

APR 17 2013

STATE OF ARIZONA

DEPARTMENT OF INSURANCE

DEPT OF INSURANCE  
BY 

In the Matter of )  
 )  
BIRD INSURANCE COMPANY )  
(NAIC No. 12996) )  
 )  
Respondent. )  
\_\_\_\_\_ )

Docket No. 13A-053-INS

ORDER SUMMARILY SUSPENDING  
CERTIFICATE OF AUTHORITY AND  
NOTIFICATION OF RIGHTS

The State of Arizona, Department of Insurance (the "Department") received evidence that Bird Insurance Company ("Respondent") violated provisions of Title 20, Arizona Revised Statutes ("A.R.S."). In light of the serious nature of these allegations, the Director of Insurance for the State of Arizona ("Director") finds that the public health, safety and welfare imperatively require emergency action, within the meaning of A.R.S. §41-1092.11(B).

**FINDINGS OF FACT**

1. Respondent is a capital stock company domiciled in Arizona and presently holds a certificate of authority issued by the Department to transact life insurance business.
2. Respondent filed its annual financial statement as of December 31, 2012, disclosing surplus in the amount of \$16,842. The balance does not meet the minimum surplus required pursuant to A.R.S. §20-211 of \$75,000.
3. The surplus level reported in the 2012 financial statement is considered hazardous to the continued operations of the company pursuant to A.A.C. R20-6-308(A)(1).
4. The public health, safety and welfare imperatively require emergency action.

**CONCLUSIONS OF LAW**

1. The Director has jurisdiction over this matter.



1 41-1092.05(E) to the extent the Office of Administrative Hearings calendar permits. In any  
2 event, your hearing will be held within sixty (60) days of your notice of appeal is filed, unless  
3 the hearing is advanced or delayed by agreement or a showing of good cause by any party.  
4 The Department of Insurance will promptly serve a "Notice of Hearing" in accordance with  
5 A.R.S. §41-1092.05(E) that will inform you of the date, time and location of the hearing as well  
6 as the issues.

7 If you file an appeal, you may also request an "informal settlement conference"  
8 pursuant to A.R.S. §41-1092.06 by filing a written request **no more than twenty (20) days**  
9 **before the scheduled hearing.** The conference will be held within fifteen (15) days after our  
10 receipt of your request. If an informal settlement conference is requested, a person with the  
11 authority to act on behalf of the Department of Insurance will be present. Please note that you  
12 waive any right to object to the participation of the Department's representative in the final  
13 administrative decision of the matter if it is not settled.

14 Your notice of appeal and/or request for an informal settlement conference may be  
15 addressed to the attention of:

16 Hearing Administration  
17 Arizona Department of Insurance  
18 Notice of Appeal  
19 2910 North 44<sup>th</sup> Street, Suite 210  
20 Phoenix, Arizona 85018-7256

21 COPY of the foregoing mailed/delivered  
22 this 17<sup>th</sup> day of April 2013 to:

23 Kim Huemphner  
Bird Insurance Company  
2700 North Third Street, Suite 3050  
Phoenix, AZ 85004-4620

1 Billy Ross Fisher  
Bird Insurance Company  
2 2700 North Third Street, Suite 3050  
Phoenix, AZ 85004-4620

3 James E. Brophy, III  
4 One N. Central Avenue, Suite 1200  
Phoenix, AZ 85004

5 Lynette Evans  
6 Assistant Attorney General  
1275 West Washington  
Phoenix, AZ 85007

7 Kurt Regner  
8 Cary Cook  
Mary E. Kosinski  
9 Darren Ellingson  
Arizona Department of Insurance  
10 2910 North 44<sup>th</sup> Street, Suite 210  
Phoenix, AZ 85018

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12   
13 Curvey Walters Burton

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