

LAWRENCE G. WASDEN
Attorney General

THOMAS A. DONOVAN
Deputy Attorney General
Idaho Department of Insurance
700 West State Street
P.O. Box 83720
Boise, Idaho 83720-0043
Telephone: (208) 334-4204
Facsimile: (208) 334-4298
I.S.B. No. 4377

FILED *fy*
MAY 19 2008
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:)	
)	Docket No. 18-2302-08
AF&L INSURANCE COMPANY,)	
)	ORDER OF CONTINUATION
Certificate of Authority No. 2859)	OF SUSPENSION OF
NAIC No. 35963)	CERTIFICATE OF AUTHORITY
_____)	

WHEREAS, the Certificate of Authority issued to AF&L INSURANCE COMPANY (“AF&L”), a company domiciled in the state of Pennsylvania, licensed for life and disability insurance in the state of Idaho, has been suspended by the Idaho Department of Insurance by orders dated May 4, 2005, July 26, 2006, and June 12, 2007 pursuant to Idaho Code § 41-326(1)(b); and

WHEREAS, pursuant to Idaho Code § 41-313, AF&L is required to have capital of One Million Dollars (\$1,000,000) and surplus of One Million Dollars (\$1,000,000); and

WHEREAS, in review of the financial statements for December 31, 2007, AF&L had capital of Three Million Seven Hundred Fifty Thousand Dollars (\$3,750,000) but had a negative

surplus of Two Million One Hundred Fifty-One Thousand Four Hundred Forty-Three Dollars (\$2,151,443) and continues to fail to meet the surplus requirement set forth at Idaho Code § 41-313;

NOW, THEREFORE, IT IS HEREBY ORDERED, pursuant to the provisions of Idaho Code § 41-326(1)(b), that Certificate of Authority No. 2859, issued to AF&L be CONTINUED in SUSPENSION effective immediately, and that AF&L comply with each of the requirements of 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 full force”, and that pursuant to this section, said suspension be continued 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 terminated and AF&L is otherwise in compliance with the provisions of Title 41, Idaho Code.

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 petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5246(4), Idaho Code.

Pursuant to Sections 67-5270 and 67-5272, Idaho Code, any party aggrieved by this final order or orders previously issued in this case may appeal this final order and all previously issued orders in this case to district court by filing a petition 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.

An appeal must be filed within twenty-eight (28) days (a) of this final order, (b) of an order denying any petition for reconsideration, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration, whichever is later. See Section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

DATED and EFFECTIVE this 19th day of May 2008.



WILLIAM W. DEAL, Director
Idaho Department of Insurance

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 19th day of May 2008, I caused a true and correct copy of the foregoing ORDER OF CONTINUATION OF SUSPENSION OF CERTIFICATE OF AUTHORITY to be served upon the following by the designated means:

AF&L Insurance Company
Paul John Lukacs
165 Veterans Cir., Ste 300
Warrington, PA 18976

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

Idaho Life & Health Insurance Guaranty Association
Attn: Candie Kinch
8324 Northview Street, Suite 104
Boise, ID 83704
ckinch@idlifega.org

- first class mail
- certified mail
- hand delivery
- via facsimile
- e-mail

Thomas A. Donovan
Deputy Attorney General
Idaho Department of Insurance
700 West State Street
P.O. Box 83720
Boise, ID 83720-0043

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- certified mail
- hand delivery
- via facsimile



Teresa Jones
Assistant to the Director