

MAR 30 2006

DEPT OF INSURANCE
BY Kath

STATE OF ARIZONA
DEPARTMENT OF INSURANCE

In the Matter of an Appeal by:

**AMERICAN EMPLOYERS BENEFIT
TRUST AND EMPLOYERS
RESOURCE MANAGEMENT
COMPANY,**

Petitioners,

Of a decision by:

**NATIONAL COUNCIL on
COMPENSATION INSURANCE, INC.**

Real Party in Interest.

No. 05A-099-INS

**ORDER ON PETITIONER'S MOTION
FOR REHEARING AND
RECONSIDERATION**

FINDINGS OF FACT

1. On November 18, 2005 the Office of Administrative Hearings ("OAH") conducted a hearing on behalf of the Arizona Department of Insurance ("Department") in the above captioned matter. The Administrative Law Judge, Lewis D. Kowal ("ALJ Kowal") closed the record on January 9, 2006.

2. On January 20, 2006, ALJ Kowal transmitted an Administrative Law Judge Decision ("ALJ's Decision") to the Director of the Arizona Department of Insurance ("Director").

3. On February 1, 2006, the Director filed an Order with the Department adopting the ALJ's Decision and upholding the decision made by the AWCAB finding that NCCI Rule 3(D)(2) applies to Petitioners and that separate worker's compensation insurance policies must be issued to Petitioners' clients. A copy of the Director's Order was mailed to the parties.

...

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

Gerrie Marks, Deputy Director
Mary Kosinski, Executive Assistant for Regulatory Affairs ✓
Dean Ehler, Assistant Director
Arizona Department of Insurance
2910 North 44th Street, Suite 210
Phoenix, Arizona 85018
Moirra McCarthy
Assistant Attorney General
1275 West Washington Street
Phoenix, Arizona 85007-2926

Gregory Y. Harris
Marvin C. Roth
Lewis and Roca, LLP
40 North Central Ave.
Phoenix, Arizona 85004-4429
Attorneys for Petitioners

Sara M. Begley
Hennelly & Steadman, PLC
Goldsworthy House
322 W. Roosevelt
Phoenix, Arizona 85003
Attorneys for Real Party in Interest

Kathy Linden for
Curvey Burton