

LAWRENCE G. WASDEN
Attorney General

RICHARD B. BURLEIGH, ISB No. 4032
Lead Deputy Attorney General
State of Idaho
Department of Insurance
700 W. State Street, 3rd Floor
P.O. Box 83720
Boise, Idaho 83720-0043
Telephone: (208) 334-4219
Facsimile: (208) 334-4298
richard.burleigh@doi.idaho.gov

Attorneys for the Department of Insurance

FILED

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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:

AFFIRMATIVE INSURANCE COMPANY,

Certificate of Authority No. 2488
NAIC No. 42609

Docket No. 18-3097-15

**ORDER SUSPENDING CERTIFICATE
OF AUTHORITY**

AFFIRMATIVE INSURANCE COMPANY (AFFIRMATIVE) is an Illinois-domiciled insurer licensed to transact casualty insurance, excluding workers' compensation; marine and transportation insurance; property insurance; and surety insurance in the state of Idaho under Idaho Certificate of Authority No. 2488.

As of June 30, 2015, AFFIRMATIVE reported total surplus of negative eight thousand eight hundred fifty-four dollars (-\$8,854), as reflected in its statutory financial statement of that date.

On September 16, 2015, AFFIRMATIVE was placed into rehabilitation by order of the Circuit Court of Cook County, Illinois, County Department, Chancery Division, in Case No. 2015CH13718, based on the petition of the Acting Director of Insurance for the State of Illinois.

The Director, having reviewed the foregoing and the requirements of Idaho Code §§ 41-313(1), 41-326(1)(b), and 41-327(3), and good cause appearing therefor,

THE DIRECTOR HEREBY FINDS that AFFIRMATIVE 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) and 41-327(3), that Certificate of Authority No. 2488 issued to AFFIRMATIVE is 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 AFFIRMATIVE is otherwise in compliance with title 41, Idaho Code.

IT IS FURTHER ORDERED that AFFIRMATIVE 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, AFFIRMATIVE 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 AFFIRMATIVE in Idaho.

IT IS FURTHER ORDERED that AFFIRMATIVE shall promptly return Certificate of Authority No. 2488 to the Idaho Department of Insurance, as required by Idaho Code § 41-323(2).

DATED this 27 day of October, 2015.

STATE OF IDAHO
DEPARTMENT OF INSURANCE



DEAN L. CAMERON
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 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 27th day of October, 2015, 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:

Affirmative Insurance Company
4450 Sojourn Drive, Suite 500
Addison, TX 75001-5094

- first class mail
- certified mail
- hand delivery

Affirmative Insurance Company
150 Harvester Drive, Suite 300
Burr Ridge, IL 60527-5965

- first class mail
- certified mail
- hand delivery

Illinois Department of Insurance
Anne Melissa Dowling, Acting Director
122 S. Michigan Avenue, 19th Floor
Chicago, IL 60603

- first class mail
- certified mail
- hand delivery

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

- first class mail
- certified mail
- via email

Richard B. Burleigh
Lead Deputy Attorney General
Idaho Department of Insurance
P.O. Box 83720
Boise, ID 83720-0043

- first class mail
- certified mail
- hand delivery



Kelly Grady