

FEB 1 2006

STATE OF ARIZONA

DEPARTMENT OF INSURANCE

DEPT OF INSURANCE  
BY Kath

1 In the Matter of an Appeal by: )  
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 4 )  
 5 AMERICAN EMPLOYERS BENEFIT TRUST )  
 6 AND EMPLOYERS RESOURCE )  
 7 MANAGEMENT COMPANY, )  
 8 )  
 9 Petitioners, )  
 10 )  
 11 NATIONAL COUNCIL ON COMPENSATION )  
 12 INSURANCE, INC., )  
 13 )  
 14 Real Party in Interest. )  
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 23 )

Docket No. 05A-099-INS

**ORDER**

12 On January 19, 2006, the Office of Administrative Hearings, through  
 13 Administrative Law Judge ("ALJ") Lewis D. Kowal, issued an Administrative Law Judge  
 14 Decision ("Recommended Decision"), received by the Director of the Department of Insurance  
 15 ("Director") on January 23, 2006, a copy of which is attached and incorporated by this  
 16 reference. The Director of the Department of Insurance has reviewed the Recommended  
 17 Decision and enters the following Order:


- 18 1. The Recommended Findings of Fact and Conclusions of Law are adopted.
- 19 2. The prior decision made by the AWCAB finding that NCCI Rule 3(D)(2) applies  
 20 to Petitioners and that separate workers' compensation insurance policies must be issued to  
 21 Petitioners' clients shall be upheld.

1 NOTIFICATION OF RIGHTS

2 Pursuant to A.R.S. § 41-1092.09, Petitioner may request a rehearing with  
3 respect to this order by filing a written motion with the Director of the Department of Insurance  
4 within 30 days of the date of this Order, setting forth the basis for relief under A.A.C. R20-6-  
5 114(B). Pursuant to A.R.S. § 41-1092.09, it is not necessary to request a rehearing before  
6 filing an appeal to Superior Court.

7 Petitioner may appeal the final decision of the Director to the Superior Court of  
8 Maricopa County for judicial review pursuant to A.R.S. § 20-166. A party filing an appeal must  
9 notify the Office of Administrative Hearings of the appeal within ten days after filing the  
10 complaint commencing the appeal, pursuant to A.R.S. § 12-904(B).

11 DATED this 31<sup>st</sup> of January, 2006

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14 \_\_\_\_\_  
CHRISTINA URIAS  
15 Director of Insurance

16 A copy of the foregoing mailed  
this 1<sup>st</sup> day of February, 2006

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