollars, depending on the size of the tank.

Under Idaho Code § 41-3603(9), the Fund is exempt from the Idaho Insurance Guaranty Association.

#### *Dividends and Capital Contributions*

There were no dividends or capital contributions during the examination period.

#### *Mergers and Acquisitions*

There were no mergers and acquisitions during the examination period.

#### *Surplus Debentures*

There were no surplus debentures during the examination period.

### **FUND RECORDS**

There were regular and special meetings of the Board conducted telephonically and remotely at least four times each year under examination. The meeting minutes, including the accompanying Board packets, contained detailed information regarding the financial condition, corporate governance, and operational affairs of the Fund.

The Fund's records, which included but were not limited to, accounting, claims, and Board meeting minutes were kept at the Fund's office in Boise, Idaho.

### **MANAGEMENT AND CORPORATE GOVERNANCE**

Pursuant to Idaho Code § 41-4904, the Governor shall appoint seven (7) persons to be the Board of the Fund. One member shall be a member of the state senate, one member shall be a member of the state house of representatives, one member shall be a representative of the financial community with expertise in the area of insurance, accounting or finance, one member shall be an engineer, geologist or similarly trained scientist with experience in environmental remediation and three members shall be wholesale distributors of petroleum products. The Governor shall appoint a chairperson from the seven Board members.

Pursuant to Idaho Code § 41-4904(3), the members of the Board shall direct the policies and operation of the Fund to ensure it is run as an efficient insurance company, remains actuarially sound, and maintains the public purposes for which the Fund was created.

The following persons served as Board Trustees of the Fund as of December 31, 2021:

Name	Principal Occupation
Brett R. Adams, Chairperson	Adams Petroleum, Inc., Marketer
Randy Armstrong*	Idaho State Legislature, Representative
Charley D. Jones	Stinker Stores Inc., Marketer
Elizabeth Elroy	Micron Technology, Engineering & Construction
Jessica F. Berry	Berry Oil, Controller
Steven Thayn**	Idaho State Legislature, Former Representative
John Jackson	Jackson Food Stores, Inc., Marketer

*\*As of 2023, Rod Furniss was appointed and is an Idaho State Legislature, Representative.*

*\*\*As of 2023, Jim Guthrie was appointed and is an Idaho State Legislature, Representative.*

Per Idaho Code § 41-4904 (2), the administrator of the Fund is the Idaho State Insurance Fund (ISIF), unless replaced by the Board with another person. ISIF serves at the pleasure of the Board.

#### Management and Administrative Agreement

The Management and Administrative Agreement (the "Agreement") between the Fund and ISIF was revised and filed with the Department on May 11, 2020.

Under the Agreement, ISIF provides personnel, services, offices, record keeping, underwriting, contract issuance, claims procedures, and other resources to manage and administer the services as provided in the *Idaho Petroleum Clean Water Trust Fund Act*.

The Agreement provides for the reimbursement of all direct costs incurred including but not limited to salaries and benefits, claim payments, legal, professional, auditing and actuarial fees, office space and parking rent, cell phone costs, software for services benefitting the Fund, and other cost approved by the Board. In addition to direct costs, indirect costs for shared services for providing management, administration, accounting, human resources, legal and other operational support functions. The indirect costs beginning in the 2020 calendar year were \$306,825, increasing by two (2%) each calendar year thereafter, contingent upon a review of the indirect cost once every five years.

### **FIDELITY BOND AND OTHER INSURANCE**

The minimum fidelity coverage suggested by the NAIC for an insurer of the Fund's size and premium volume is not less than \$200,000. As of December 31, 2021, the Fund had sufficient fidelity bond coverage subject to a loss limit of \$10,000,000.

The Fund also had additional insurance protection against forgery or alteration, computer fraud, funds transfer fraud, and money orders and counterfeit money.

## PENSION AND INSURANCE PLANS

The Fund does not have any employees or provide employee benefits. ISIF provides qualified personnel, management and administrative services to the Fund pursuant to the Agreement outlined above.

## TERRITORY AND PLAN OF OPERATION

As of December 31, 2021, the Fund was authorized to transact business in the state of Idaho only, pursuant to Certificate of Authority No. 2436. The Fund is operated by ISIF from its main administrative office located in Boise, Idaho.

