

FILED

MAY - 8 2023

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 No. 19348

Docket No. 18-3693-23

**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 entered September 17, 2019, August 5, 2020, June 24, 2020, and May 16, 2022, 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-19-000723, entered an Order Designating CPIS an Impaired Insurer, Appointing Liquidator and Permanent Injunction that cancelled 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 for CPIC.

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 and Idaho Code 41-327(3), finds 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 HEREBY ORDERED, pursuant to Idaho Code 41-327(3), that Certificate of Authority No. 2901 issued to CPIC 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 CPIC is otherwise in compliance with title 41, Idaho Code.

IT IS FURTHER ORDERED that CPIC 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, CPIC 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 CPIC in Idaho, unless CPIC has already taken such action pursuant to prior order of suspension by the Director.

IT IS FURTHER ORDERED that, within 60 days of the date of this order, CPIC shall file with the Director a complete listing of its policies owned by or issued to Idaho residents. The 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.

IT IS FURTHER ORDERED that CPIC shall promptly return Certificate of Authority No. 2901 to the Idaho Department of Insurance, as required by Idaho Code § 41323(2) and as previously requested

DATED this 27th day of May, 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 8th day of May, 2023, 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 designated means:

CAPSON PHYSICIANS INSURANCE CO.
2901 Via Fortuna Dr., Suite 510
Austin, TX 78746

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

Cassie Brown, Insurance Commissioner
TEXAS DEPT. OF INSURANCE
PO Box 12030
Austin, TX 78711-2030

- ☐ first class mail
- ☐ certified mail
- ☐ hand delivery
- ☐ facsimile
- ☒ email: cassie.brown@tdi.texas.gov

Joseph West, Special Deputy Receiver
CANTILO & BENNETT, LLP
11401 Century Oaks Terrace, Suite 300
Austin, TX 78758

- ☐ first class mail
- ☐ certified mail
- ☐ hand delivery
- ☐ facsimile
- ☒ email: jnwest@cb-firm.com

Chad Anderson, President
IDAHO GUARANTY ASSOC.
C/O WESTERN GUARANTY FUND SERVICES
1720 S. Bellaire St., #408
Denver, WA 80222

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

John Keenan
Deputy Attorney General
IDAHO DEPARTMENT OF INSURANCE
700 W. State Street, 3rd Floor
PO Box 83720
Boise, ID 83720-0043

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


Penny Wilcox