

FILED
JUL 27 2021
Department of Insurance
State of Idaho

BEFORE THE DIRECTOR OF THE DEPARTMENT OF INSURANCE

STATE OF IDAHO

In the Matter of:

AMERICAN SERVICE INSURANCE
COMPANY, INC.

Certificate of Authority No. 3584
NAIC No. 42897

Docket No. 18-3808-21

**ORDER ON MOTION FOR
RECONSIDERATION**

On July 1, 2021, the Director of the Idaho Department of Insurance (“Director”) issued an order continuing suspension of Certificate of Authority No. 3584 issued to AMERICAN SERVICE INSURANCE COMPANY, INC. (“American Service”), based on entry of an Agreed Order of Liquidation with a Finding of Insolvency by the Circuit Court of Cook County, Illinois, County Department, Chancery Division, in Case No. 19 CH 7852 (the “Circuit Court Order”).

On July 14, 2021, American Service moved the Director for reconsideration of the suspension order. American Service asserted that, instead of placing American Service into liquidation, the Circuit Court Order separated American Service from its assets and sold the remainder of the company to Buckle Corp. (“Buckle”). Buckle then re-capitalized American Service and resumed business.

Upon further examination of the docket in the Illinois matter, the Director finds that, subsequent to entry of the Circuit Court Order, the court entered another order on or about

November 4, 2020, separating American Service into two different entities: American Service, which existed only on paper and consisted of American Service's corporate charter and state licenses; and the Liquidation Estate of American Service, which held all American Service's other assets. Buckle won the bidding for American Service and acquired the company.

American Service's motion for reconsideration and the circuit court docket in the Illinois matter demonstrate that the sale of American Service to Buckle closed on or about May 10, 2021, and that, therefore, American Service was not subject to liquidation on July 1, 2021. While the Director is disappointed that American Service did not keep him apprised of the status of its liquidation and acquisition proceedings, the Director finds that grounds exist to vacate the July 1, 2021, order continuing suspension of American Service's Idaho certificate of authority and to reinstate Idaho Certificate of Authority No. 3584.

THEREFORE, the Director's order of July 1, 2021, is VACATED. American Service is instructed to contact the Idaho Department of Insurance Company Activities Bureau to complete any applicable change of control documentation.

IT IS FURTHER ORDERED that Idaho Certificate of Authority No. 3584 issued to American Service is reinstated effective immediately.

DATED this 27 day of July, 2021.

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 14 days of the service date of this order. The agency will dispose of the motion for reconsideration within 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, 3rd 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 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 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 27th day of July, 2021, I caused a true and correct copy of the foregoing ORDER ON MOTION FOR RECONSIDERATION to be served upon the following by the designated means:

American Service Insurance Company, Inc.
Jeffrey Nash, Secretary & General Counsel
953 American Lane, Fl. 3
Schaumburg, IL 60173-4983
jeff.nash@buckleup.com

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

Illinois Department of Insurance
Dana Popish Severinghaus, Acting Director
320 W. Washington Street, 4th Floor
Springfield, IL 62767-0001

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

Office of the Special Deputy Receiver
Daniel A. Guberman
222 Merchandise Mart Plaza, Suite 960
Chicago, IL 60654
dguberman@osdchi.com

- ☐ 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

Karl T. Klein
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