

JUL 7 1997

STATE OF ARIZONA

DEPARTMENT OF INSURANCE

DEPT. OF INSURANCE
BY ED

In the Matter of the Withdrawal of:)	Docket No. 97A-085-INS
)	
BILLION LIFE INSURANCE)	ORDER
COMPANY (NAIC No. 84883),)	
)	
Petitioner.)	
)	

On June 30, 1997, the Office of Administrative Hearings, through Administrative Law Judge Grant Winston, forwarded "Recommended Decision and Order" ("Recommended Decision"), a copy of which is attached and incorporated by this reference. The Director of the Arizona Department of Insurance has reviewed the Recommended Decision and enters the following order:

1. The recommended findings of fact and conclusions of law are adopted.
2. The Petitioner may file its Articles of Amendment to its Articles of Incorporation ("Articles of Amendment") with the Arizona Corporation Commission.
3. The Petitioner is entitled to the release of its statutory deposit in the amount of \$100,000.00, and Petitioner's statutory deposit will be released to the Petitioner after the Department has received the following: (a) payment of \$323.84 to the Insurance Examiners' Revolving Fund ("IERF"); (b) a copy of Petitioner's Articles of Amendment certified as filed by the Arizona Corporation Commission; and (c) a fully executed Form E126 (Notice of Trust Deposit Release). The statutory deposit will not be released until the Department receives a fully executed copy of the official State Treasurer Release Receipt.

1 A copy of the foregoing mailed
this 7th day of July, 1997

2 Charles R. Cohen, Deputy Director
3 Mary Butterfield, Assistant Director
4 Catherine O'Neil, Assistant Director
5 Gary Torticill, Assistant Director
6 Deloris Williamson, Assistant Director
7 Scott Greenberg, Business Administrator
8 Arizona Department of Insurance
9 2910 N. 44th Street, Suite 210
10 Phoenix, AZ 85018

11 Office of Administrative Hearings
12 1700 W. Washington, Suite 602
13 Phoenix, AZ 85007

14 Philip T. Paris
15 2929 N. 44th Street, Suite 120
16 Phoenix, AZ 85018

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1 **IN THE OFFICE OF ADMINISTRATIVE HEARINGS**

2 In the Matter of the Withdrawal of

3 **BILLION LIFE INSURANCE**
4 **COMPANY (NAIC NO. 84883),**

5 Petitioner.
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Docket No.: **97A-085-INS**

RECOMMENDED
DECISION AND ORDER

7
8 **HEARING:** June 27, 1997 at 9:00 a.m.

9 **APPEARANCES:** The Petitioner was represented by Mr. Philip T. Paris, Attorney-
10 at-Law. The Department of Insurance was represented by Mr. Kurt Regner,
11 Examiner/Analyst.

12 **ADMINISTRATIVE LAW JUDGE:** Grant Winston
13

14
15 On June 27, 1997, a hearing took place to consider the application of Billion
16 Life Insurance Company (the "Petitioner") that was filed with the Arizona
17 Department of Insurance (the "Department") to withdraw from the insurance
18 business, and for the release of its statutory deposit pursuant to A.R.S. §20-588
19 and A.A.C. R20-6-303.

20 Based on the entire record in this matter, the following recommended Findings
21 of Fact, Conclusions of Law and Recommended Order are made:

22 **FINDINGS OF FACT**

- 23
- 24 1. The Petitioner has surrendered its Certificate of authority to the Department.
 - 25 2. The Petitioner has filed with the Department certified copies of Resolutions of
26 the Petitioner's Board of Directors and Petitioner's shareholder to withdraw
27 from the insurance business, to amend its Articles of Incorporation to eliminate
28 its insuring powers, and to adopt a new corporate name which does not
29 include the word "insurance."
30

Office of Administrative Hearings
1700 West Washington, Suite 602
Phoenix, Arizona 85007
(602) 542-9826

- 1 3. The Petitioner has no insurance obligations owing to it, whether by policies
2 written direct or by reinsurance ceded to it.
- 3
4 4. The Petitioner has filed its certified financial statement as of March 31, 1997,
5 with the Department.
- 6
7 5. At least ten business days before the hearing of this matter, Petitioner gave
8 special notice to creditors and policyholders of Petitioner, setting forth the date,
9 place, nature and purpose of the hearing, as evidenced by an affidavit of
10 publication.
- 11
12 6. The Petitioner has a \$100,000.00 statutory deposit with the Department and a
13 \$100.00 deposit with the Insurance Examiners Revolving Fund ("IERF").
- 14
15 7. The Petitioner has complied with the provisions of A.R.S. §20-588 and with
16 A.A.C. R20-6-303, relating to the release of its \$100,000.00 statutory deposit.
- 17
18 8. Petitioner currently owes \$323.84 to the IERF.

19
20 **RECOMMENDED ORDER**

21 The undersigned Administrative Law Judge recommends that:

- 22
23 1. The Petitioner may file its Articles of Amendment to its Articles of
24 Incorporation ("Articles of Amendment") with the Arizona Corporation
25 Commission.
- 26
27 2. The Petitioner is entitled to release of its statutory deposit in the
28 amount of \$100,000.00, and Petitioner's statutory deposit shall be
29 released to the Petitioner after the Department has received the
30

1 following: (a) payment of \$323.84 to the IERF; (b) a copy of
2 Petitioner's Articles of Amendment certified as filed by the Arizona
3 Corporation Commission, and (c) a fully executed Form E126 (Notice
4 of Trust Deposit Release). The statutory deposit cannot be released
5 until the Department receives a fully executed copy of the official State
6 Treasurer Release Receipt.


- 7
- 8 3. The amount of \$100.00 previously credited to the IERF shall be
9 refunded to the Petitioner, pursuant to A.R.S. §20-159.
- 10
- 11 4. The Petitioner file its Annual Statement with the Department, together
12 with all applicable fees, unless Petitioner files its Articles of
13 Amendment with the Arizona Corporation Commission on or before
14 December 31, 1997.

15 Dated this 30th day of June, 1997.

16

17 **OFFICE OF ADMINISTRATIVE HEARINGS**

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21 GRANT WINSTON
22 Administrative Law Judge

23 Original mailed this 1 day of July, 1997, to:

24

25 Mr. John A. Greene, Director
26 ATTN.: Curvey Burton
27 Department of Insurance
28 2910 N. 44th Street, #210
29 Phoenix, AZ 85018-7256

30 Transmitted by: 