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Department of Insurance
State of Idaho

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Attorneys for the Department of Insurance

BEFORE THE DIRECTOR OF THE DEPARTMENT OF INSURANCE
STATE OF IDAHO

IDAHO DEPARTMENT OF INSURANCE,

Complainant,

vs.

ACE AMERICAN INSURANCE
COMPANY, a Pennsylvania-domiciled
insurance company holding Idaho Certificate
of Authority No. 473, NAIC No. 22713,

Respondent.

Docket No. 18-3974-21

**STIPULATION AND
ORDER DISMISSING ACTION**

COME NOW the staff of the Idaho Department of Insurance (“Department”) and ACE AMERICAN INSURANCE COMPANY (hereinafter “ACE AMERICAN”) and do hereby agree and stipulate as follows:

FINDINGS OF FACT

1. ACE AMERICAN is a Pennsylvania-domiciled insurer authorized to transact certain lines of insurance in the state of Idaho pursuant to Idaho Certificate of Authority No. 814,

initially issued on April 25, 1968. ACE AMERICAN is subject to the provisions of title 41, Idaho Code, and to the rules of the Idaho Department of Insurance promulgated thereunder.

2. The Director of the Department (“Director”) has jurisdiction over ACE AMERICAN and the subject matter herein pursuant to provisions of the Idaho Insurance Code, Idaho Code §§ 41-101 *et seq.*

3. On October 12, 2021, the Department filed a Verified Complaint and Notice of Right to Hearing (hereinafter “Verified Complaint”), seeking imposition of administrative penalties.

4. The parties agree that this matter may be brought to a close by a negotiated and stipulated settlement and entry of this Stipulation and Order Dismissing Action.

AGREEMENT

5. Based upon the foregoing, ACE AMERICAN and the Department stipulate and agree as follows:

- a. ACE AMERICAN admits to violating Idaho Code § 41-1812(1).
- b. ACE AMERICAN and the Department agree that ACE AMERICAN should pay an administrative penalty of \$156,000.
- c. ACE AMERICAN and the Department agree that, upon payment of the administrative penalty, this action should be dismissed with prejudice.

6. By entering into this Stipulation, ACE AMERICAN knowingly and voluntarily waives any rights it would otherwise have to notice and a hearing at which he may be represented by counsel, present evidence, and examine witnesses. The parties hereto further waive their right of reconsideration, appeal, and other rights as set forth in title 67, chapter 52, Idaho Code, including the right to submit this matter for review by a court of competent jurisdiction.

7. The parties agree that the terms of this Stipulation and Order Dismissing Action are appropriate and proper under the circumstances referenced herein.

8. ACE AMERICAN acknowledges that it has read this Stipulation and Order Dismissing Action and understands its contents; that it has been given the opportunity to discuss this Stipulation and Order Dismissing Action with independent legal counsel of its choosing; and that it has entered into this Stipulation knowingly, voluntarily, and with full knowledge of any rights it may be waiving thereby.

9. ACE AMERICAN acknowledges that this is an administrative action that may be required to be reported on license applications and license renewal forms and disclosed to other agencies through which ACE AMERICAN holds a license.

10. This Stipulation is subject to approval by the Director or the Director's designee, and shall become effective and binding upon the Department and ACE AMERICAN upon such approval. Should the Director decline to approve this Stipulation and Order Dismissing Action, the Department and ACE AMERICAN shall retain all of their rights, claims and/or defenses, and any factual and/or legal admissions made by ACE AMERICAN herein shall be withdrawn.

11. This Stipulation constitutes the full and final resolution of all matters addressed herein, and the Department agrees that, subject to the Director's approval described above, the Department shall seek no further civil or administrative sanctions for the violations alleged in the Verified Complaint, Docket No. 18-3974-21, subject to the agreement set forth in Paragraph 5 above.

12. ACE AMERICAN agrees that, upon execution of this Stipulation and Order Dismissing Action, no subsequent action or assertion shall be maintained or pursued in any manner asserting the invalidity of this Stipulation and Order Dismissing Action and its provisions.

13. This Stipulation and Order Dismissing Action embodies the entire agreement between the Department and ACE AMERICAN, and there are no agreements, understandings, representations, or warranties that are not expressly set forth herein.

14. Upon the Director's entry of the Final Order approving this stipulation, this Stipulation and Order Dismissing Action shall be a public record under the Idaho Public Records Act.

AGREED this 19th day of January, 2022.

ACE AMERICAN INSURANCE COMPANY


DocuSigned by:
Paul Franklin
By: B40B4DE0FB7C430...
Its: Exec Vice President

Approved as to Form:

DocuSigned by:
James Scott Sanpietro
A045072FC9014AF...
J. Scott Sanpietro
Attorney for ACE AMERICAN INSURANCE COMPANY


AGREED this 19th day of January, 2022.

STATE OF IDAHO
DEPARTMENT OF INSURANCE

By: 
SHANNON HOHL
Bureau Chief
Market Oversight Bureau

Approved as to Form:

STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL

By: 
Michael Witry
Deputy Attorney General
Attorney for the Department of Insurance

FINAL ORDER

The parties hereto, namely the Idaho Department of Insurance and ACE AMERICAN INSURANCE COMPANY, having entered into the foregoing Stipulation, and the form of the order having been approved, the Director, having reviewed the same, does hereby find that there is a factual basis for entry of a Final Order herein.

NOW, THEREFORE, based on the foregoing and in consideration of the premises,

IT IS HEREBY ORDERED that the foregoing Stipulation is approved and is incorporated herein as if set forth in full and made a part hereof;

IT IS FURTHER ORDERED that this action is hereby DISMISSED.

DATED this 20th day of January, 2022.

STATE OF IDAHO
DEPARTMENT OF INSURANCE



DEAN L. CAMERON
Director

NOTICE REGARDING REPORTABLE PROCEEDINGS

The foregoing is considered a reportable administrative proceeding. As such, it is a public record and is public information that may be disclosed to other states and reported to companies for which you are actively appointed. This information will be reported to the National Association of Insurance Commissioners (NAIC) and will appear in the online searchable database of the Idaho Department of Insurance. You should be aware that this proceeding must be disclosed on any insurance license application and must be reported to any and all states in which you hold an insurance license.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on this 20th day of January, 2022, I caused a true and correct copy of the foregoing, fully-executed STIPULATION AND ORDER DISMISSING ACTION to be served upon the following by the designated means:

J. Scott Sanpietro
General Counsel, North America
The Chubb Group
436 Walnut St
Philadelphia, PA 19106

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

Michael Witry
Deputy Attorney General
Idaho Department of Insurance
700 W. State Street, 3rd Floor
P.O. Box 83720
Boise, ID 83720-0043

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Pamela Murray