

1 b. On July 29, 2020, the Circuit Court of the Dane County entered against Respondent an
2 Order for Rehabilitation. The Order for Rehabilitation appointed the Commissioner, Mark
3 Afable, and his successor in office, as a Rehabilitator of Respondent.

4 c. Respondent's December 31, 2020, Annual Financial Statement filed with the Department
5 revealed a **negative** SAP surplus balance in the amount of six million nine hundred fifty-
6 nine thousand three hundred ninety-seven dollars (\$6,959,397.00).

7 d. Respondent failed to meet the statutory required minimum surplus of one hundred thousand
8 dollars (\$100,000.00).

9 3. In light of the serious nature of these allegations, the Director finds that the public
10 health, safety and welfare imperatively require emergency action, within the meaning of A.R.S. § 41-
11 1092.11(B).

12 **CONCLUSIONS OF LAW**

13 1. Respondent failed to maintain minimum required surplus, pursuant to A.R.S. § 20-210.

14 2. Respondent's capital is deemed impaired, within the meaning of A.R.S. § 20-611(8).

15 3. Respondent's continued operation of insurance business in this state is deemed to be
16 hazardous to its policyholders or creditors or the general public pursuant to A.R.S. § 20-220.01(A)(1).

17 4. Respondent is in unsound financial condition or in such condition as to render its further
18 transaction of insurance in this state hazardous to the policyholders or to the people of the State of
19 Arizona, within the meaning of A.R.S. § 20-220(A)(3).

20 5. The Director shall suspend or revoke the certificate of authority of any insurer which no
21 longer meets the requirements for the authority originally granted, on account of deficiency in assets or
22 otherwise, pursuant to A.R.S. § 20-219(2).

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1 ORDER

2 IT IS ORDERED summarily suspending the Arizona certificate of authority held by Time
3 Insurance Company and, effective immediately, prohibiting the issuance of new and renewal Arizona
4 insurance policies.

5 DATED AND EFFECTIVE this 15th day of April, 2021.

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7 _____
8 Evan G. Daniels, Director
9 Arizona Department of Insurance and Financial Institutions

10 NOTIFICATION OF RIGHTS

11 **You have the right to request a hearing on this determination by filing a notice of appeal**
12 **after your receipt of this notice.** The notice of appeal must identify the party appealing, the party's
13 address, the matter being appealed and must contain a detailed statement of the reason for the appeal.
14 Your hearing will be treated as a "contested case" and promptly instituted and determined as prescribed
15 by A.R.S. §§ 41-1092(43), 41-1092.05(E) and 41-1092.11(B) to the extent the Office of Administrative
16 Hearings' calendar permits. In any event, your hearing will be held within 60 days of the filing of your
17 notice of appeal, unless the hearing is advanced or delayed by agreement or a showing of good cause by
18 any party. The Department will serve a "Notice of Hearing" in accordance with A.R.S. § 41-
19 1092.05(D) that will inform you of the date, time and location of the hearing as well as the issues to be
20 determined.

21 If you file an appeal, you may also request an "informal settlement conference" pursuant to
22 A.R.S. § 41-1092.06 by filing a **written request no more than twenty (20) days before the scheduled**
23 **hearing.** The conference will be held within 15 days after our receipt of your request. If an informal

1 settlement conference is requested, a person with the authority to act on behalf of the Department will
2 be present. Please note that you waive any right to object to participation of the Department's
3 representative in the final administrative decision of the matter if it is not settled.

4 Your notice of appeal and/or request for an information settlement conference may be addressed
5 to the attention of:

6 **Arizona Department of Insurance and Financial Institutions**
7 **Hearing Administration – Notice of Appeal**
8 **100 N. 15th Ave., Suite 261**
9 **Phoenix, Arizona 85007-2630**

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15 **COPY** of the foregoing mailed by
16 Certified Mail, Electronic Receipt Requested
this **16th** day of **April**, 2021, to:

17 Time Insurance Company
18 Attn: Jonathan Feldman, President
19 501 West Michigan Street
Milwaukee, WI 53203

9489 0090 0027 6266 7687 73

20 Thomas Fritsch
21 One Fawcett Place, Suite 150
22 Greenwich, CT 06830

9489 0090 0027 6266 7687 80

23 **COPY** of the foregoing emailed/delivered same date
to:

Kurt Regner, Assistant Director
Cary Cook, Chief Financial Compliance Officer
Deian Ousounov, Regulatory Legal Affairs Officer
Liane Kido, Financial Affairs Division

1 Arizona Department of Insurance and Financial Institutions
100 N. 15th Ave., Suite 261
2 Phoenix, Arizona 85007-2630

3 **COPY** of the foregoing delivered electronically same date to:

4 Time Insurance Company
Attn: Jonathan Feldman, President
5 gordon.rowell@havenservicespr.com
Respondent

6 Lynette Evans
7 Assistant Attorney General
AdminLaw@azag.gov
8 Attorney for the Department of Insurance

9 *Ana Starcevic* for
Francine Juarez

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