

LAWRENCE G. WASDEN
Attorney General

EDITH L. PACILLO, ISB No. 5430
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) 334-4204
Facsimile: (208) 334-4298
edith.pacillo@doi.idaho.gov

FILED
SEP 17 2019 *PM*
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:

CAPSON PHYSICIANS INSURANCE
COMPANY

Certificate of Authority No. 2901
NAIC No. 19348

Docket No. 18-3693-19

**ORDER SUSPENDING
CERTIFICATE OF AUTHORITY**

CAPSON PHYSICIANS INSURANCE COMPANY ("CPIC") is a Texas-domiciled insurer licensed to transact casualty insurance, excluding workers' compensation, in the state of Idaho under Idaho Certificate of Authority No. 2901.

On June 28, 2019, CPIC was placed under an Order Appointing Liquidator and Permanent Injunction by the District Court of Travis County, Texas, 250th 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 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 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.

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 day of September, 2019.

STATE OF IDAHO
DEPARTMENT OF INSURANCE


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).

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 17th day of September, 2019, 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:

Capson Physicians Insurance Company
2901 Via Fortuna Drive, Suite 510
Austin, TX 78746

- ☒ first class mail
- ☐ certified mail
- ☐ hand delivery
- ☐ facsimile
- ☐ email

Texas Department of Insurance
Kent Sullivan, Commissioner
P.O. Box 149104
Austin, TX 78714-9104

- ☒ first class mail
- ☐ certified mail
- ☐ hand delivery
- ☐ facsimile
- ☐ email

Cantilo & Bennett, LLP
Special Deputy Receiver
Attn: Joseph West
11401 Century Oaks Terrace, Suite 300
Austin, TX 78758

- ☒ first class mail
- ☐ certified mail
- ☐ hand delivery
- ☐ facsimile
- ☐ email

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

- ☐ first class mail
- ☐ certified mail
- ☐ hand delivery
- ☐ facsimile
- ☒ email

Edith L. Pacillo
Lead Deputy Attorney General
Idaho Department of Insurance
P.O. Box 83720
Boise, ID 83720-0043

- ☐ first class mail
- ☐ certified mail
- ☒ hand delivery
- ☐ facsimile
- ☐ email



Pamela Murray