

JUN 5 1998

STATE OF ARIZONA

DEPARTMENT OF INSURANCE

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In the Matter of the Release of)
the Statutory Deposit of:)
ADVANTAGE LIFE INSURANCE)
COMPANY (NAIC No. 89150),)
Petitioner.)

Docket No. 98A-055-INS

ORDER

On May 29, 1998, the Office of Administrative Hearings, through Administrative Law Judge Casey J. Newcomb submitted Recommended Decision of the Administrative Law Judge ("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 is entitled to the release of its statutory deposit in the sum of \$100,000.00. The statutory deposit will be released to the Petitioner after the Department has received 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.
3. The sum of \$100.00 previously credited to the Insurance Examiners' Revolving Fund will be refunded to the Petitioner, pursuant to A.R.S. § 20-159.


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NOTIFICATION OF RIGHTS

The aggrieved party may request a rehearing with respect to this Order by filing a written petition with the Office of Administrative Hearings within 30 days of the date of this Order, setting forth the basis for such relief pursuant to A.A.C. R20-6-114(B).

The final decision of the Director may be appealed to the Superior Court of Maricopa County for judicial review pursuant to A.R.S. § 20-166. A party filing an appeal must notify the Office of Administrative Hearings of the appeal within ten days after filing the complaint commencing the appeal, pursuant to A.R.S. § 41-1092.10.

DATED this 5 day of June, 1998



John A. Greene
Director of Insurance

A copy of the foregoing mailed
this 5 day of June, 1998

Charles R. Cohen, Deputy Director
Gregory Y. Harris, Executive Assistant Director
Mary Butterfield, Assistant Director
Catherine O'Neil, Assistant Director
Gary Torticill, Assistant Director
Deloris Williamson, Assistant Director
Scott Greenberg, Business Administrator
Department of Insurance
2910 N. 44th Street, Suite 210
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Office of Administrative Hearings
1700 W. Washington, Suite 602
Phoenix, AZ 85007

1 Thomas E. Haney
101 N. First Avenue, Suite 2460
2 Phoenix, AZ 85003

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Kathy Lender

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1 **IN THE OFFICE OF ADMINISTRATIVE HEARINGS**

2
3 In the Matter of the Release of
the Statutory Deposit of:

98A-055-INS

4 **ADVANTAGE LIFE INSURANCE**
5 **COMPANY**
6 (NAIC NO. 89150),

RECOMMENDED DECISION
OF THE ADMINISTRATIVE
LAW JUDGE

7 **Petitioner**

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10 **HEARING: May 28, 1998**

11 **APPEARANCES: -Attorney Thomas E. Haney represented the Petitioner.**
12 **-Kurt Regner, a Contractor for the Arizona Department of**
13 **Insurance, appeared as a witness.**

14 **ADMINISTRATIVE LAW JUDGE: Casey J. Newcomb**

15
16 On May 28, 1998, a hearing took place to consider the application of Advantage
17 Life Insurance Company (the "Petitioner") that was filed with the Arizona Department of
18 Insurance (the "Department") for the release of its statutory deposit pursuant to A.R.S.
19 §§20-581, 20-588 and A.A.C. R20-6-303.

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

22 **FINDINGS OF FACT AND CONCLUSIONS OF LAW**

- 23 1. The Petitioner has filed its certified financial statement as of December 31, 1997,
24 and a Plan of Extinguishment of Liabilities with the Department.
- 25 2. At least 10 business days prior to this hearing, Petitioner gave special notice to its
26 creditors and policyholders setting forth the date, place, nature and purpose of this
27 hearing. See Petitioner's Exhibits 4 & 5.

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Office of Administrative Hearings 1700 West Washington, Suite 602 Phoenix, Arizona 85007 (602) 542-9826
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- 1 3. The Petitioner has a \$100,000.00 statutory deposit with the Department.
- 2
- 3 4. The Petitioner has a \$100.00 deposit with the Insurance Examiners' Revolving Fund
- 4 ("IERF").
- 5 5. The Petitioner has complied with the provisions of A.R.S. §20-588 and A.A.C. R20-
- 6 6-303 relating to the release of its \$100,000.00 statutory deposit.
- 7
- 8 6. Petitioner currently owes \$0.00 to the Insurance Examiners' Revolving Fund
- 9 ("IERF"). See Petitioner's Exhibit 7.

10 **RECOMMENDED ORDER**

11 The undersigned Administrative Law Judge recommends that:

- 12
- 13 1. The Petitioner is entitled to the release of its statutory deposit in the sum of
- 14 \$100,000.00 and that the statutory deposit shall be released to the Petitioner
- 15 after the Department has received a fully executed Form E126 (Notice of Trust Deposit
- 16 Release). The statutory deposit cannot be released until the Department receives a
- 17 fully executed copy of the official State Treasurer Release Receipt.
- 18 2. The sum of \$100.00 previously credited to the IERF shall be refunded to the
- 19 Petitioner, pursuant to A.R.S. §20-159.

20 Done this day, May 29, 1998.

21 

22 _____
23 Casey J. Newcomb
24 Administrative Law Judge

1 Original transmitted by mail this
2 2 day of June, 1998, to:

3 Mr. John A. Greene, Director
4 Department of Insurance
5 ATTN: Curvey Burton
6 2910 North 44th Street, Ste. 210
7 Phoenix, AZ 85018

8 By Chris Crawford Thomason
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