

FILED

MAY 16 2022

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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. 18-3693-22

**ORDER CONTINUING SUSPENSION  
OF CERTIFICATE OF AUTHORITY**

Idaho Certificate of Authority No. 2901 issued to Capson Physicians Insurance Company (“CPIC”), a Texas-domiciled insurer licensed to transact casualty insurance, excluding workers’ compensation, in the state of Idaho under said certificate of authority, was suspended by the Director of the Idaho Department of Insurance (“Director”) by orders entered September 17, 2019, August 5, 2020, and June 24, 2021.

On June 28, 2019, CPIC was placed under an Order Appointing Liquidator and Permanent Injunction by the District Court of Travis County, Texas, 250<sup>th</sup> Judicial District, in Cause No. D-1-GN-19-000723. Pursuant to such order, the Texas Commissioner of Insurance was appointed as liquidator of CPIC.

Idaho Code § 41-327(3) provides that 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 the requirements of Idaho Code § 41-327(3), and good cause appearing therefor,

The Director hereby finds that CPIC is subject to delinquency proceedings within the meaning of Idaho Code § 41-327(3).

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 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, 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 CPIC shall promptly return Certificate of Authority No. 2901 to the Idaho Department of Insurance, as required by Idaho Code § 41-323(2).

DATED this 16<sup>th</sup> day of May, 2022.

STATE OF IDAHO  
DEPARTMENT OF INSURANCE



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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:

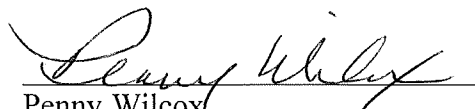
- i. A hearing was held;
- ii. The final agency action was taken;
- iii. The party seeking review of the order resides, or operates its principal place of business in Idaho; or
- iv. The real property or personal property that was the subject of the agency action is located.

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 16 day of May, 2022, 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 COMPANY 2901 Via Fortuna Drive, Suite 510 Austin, TX 78746	<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
Cassie Brown, Insurance Commissioner TEXAS DEPARTMENT OF INSURANCE 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>
Joseph West, Special Deputy Receiver CANTILO & BENNETT, LLP 11401 Century Oaks Terrace, Suite 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 checked="" type="checkbox"/> email: <a href="mailto:jnwest@cb-firm.com">jnwest@cb-firm.com</a>
Chad Anderson, President IDAHO GUARANTY ASSOCIATION C/O WESTERN GUARANTY FUND SERVICES 1720 S. Bellaire St., #408 Denver, WA 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>
Karl T. Klein 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: <a href="mailto:karl.klein@doi.idaho.gov">karl.klein@doi.idaho.gov</a>

  
Penny Wilcox