

NOV 8 2005

DEPT OF INSURANCE  
BY Katu

STATE OF ARIZONA  
DEPARTMENT OF INSURANCE

In the Matter of the Withdrawal of:	)	Docket No. 05A-107-INS
	)	
LONG LIFE INSURANCE COMPANY	)	<b>ORDER</b>
(NAIC #74047),	)	
	)	
Petitioner.	)	
	)	
	)	

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On October 26, 2005, the Office of Administrative Hearings, through Administrative Law Judge ("ALJ") Dorinda M. Lang, issued an Administrative Law Judge Decision ("Recommended Decision"), received by the Director of the Department of Insurance ("Director") on October 31, 2005, a copy of which is attached and incorporated by this reference. The Director of the 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 Dissolution with the Arizona Corporation Commission.
3. The Petitioner is entitled to the release of its statutory deposit in the sum of \$100,000. The statutory deposit shall be released to the Petitioner after the Department has received the following: (a) payment of examination expenses, and/or computer fund and/or fraud assessments, if due, (b) a copy of its Articles of Dissolution certified as filed by the

1 Arizona Corporation Commission, and (c) a fully executed Request for Release of Certificate  
2 of Deposit Form E126CD and an Official State Treasurer Receipt Form E101.

3 4. The Director has no personal liability for the release of such deposit so made by  
4 her in good faith as provided in A.R.S. § 20-588(B).

5 5. The sum of \$100 previously credited to the Insurance Examiners' Revolving  
6 Fund shall be refunded to the Petitioner, pursuant to A.R.S. § 20-159.

7 6. The Petitioner shall file its 2005 Annual Statement with the Department of  
8 Insurance, together with all applicable fees, unless Petitioner filed its Articles of Dissolution  
9 with the Arizona Corporation Commission on or before December 31, 2005.

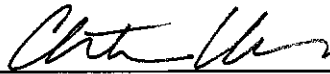
10 7. The Petitioner shall pay its Certificate of Authority renewal fee if the Articles of  
11 Dissolution are not stamped filed by the Arizona Corporation Commission on or prior to March  
12 31, 2006.

#### 13 NOTIFICATION OF RIGHTS

14 Pursuant to A.R.S. § 41-1092.09, Petitioner may request a rehearing with  
15 respect to this order by filing a written motion with the Director of the Department of Insurance  
16 within 30 days of the date of this Order, setting forth the basis for relief under A.A.C. R20-6-  
17 114(B). Pursuant to A.R.S. § 41-1092.09, it is not necessary to request a rehearing before  
18 filing an appeal to Superior Court.

19 Petitioner may appeal the final decision of the Director to the Superior Court of  
20 Maricopa County for judicial review pursuant to A.R.S. § 20-166. A party filing an appeal must  
21 notify the Office of Administrative Hearings of the appeal within ten days after filing the  
22 complaint commencing the appeal, pursuant to A.R.S. § 12-904(B).  
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1 DATED this 8<sup>th</sup> of November, 2005

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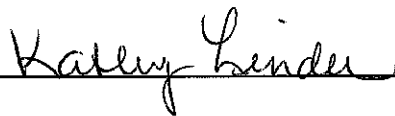
CHRISTINA URIAS  
Director of Insurance

5  
6 A copy of the foregoing mailed  
this 8<sup>th</sup> day of November, 2005

7 Gerrie L. Marks, Deputy Director  
8 Mary Butterfield, Assistant Director  
9 Catherine O'Neil, Consumer Legal Affairs Officer  
10 Steve Ferguson, Assistant Director  
11 Deloris Williamson, Assistant Director  
12 Leslie R. Hess, Financial Affairs Legal Analyst  
13 Kurt A. Regner, Chief Financial Analyst  
14 Arizona Department of Insurance  
2910 N. 44th Street, Suite 210  
Phoenix, AZ 85018

15 Dorinda M. Lang  
16 Office of Administrative Hearings  
17 1400 W. Washington, Suite 101  
18 Phoenix, AZ 85007

19 Philip T. Paris  
20 2929 N. 44<sup>th</sup> Street, Suite 120  
21 Phoenix, AZ 85018

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**IN THE OFFICE OF ADMINISTRATIVE HEARINGS**