## GROWTH OF THE FUND

The following represents the Fund's application and transfer fee activity and its relationship to policyholder surplus over the period of the examination:

	<u>2017</u>	<u>2018</u>	<u>2019</u>	<u>2020</u>	<u>2021</u>
Application Fees	\$ 104,035	\$ 104,435	\$ 105,650	\$ 103,915	\$ 105,925
Transfer Fees	2,433,382	2,491,067	2,605,406	2,511,411	2,694,370
Miscellaneous Income					646
Total Fees & Income	\$ 2,537,417	\$ 2,595,502	\$ 2,711,056	\$ 2,615,326	\$ 2,800,941
Policyholder Surplus	\$31,352,566	\$31,587,278	\$32,106,015	\$32,346,844	\$32,615,200
Total Fees & Income to Policyholder Surplus Ratio	8%	8%	8%	8%	9%

## LOSS EXPERIENCE

The following represents the Fund's loss experience and its relationship to application and transfer fee income over the period of our examination:

	<u>2017</u>	<u>2018</u>	<u>2019</u>	<u>2020</u>	<u>2021</u>
Application Fees	\$ 104,035	\$ 104,435	\$ 105,650	\$ 103,915	\$ 105,925
Transfer Fees	2,433,382	2,491,067	2,605,406	2,511,411	2,694,370
Total Fees	<u>\$ 2,537,417</u>	<u>\$ 2,595,502</u>	<u>\$ 2,711,056</u>	<u>\$ 2,615,326</u>	<u>\$ 2,800,295</u>
Losses Incurred	2,321,136	1,496,771	1,510,494	1,551,057	1,410,659
Loss Adjustment Expenses (LAE) Incurred	(64,263)	109,148	285,903	608,544	514,579
Other Underwriting Expenses Incurred	1,188,229	1,171,563	1,234,069	1,013,261	1,064,905
Total Losses, Loss Adjustment Expenses & Other Underwriting Expenses Incurred	<u>\$ 3,445,102</u>	<u>\$ 2,777,482</u>	<u>\$ 3,030,466</u>	<u>\$ 3,172,862</u>	<u>\$ 2,990,143</u>
Total Losses, Loss Adjustment Expenses & Other Underwriting Expenses Incurred to Total Fees Ratio	136%	107%	112%	121%	107%

## REINSURANCE

The Fund did not assume or cede any reinsurance during the examination period.

## ACCOUNTS AND RECORDS

### *General Accounting*

ISIF provides accounting, record keeping, and data processing functions to the Fund. ISIF utilized commercially available accounting software for the Funds' accounting and general ledger processing, budgeting and financial reporting, and policy administration.

## STATUTORY DEPOSITS

Pursuant to Idaho Code §§ 41-316A, 41-803 and 41-804, the Fund was required to maintain a deposit in an amount equal to \$1,000,000. The examination confirmed the Fund maintained a statutory deposit with the State of Idaho in compliance with Idaho Code.

## **FINANCIAL STATEMENTS**

The following financial statements are based on the statutory financial statements filed by the Fund with the Department and present the financial condition of the Fund for the period ending December 31, 2021. The accompanying comments on financial statements reflect any material examination adjustments to the amounts reported in the annual statements and should be considered an integral part of the financial statements.

Statement of Assets

	<u>Assets</u>	<u>Nonadmitted Assets</u>	<u>Net Admitted Assets</u>
Bonds	\$ 36,046,800		\$ 36,046,800
Cash, cash equivalents and short-term investments	1,103,331		1,103,331
Investment income due and accrued	136,703		136,703
Aggregate write-ins for other- than-invested assets	448,773	1,529	447,244
Rounding	-	-	1
	<u>\$ 37,735,607</u>	<u>\$ 1,529</u>	<u>\$ 37,734,079</u>



Statement of Liabilities

Losses	\$ 3,749,730
Loss adjustment expenses	1,259,766
Other expenses (excluding taxes, licenses and fees)	109,383
Total liabilities	<u>\$ 5,118,879</u>
Aggregate write-ins for other than special surplus funds	1,845,527
Unassigned fund (surplus)	30,769,673
Surplus as regards policyholders	<u>\$ 32,615,200</u>
Total liabilities and surplus as regards policyholders	<u><u>\$ 37,734,079</u></u>

