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FILED 

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Department of Insurance
State of Idaho

Attorneys for Department of Insurance

**BEFORE THE DIRECTOR OF THE DEPARTMENT OF INSURANCE
OF THE STATE OF IDAHO**

In the Matter of:

MARTINGALE NATIONAL INSURANCE
COMPANY

Certificate of Authority No. 2896
NAIC ID No. 10074

Docket No. 18-2901-13

**ORDER SUSPENDING
CERTIFICATE OF AUTHORITY**

MARTINGALE NATIONAL INSURANCE COMPANY (MARTINGALE), an Illinois-domiciled insurer, is licensed to transact property insurance, marine and transportation insurance, and casualty insurance, excluding workers' compensation, in the state of Idaho under Idaho Certificate of Authority No. 2896.

As of September 30, 2013, MARTINGALE reported capital of one million five hundred thousand dollars (\$1,500,000) and surplus of nine hundred ninety-nine thousand one hundred thirty-three dollars (\$999,133), as reflected in its statutory financial statement of that date.

The Director of the Idaho Department of Insurance (Director), having reviewed the foregoing and the requirements of Idaho Code § 41-313(1) and 41-326(1)(b), and good cause appearing therefor,

THE DIRECTOR HEREBY FINDS that MARTINGALE does not meet the requirements for maintaining surplus set forth at Idaho Code § 41-313(1), and thus does not meet the requirements for holding a certificate of authority in the state of Idaho.

NOW, THEREFORE, IT IS HEREBY ORDERED, pursuant to Idaho Code § 41-326(1)(b), that Certificate of Authority No. 2896 issued to MARTINGALE be SUSPENDED, 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 MARTINGALE is otherwise in compliance with title 41, Idaho Code.


IT IS FURTHER ORDERED that MARTINGALE shall comply with 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 force."

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

IT IS FURTHER ORDERED that MARTINGALE shall promptly return Certificate of Authority No. 2896 to the Idaho Department of Insurance, as required by Idaho Code § 41-323(2).

DATED this 21st day of November, 2013.

STATE OF IDAHO
DEPARTMENT OF INSURANCE



WILLIAM W. DEAL
Director

NOTIFICATION OF RIGHTS

This is a final order of the Director. 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* Idaho Code § 67-5246(4).

Pursuant to Idaho Code §§ 67-5270 and 67-5272, 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 of (a) the service date of this final order, (b) an order denying petition for reconsideration, or (c) the failure within twenty-one (21)

days to grant or deny a petition for reconsideration, whichever is later. See Idaho Code § 67-5273. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on this 21st day of November, 2013, I caused a true and correct copy of the foregoing ORDER SUSPENDING CERTIFICATE OF AUTHORITY to be served upon the following by the designated means:

Martingale National Insurance Company
38 Nevarez Street
San Juan, PR 00927-4608

- first class mail
- certified mail
- hand delivery

Illinois Department of Insurance
Andrew Boron, Director
122 S. Michigan Avenue, 19th Floor
Chicago, IL 60603

- first class mail
- certified mail
- hand delivery

Idaho Guaranty Association
Attn: Dave Edwards
Western Guaranty Fund Services
dedwards@wgfs.org

- first class mail
- certified mail
- email

A. René Martin
Deputy Attorney General
Idaho Department of Insurance
P.O. Box 83720
Boise, ID 83720-0043

- first class mail
- certified mail
- hand delivery



Teresa Jones
Assistant to the Director