

MAY 12 2014

DEPT OF INSURANCE  
BY 

STATE OF ARIZONA  
DEPARTMENT OF INSURANCE

In the Matter of: )  
)  
**Milbank Insurance Company,** )  
**(NAIC # 41653)** )  
)  
Respondent. )  
\_\_\_\_\_ )

No. 14A-061 - INS

CONSENT ORDER

The State of Arizona Department of Insurance ("Department") has received evidence that **Milbank Insurance Company** has violated provisions of Title 20, Arizona Revised Statutes ("A.R.S."). Respondent wishes to resolve this matter without the commencement of formal proceedings, and admits the following Findings of Fact are true and consents to entry of the following Conclusions of Law and Order.

**FINDINGS OF FACT**

1. Milbank Insurance Company ("Milbank" or "Respondent") at all material times held a certificate of authority to transact insurance as a property and casualty insurer in Arizona.

2. The Director entered a Consent Order, Docket No. 10A-004-INS, which was filed on January 11, 2010 (the "2010 Order"). Section 1 of the "Order" portion of the 2010 Order stated as follows:

"1. Respondent shall cease and desist from non-renewing private passenger auto policies for reasons not permitted by ARS §20-1631."

3. From December 28, 2011 through December 19, 2012, Milbank non-renewed sixteen (16) personal automobile insurance policies issued to Arizona policyholders that had been in effect for more than sixty (60 days) at the time the notice of non-renewal was mailed for reasons not permitted by statute.



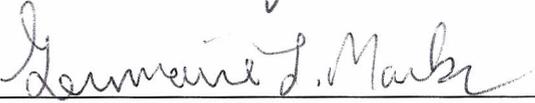


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b) Milbank shall cease and desist from non-renewing personal automobile policies for reasons not permitted by A.R.S. §20-443.

2. Milbank shall pay a civil penalty of \$33,000.00 to the Director for deposit into the State General Fund.

DATED AND EFFECTIVE this 12<sup>th</sup> day of May, 2014.

  
GERMAINE L. MARKS  
Director of Insurance

...  
...

1 **CONSENT TO ORDER**

2 1. Respondent has reviewed the foregoing Findings of Fact, Conclusions of Law  
3 and Order.

4 2. Respondent admits the jurisdiction of the Director of Insurance, State of Arizona,  
5 and admits the foregoing Findings of Fact and consents to the entry of the foregoing  
6 Conclusions of Law and Order.

7 3. Respondent is aware of its right to notice and a hearing at which it may be  
8 represented by counsel, present evidence and examine witnesses. Respondent irrevocably  
9 waives its right to such notice and hearing and to any court appeals relating to this Consent  
10 Order.

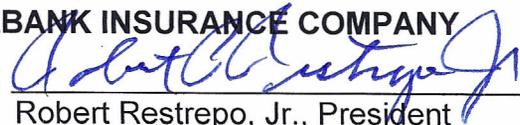
11 4. Respondent states that no promise of any kind or nature whatsoever, except as  
12 expressly contained in this Consent Order, was made to it to induce it to enter into this Consent  
13 Order and that it has entered into this Consent Order voluntarily.

14 5. Respondent acknowledges that the acceptance of this Consent Order by the  
15 Director is solely to settle this matter against it and does not preclude any other agency, officer,  
16 or subdivision of this state including the Department from instituting civil or criminal  
17 proceedings as may be appropriate now or in the future not related to this matter.

18 6. Respondent acknowledges that this Consent Order and its content is a public  
19 record.

20 7. Robert Restrepo, Jr. represents that he is the President of Milbank Insurance  
21 Company and, as such, is authorized to enter this Consent Order on its behalf.

22  
23 4-30-14  
24 Date

**MILBANK INSURANCE COMPANY**  
By:   
Robert Restrepo, Jr., President

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COPIES of the foregoing mailed/delivered  
this 12<sup>th</sup> day of May, 2014, to:

Milbank Insurance Company  
c/o Robert Restrepo, Jr., President  
518 East Broad Street  
Columbus, OH 43215-3976  
Respondent

Mary E. Kosinski, Executive Assistant for Regulatory Affairs  
Maria Ailor, Consumer Affairs Division  
Catherine M. O'Neil, Consumer Legal Affairs Officer  
Kurt Regner, Financial Affairs Division  
Dean Ehler, Property & Casualty Division  
Helene Tomme, Market Oversight Division  
Department of Insurance  
2910 North 44<sup>th</sup> Street, Suite 210  
Phoenix, Arizona 85018

  
Curvey Walters