Statement of Income

Premiums earned	\$ -
Less	
Losses incurred	1,410,659
Loss adjustment expenses incurred	514,679
Other underwriting expenses incurred	1,064,905
Total underwriting deductions	<u>\$ 2,990,243</u>
Net underwriting gain (loss)	<u>\$ (2,990,243)</u>
Net investment income earned	509,530
Net realized capital gains (losses)	(50,343)
Rounding	(1)
Net investment gain (loss)	<u>\$ 459,186</u>
Aggregate write-ins for miscellaneous income	2,800,941
Total other income	<u>\$ 2,800,941</u>
Net income	269,884
Rounding	1
Net income	<u>\$ 269,885</u>

Capital and Surplus

Surplus as regards policyholders, prior year	<u>\$ 32,346,844</u>
Net income	\$ 269,885
Change in nonadmitted assets	<u>(1,529)</u>
Net change in surplus as regards policyholders	<u>\$ 268,356</u>
Surplus as regards policyholders, current year	<u><u>\$ 32,615,200</u></u>

Reconciliation of Capital and Surplus

	<u>2017</u>	<u>2018</u>	<u>2019</u>	<u>2020</u>	<u>2021</u>
Surplus as regards policyholders, prior year	\$ 31,787,710	\$ 31,352,566	\$ 31,587,278	\$ 32,106,015	\$ 32,346,844
Net income or (loss)	\$ (435,144)	\$ 234,712	\$ 516,202	\$ 240,829	\$ 269,885
Change in non-admitted assets	-	-	-	-	(1,529)
Investment earned income for prior period adjustment	-	-	2,535	-	-
Surplus as regards policyholders, current year	\$ 31,352,566	\$ 31,587,278	\$ 32,106,015	\$ 32,346,844	\$ 32,615,200

Analysis of Change in Financial Statements Resulting from Examination

There were no material adjustments to surplus resulting from the examination.

Comments on Financial Statement Items

There were no adverse findings or material changes to the financial statements resulting from the examination.

**SUMMARY OF RECOMMENDATIONS**

There were no material findings or recommendations rising to the level deemed necessary for inclusion into this report of examination.

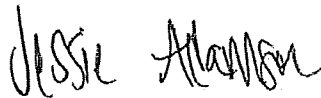
## ACKNOWLEDGEMENT

Glenn Tobleman, FSA, MAAA, FCAS and Valerie Hanley, Actuarial Associate, of Lewis & Ellis, Inc., performed the actuarial phases of the examination. Joanna Lathan, CPA, CFE, AES, CISA, CRISC of Jennan Enterprise, LLC performed the Information Systems review. In addition to the undersigned, Toni L. Bean, CFE, CIA, CRMA and Cecilee Houdek, CFE, CPA, MCM of INS Regulatory Insurance Services, Inc., participated in the examination representing the Idaho Department of Insurance. They join the undersigned in acknowledging the assistance and cooperation extended during the course of the examination by officers, employees, and representatives of the Fund.

Respectfully submitted,

A handwritten signature in cursive script that reads "Mark Jaster".

Mark Jaster, CFE  
Examiner-in-Charge  
Representing the Idaho Department of Insurance

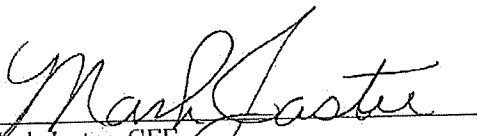
A handwritten signature in cursive script that reads "Jessie L. Adamson".

Jessie L. Adamson, CFE, CISA  
Deputy Chief Examiner  
Idaho Department of Insurance

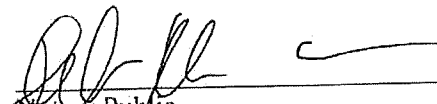
## AFFIDAVIT OF EXAMINER

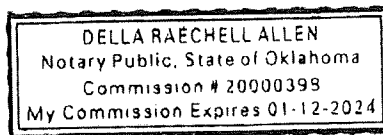
Oklahoma  
Oklahoma County

Mark Jaster, being duly sworn, deposes and says that he is a duly appointed Examiner for the Department of Insurance of the State of Idaho, that he has made an examination of the affairs and financial condition of the Idaho Petroleum Clean Water Trust Fund for the period January 1, 2017 through December 31, 2021, that the information contained in the report consisting of the foregoing pages is true and correct to the best of his knowledge and belief; and that any conclusions and recommendations contained in this report are based on the facts disclosed in the information.

