STATE OF ARIZONA
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DEPT. OF INSURANCE
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STATE OF ARIZONA

DEPARTMENT OF INSURANCE

In the Matter of the Withdrawal of: AGENCY BUILDERS REINSURANCE, INC. (NAIC No. 690271), Petitioner.	)))))))	Docket No. 97A-115-INS **ORDER**

On August 27, 1997, the Office of Administrative Hearings, through Administrative Law Judge Lewis D. Kowal, submitted "Recommended Decision of Administrative Law Judge" ("Recommended Decision"), a copy of which is attached and incorporated by this reference. The Director of the Arizona 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 $100,000.00 and that the statutory deposit will be released to the Petitioner after the Department has received the following: (a) payment of $456.55 to the Insurance Examiners' Revolving Fund ("IERF"); (b) a copy of Petitioner's Articles of Dissolution certified as having been filed with the Arizona Corporation Commission; and (c) a fully executed Form E126 (Notice of Trust Deposit Release). The statutory deposit will not be released until the Department receives a fully executed copy of the official State Treasurer Release Receipt.

4. The sum of $100.00 previously credited to the IERF will be refunded to the Petitioner, pursuant to A.R.S. § 20-159.

5. The Petitioner file its 1997 Annual Statement with the Department, together with all applicable fees, unless Petitioner files its Article of Dissolution with the Arizona Corporation Commission on or before December 31, 997.

NOTIFICATION OF RIGHTS

The aggrieved party may request a rehearing with respect to this Order by filing a written petition with the Office of Administrative Hearings within 30 days of the date of this Order, setting forth the basis for such relief pursuant to A.A.C. R20-6-114(B).

The final decision of the Director may be appealed to the Superior Court of Maricopa County for judicial review pursuant to A.R.S. § 20-166. A party filing an appeal must notify the Office of Administrative Hearings of the appeal within ten days after filing the complaint commencing the appeal, pursuant to A.R.S. §41-1092.10.

DATED this 2nd day of September, 1997

John A. Greene
Director of Insurance

A copy of the foregoing mailed
this 2nd day of September, 1997

Charles R. Cohen, Deputy Director
Mary Butterfield, Assistant Director
Catherine O'Neil, Assistant Director
Gary Torticill, Assistant Director
Deloris Williamson, Assistant Director
Scott Greenberg, Business Administrator
Arizona Department of Insurance
2910 N. 44th Street, Suite 210
Phoenix, AZ 85018

Office of Administrative Hearings
1700 W. Washington, Suite 602
Phoenix, AZ 85007

Philip T. Paris
2929 N. 44th Street, Suite 120
Phoenix, AZ 85018

Esther Davis

IN THE OFFICE OF ADMINISTRATIVE HEARINGS

In the Matter of the Withdrawal of:	97A-115-INS
AGENCY BUILDERS REINSURANCE, INC. (NAIC No. 690271), Petitioner.	**RECOMMENDED DECISION OF ADMINISTRATIVE LAW JUDGE**

HEARING: August 21, 1997

APPEARANCES: Philip T. Paris, Esq. on behalf of the Petitioner and Kurt Regner on behalf of the Arizona Department of Insurance.

ADMINISTRATIVE LAW JUDGE: Lewis D. Kowal

On August 21, 1997, a hearing took place to consider the application of Agency Builders Reinsurance, Inc. (the "Petitioner"), that was filed with the Arizona Department of Insurance (the "Department") to withdraw from the insurance business and for the release of its statutory deposit pursuant to A.R.S. §20-588 and A.A.C. R20-6-303.

Based upon the entire record in this matter, the following Recommended Findings of Fact, Conclusions of Law and Recommended Order are made:

FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. The Petitioner has surrendered its Certificate of Authority to the Department.

2. The Petitioner has filed with the Department certified copies of Resolutions of the Petitioner's Board of Directors and of the Petitioner's shareholder(s) authorizing Petitioner to withdraw from the insurance business by dissolution.

3. The Petitioner has no insurance obligations owing to it, whether by policies written direct or by reinsurance ceded to it.

4. The Petitioner has filed its certified financial statement as of March 31, 1997, with the Department.

5. At least 10 business days before the hearing of this matter, Petitioner gave special notice to creditors and policyholders of the Petitioner, setting forth the date, place, nature and purpose of the hearing, as evidenced by the affidavit of publication. Petitioner also provided individual notice by mail to its known creditors, as evidenced by affidavit.

Office of Administrative Hearings
1700 West Washington, Suite 602
Phoenix, Arizona 85007
(602) 542-9826

6. The Petitioner has a $100,000.00 statutory deposit with the Department and a $100.00 deposit with the Insurance Examiners' Revolving Fund ("IERF").

7. The Petitioner has complied with the provisions of A.R.S. §20-588 and with A.A.C. R20-6-303, relating to the release of its $100,000.00 statutory deposit.

8. Petitioner currently owes $456.55 to the IERF.

RECOMMENDED ORDER

The undersigned Administrative Law Judge recommends that:

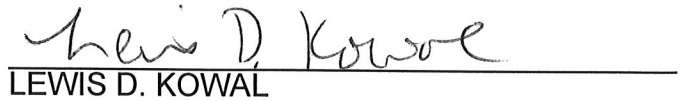
1. The Petitioner may file its Articles of Dissolution with the Arizona Corporation Commission.

2. The Petitioner is entitled to the release of its statutory deposit in the sum of $100,000.00 and that the statutory deposit shall be released to the Petitioner after the Department has received the following: (a) payment of $456.55 to the IERF; (b) a copy of Petitioner's Articles of Dissolution certified as having been filed with the Arizona Corporation Commission; and (c) a fully executed Form E126 (Notice of Trust Deposit Release). The statutory deposit cannot be released until the Department receives a fully executed copy of the official State Treasurer Release Receipt.

3. The sum of $100.00 previously credited to the IERF be refunded to the Petitioner, pursuant to A.R.S. §20-159.

4. The Petitioner file its 1997 Annual Statement with the Department, together with all applicable fees, unless Petitioner files its Article of Dissolution with the Arizona Corporation Commission on or before December 31, 1997.

Done this day, August 27, 1997.



LEWIS D. KOWAL
Administrative Law Judge

Original transmitted by mail this
28 day of August, 1997, to:

Mr. John A. Greene, Director
Department of Insurance
ATTN: Curvey Burton
2910 North 44th Street, #210
Phoenix, AZ 85018-7256

By Chris Crawford Thomson