In the Matter of:

**No. 05A-107-INS**

THE WITHDRAWAL OF  
LONG LIFE INSURANCE COMPANY  
(NAIC #74047)

**ADMINISTRATIVE  
LAW JUDGE DECISION**

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**HEARING:** October 14, 2005

**APPEARANCES:** Philip T. Paris, Petitioner's attorney; Kurt Regner, Department  
of Insurance representative

**ADMINISTRATIVE LAW JUDGE:** Dorinda M. Lang

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Under a petition for termination of its certificate of authority and the return of its deposits with the Department of Insurance, Petitioner has established that it has met all of its statutory requirements relevant to the petition. Therefore, it is recommended that the petition be granted.

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**FINDINGS OF FACT**

1. The Petitioner, Long Life Insurance Company, petitioned the Department of Insurance to withdraw from the insurance business. In doing so, Petitioner has requested a refund of its deposit in the Insurance Examiners' Revolving Fund ("IERF") in the amount of \$100 and release of its statutory deposit in the amount of \$100,000. The matter was set for hearing at the Office of Administrative Hearings on October 14, 2005 at 9:00 a.m. At hearing, the parties did not dispute that Petitioner has satisfied all requirements for the return of its statutory deposit and refund of its IERF deposit. (See Exhibit 2.) The representative from the Department of Insurance recommended that the Petitioner's requests in furtherance of its withdrawal from the insurance business be granted.

Office of Administrative Hearings  
1400 West Washington, Suite 101  
Phoenix, Arizona 85007  
(602) 542-9826

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**CONCLUSIONS OF LAW**

1. This matter is within the jurisdiction of the Director of the Arizona Department of Insurance pursuant to A.R.S. §§ 20-161 to 20-165 and 41-1092 *et seq.*

2. Pursuant to A.R.S. § 20-217, the Director of the Department of Insurance shall not grant an insurance company's request to terminate its certificate of authority if the insurer has any outstanding obligations under an insurance policy for any Arizona resident. The evidence at hearing has established that the Petitioner has no such obligations. It has also confirmed that the Department is holding the requested funds and that all other conditions of release have been met. Therefore, it is recommended that this Petition be granted.

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**RECOMMENDED DECISION**

Based upon the foregoing, the undersigned Administrative Law Judge hereby recommends that the Director of the Department of Insurance order that:

1. The Petitioner may file its Articles of Dissolution with the Arizona Corporation Commission.

2. The Petitioner is entitled to the release of its statutory deposit in the sum of \$100,000 and the statutory deposit shall be released to the Petitioner after the Department has received the following:

(a) Payment of examination expenses, and/or computer fund and/or fraud assessments, if due;

(b) a copy of its Articles of Dissolution certified as filed by the Arizona Corporation Commission;

(c) a fully executed Request for Release of Certificate of Deposit Form E126CD and an Official State Treasurer Receipt Form E101.

The Director has no personal liability for the release of such deposit so made by her in good faith as provided in A.R.S. § 20-588(B).

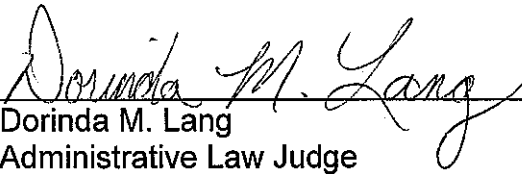
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3 4. The Petitioner shall file its 2005 Annual Statement with the Department of Insurance,  
4 together with all applicable fees, unless Petitioner files its Articles of Dissolution with the  
5 Arizona Corporation Commission on or before December 31, 2005.

6 5. The Petitioner shall pay its Certificate of Authority renewal fee if the Articles of  
7 Dissolution are not stamped filed dated by the Arizona Corporation Commission on or  
8 prior to March 31, 2006.

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11 Done this day, October 26, 2005

12 OFFICE OF ADMINISTRATIVE HEARINGS

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16 Dorinda M. Lang  
17 Administrative Law Judge

18  
19 Original transmitted by mail this  
20 28 day of October, 2005, to:

21  
22 Department of Insurance  
23 Christina Urias  
24 2910 North 44th Street, Ste. 210  
25 Phoenix, AZ 85018

26 By   
27  
28  
29  
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