

**FILED**

**JUN 12 2024**

**Department of Insurance  
State of Idaho**

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

**STATE OF IDAHO**

In the Matter of:

CAPSON PHYSICIANS INSURANCE  
COMPANY

Certificate of Authority No. 2901  
NAIC ID No. 19348

Docket No. 18-4438-24

**ORDER CONTINUING  
SUSPENSION OF CERTIFICATE OF  
AUTHORITY**

Capson Physicians Insurance Company ("CPIC") is a Texas-domiciled insurer licensed to transact casualty insurance, excluding workers' compensation, in Idaho under Certificate of Authority No. 2901. By orders issued September 17, 2019, August 5, 2020, June 24, 2021, May 16, 2022, and May 8, 2023, the Director of the Idaho Department of Insurance ("Director") suspended CPIC's Idaho Certificate of Authority. With this Order, the Director continues the suspension as discussed below.

On June 28, 2019, the District Court of Travis County, Texas, in Case No. D-1-GN-19-00723, entered an Order Designating CPIC an Impaired Insurer, Appointing Liquidator and Permanent Injunction that canceled all in-force insurance policies at expiration, but no later than July 28, 2019. The Texas Commissioner of Insurance ("Commissioner") was appointed as liquidator of CPIC. The Commissioner appointed Cantilo & Bennett, LLP, to act as Special Deputy Receiver to CPIC. The Company remains in receivership.

Under Idaho Code § 41-327(3), the Director may, 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.”

The Director, having reviewed the foregoing, finds that that CPIC remains in delinquency proceedings within the meaning of Idaho Code §41-327(3), and that the previously ordered suspension should be continued.

Based on these findings, and good cause appearing;

NOW, THEREFORE, IT IS ORDERED, pursuant to Idaho Code §§ 41-327(3), that Certificate of Authority No. 2901 issued to Capson Physicians Insurance Company is CONTINUED IN SUSPENSION, effective immediately, for 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 CPIC otherwise complies with title 41, Idaho Code.

IT IS FURTHER ORDERED that the CPIC will 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, the CPIC will notify, by any available means, every person authorized to write business in Idaho by said insurance company, to immediately cease to write any further insurance business for CPIC in Idaho, unless CPIC has already taken such action per prior order of the Director.

IT IS FURTHER ORDERED that within 60 days of the date of this order, the CPIC will

file with the Director a complete listing of its policies owned by or issued to Idaho residents.

IT IS FURTHER ORDERED that such list must 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 11 day of June, 2024.

STATE OF IDAHO  
DEPARTMENT OF INSURANCE

A handwritten signature in black ink, appearing to read "Dean L. Cameron", is written over a horizontal line.

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, 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 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 12<sup>th</sup> day of June, 2024, I caused a true and correct copy of the foregoing ORDER CONTINUING SUSPENSION OF CERTIFICATE OF AUTHORITY to be served upon the following parties by the method(s) identified below:

CAPSON PHYSICIANS INSURANCE CO. 221 W. 6 <sup>th</sup> Street, Ste. 301 Austin, TX 78701	<input checked="" type="checkbox"/> First Class Mail <input type="checkbox"/> Certified Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Facsimile <input type="checkbox"/> Email:
TEXAS DEPARTMENT OF INSURANCE Commissioner Cassie Brown PO Box 12030 Austin, TX 78711-2030	<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: <a href="mailto:cassie.brown@tdi.texas.gov">cassie.brown@tdi.texas.gov</a>
CANTILO & BENNETT, LLP Joseph West, Special Deputy Receiver 11401 Century Oaks Terrace, Ste. 300 Austin, TX 78758	<input type="checkbox"/> First Class Mail <input type="checkbox"/> Certified Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Facsimile <input type="checkbox"/> Email: <a href="mailto:jnwest@cb-firm.com">jnwest@cb-firm.com</a>
IDAHO GUARANTY ASSOCIATION c/o WESTERN GUARANTY FUND SVCS. Chad Anderson, President 1873 S. Bellaire Street, Ste. 920 Denver, CO 80222	<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: <a href="mailto:canderson@wgfs.org">canderson@wgfs.org</a>
IDAHO DEPARTMENT OF INSURANCE John Keenan, Deputy Attorney General 700 W. State Street, 3 <sup>rd</sup> Floor P.O. 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: <a href="mailto:john.keenan@doi.idaho.gov">john.keenan@doi.idaho.gov</a>

  
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Jan Noriyuki  
Paralegal