

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

FILED
SEP 20 2016 
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:

AFFIRMATIVE INSURANCE COMPANY,

Certificate of Authority No. 2488
NAIC No. 42609

Docket No. 18-3097-16

**ORDER REVOKING CERTIFICATE
OF AUTHORITY**

Idaho Certificate of Authority No. 2488 issued to AFFIRMATIVE INSURANCE COMPANY (AFFIRMATIVE), 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 said certificate of authority, was suspended by the Director of the Idaho Department of Insurance (Director) by order dated October 27, 2015.

As of December 31, 2015, AFFIRMATIVE reported total surplus of negative thirty-two million eight hundred sixty-nine thousand four hundred five dollars (-\$32,869,405), as reflected in its last-filed statutory financial statement of that date.

On March 24, 2016, AFFIRMATIVE was placed into liquidation 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, and based on the court's finding that AFFIRMATIVE is insolvent.

Idaho Code § 41-326 provides at subsection (1)(b) that the Director shall refuse to continue or shall suspend or revoke a foreign insurer's Idaho certificate of authority if the insurer "no longer meets the requirements for the authority, on account of deficiency of assets or otherwise." It further provides, at subsection (2), that in cases of insolvency the Director may take such action without first holding a hearing.

The Director, having reviewed the foregoing and the requirements of Idaho Code § 41-326(1)(b), and finding that AFFIRMATIVE is insolvent, and good cause appearing therefor,

NOW, THEREFORE, IT IS HEREBY ORDERED, pursuant to Idaho Code § 41-326(1)(b), that Certificate of Authority No. 2488 issued to AFFIRMATIVE is REVOKED effective immediately.

IT IS FURTHER ORDERED, pursuant to Idaho Code § 41-330(1), that, within four (4) days after notice of this revocation 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 20th day of September, 2016.

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 26 day of September, 2016, I caused a true and correct copy of the foregoing ORDER REVOKING 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

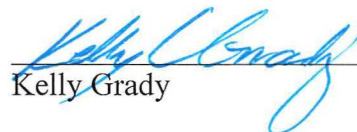
- first class mail
- certified mail
- hand delivery

Idaho Guaranty Association
Western Guaranty Fund Services
Attn: Chad Anderson, President
canderson@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