

STATE OF NORTH DAKOTA
BEFORE THE INSURANCE COMMISSIONER

In the Matter of the)	
)	
Certificate of Authority of)	ORDER REVOKING
Insurance Company of the Americas,)	CERTIFICATE OF AUTHORITY
FEIN 59-1680233,)	
)	
Respondent.)	

WHEREAS, N.D.C.C. § 26.1-01-03(1) requires the Commissioner of Insurance for the State of North Dakota to see that all the laws of the state respecting insurance companies and benevolent societies are executed faithfully; and

WHEREAS, Respondent is an admitted foreign insurance company doing business in the State of North Dakota pursuant to N.D.C.C. ch. 26.1-11; and

WHEREAS, N.D.C.C. § 26.1-11-08 requires the Commissioner to revoke or suspend all Certificates of Authority granted to a foreign insurance company, or to its agents, if upon examination or receipt of other evidence, the Commissioner is of the opinion that the company has failed to comply with any provisions of the applicable laws of this state; and

WHEREAS, N.D.C.C. § 26.1-03-07 states:

3. Any company failing to pay the tax imposed by subsection 1, within the time required, is subject to a penalty of one hundred dollars plus twenty-five dollars per day, excepting the first day after the tax became due. Any company failing to file the appropriate tax statement required by rule if the tax is zero is subject to a penalty of twenty-five dollars per day for each day's neglect not to exceed five hundred dollars. The commissioner, if satisfied that the delay was excusable, may waive, and if paid, issue a premium tax credit for all or any part of the penalty and interest.
4. Every stock and mutual insurance company, nonprofit health service corporation, health maintenance

organization, and prepaid legal service organization, except fraternal benefit or benevolent societies, doing business in this state required to pay premium taxes in this state shall make and file a statement of estimated premium taxes. The statement and payment must be made on a quarterly basis as prescribed by the commissioner. Failure of a company to make payments of at least one-fourth of the total tax paid during the previous calendar year, or eighty percent of the actual tax for the quarter being reported of the current calendar year, shall subject the company to the penalty and interest provided in subsection 3.

WHEREAS, N.D.C.C. § 26.1-02-02 states:

Duty of commissioner before granting or renewing certificate of authority. The commissioner must be satisfied by examination and evidence that an insurance company is legally qualified to transact business in this state, including compliance with section 26.1-03-11, before granting a certificate of authority to the company to issue policies or make insurance contracts. A certificate of authority issued under this title remains in force in perpetuity if the required renewal fee is paid by April thirtieth of each year and the commissioner is satisfied that the documents required by section 26.1-03-11 have been filed, the statements and evidences of investment required of the company have been furnished, the required capital or surplus or both, securities, and investments remain secure, and all other requirements of law are met. Any company which neglects to pay the renewal fee by April thirtieth forfeits twenty-five dollars for each day's neglect.

WHEREAS, N.D.C.C. § 26.1-03-07 states in relevant part:

Every insurance company doing business in this state shall transmit to the commissioner, not later than March first of each year, a statement of its condition and business for the year ending on the preceding December thirty-first.

WHEREAS, Respondent has failed to file its 2015 Reconciled Tax Statement due March 1, 2016, in violation of N.D.C.C. § 26.1-03-07, and its 2016 first quarter Estimated Tax Statement due May 30, 2016, in violation of N.D.C.C. § 26.1-03-17(4) and the appropriate penalty for the late filing pursuant to N.D.C.C. § 26.1-03-17(3); and

WHEREAS, Respondent has failed to file its 2015 Renewal Statement, Certificate of Compliance, and Certificate of Deposit due March 1, 2016, along with appropriate renewal fees and penalty pursuant to N.D.C.C. 26.1-02-02; and

WHEREAS, numerous attempts to contact Respondent by telephone, email, regular mail, and certified mail have all been unsuccessful; and

WHEREAS, based on the foregoing information, the Commissioner of Insurance of the State of North Dakota is of the opinion that Respondent has failed to comply with the laws of the State of North Dakota.

NOW, THEREFORE, IT IS HEREBY ORDERED THAT:

1. The Certificate of Authority of Respondent authorizing Respondent to transact the business of insurance in the State of North Dakota is hereby **REVOKED**.

2. Respondent, its agents, brokers, and/or representatives shall immediately cease and desist from the placement of any new business of insurance in the State of North Dakota and Respondent shall continue to make all filings and pay all fees and taxes as is required by the laws of the State of North Dakota.

3. Respondent shall continue to service any existing insurance policies issued in North Dakota in accordance with the policy provisions and North Dakota law.

This Order is effective and dated this 27th day of July, 2016.



Adam Hamm
Commissioner
North Dakota Insurance Department
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