  
Mark Jaster, CFE  
INS Regulatory Insurance Services, Inc.  
On behalf of Idaho Department of Insurance

Subscribe and sworn to before me the 23<sup>rd</sup> day of May, 2023, at Oklahoma City (City),  
OK (State).

  
Notary Public




My Commission Expires: 1-12-2024

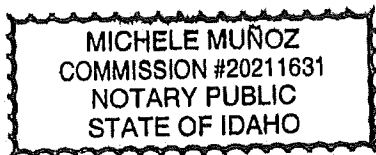
## AFFIDAVIT OF EXAMINER

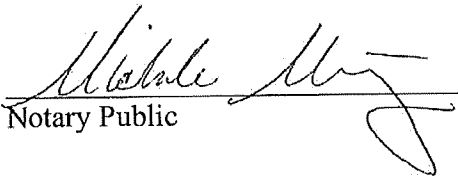
Idaho  
Ada

Jessie L. Adamson, being duly sworn, deposes and says she is a duly appointed Examiner for the Department of Insurance of the State of Idaho, that she has made an examination of the affairs and financial condition of the Idaho Petroleum Clean Water Trust Fund for the period January 1, 2017 through December 31, 2021, that the information contained in the report consisting of the foregoing pages is true and correct to the best of her knowledge and belief; and that any conclusions and recommendations contained in this report are based on the facts disclosed in the information.

  
\_\_\_\_\_  
Jessie L. Adamson, CFE, CISA  
Deputy Chief Examiner  
Idaho Department of Insurance

Subscribe and sworn to before me the 23<sup>rd</sup> day of May, 2023 at Boise (City),  
ID (State).



  
\_\_\_\_\_  
Notary Public

My Commission Expires: 03-30-2027.



BRAD LITTLE  
Governor

*State of Idaho*  
**DEPARTMENT OF INSURANCE**

700 West State Street, 3rd Floor  
P.O. Box 83720  
Boise, Idaho 83720-0043  
Phone (208)334-4250  
FAX # (208)334-4398

DEAN L. CAMERON  
Director

**WAIVER**

In the matter of the Report of Examination as of December 31, 2021 of the:

**Idaho Petroleum Clean Water Trust Fund**

By executing this Waiver, the Company hereby acknowledges receipt of the above-described examination report, verified as of May 23, 2023, and by this Waiver hereby consents to the immediate entry of a final order by the Director of the Department of Insurance adopting said report without any modifications.

By executing this Waiver, the Company also hereby waives:

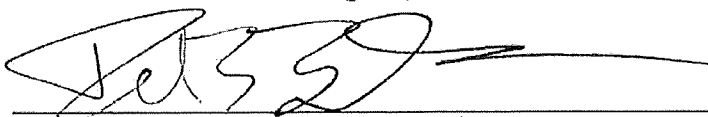
1. its right to examine the report for not more than thirty (30) days as provided in Idaho Code section 41-227(4),
2. its right, after the date of this waiver, to make a written submission or rebuttal to the report prior to entry of a final order as provided in Idaho Code section 41-227(4) and (5),
3. any right to request a hearing under Idaho Code sections 41-227(5) and (6), 41-232(2)(b), or elsewhere in the Idaho Code, and
4. any right to seek reconsideration and appeal from the Director's order adopting the report as provided by section 41-227(6), Idaho Code, or elsewhere in the Idaho Code.

Dated this 1<sup>st</sup> day of June, 2023

**Idaho Petroleum Clean Water Trust Fund**

Richard B. Burleigh

\_\_\_\_\_  
Name (print)

  
\_\_\_\_\_  
Name (signature)

Chief Legal Officer SIF

\_\_\_\_\_  
Title

**EXHIBIT**

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