BEFORE THE COMMISSIONER OF COMMERCE AND INSURANCE
FOR THE STATE OF TENNESSEE

TENNESSEE INSURANCE DIVISION,	)	
Petitioner,	)	
	)	
vs.	)	**TID No.: 15-001**
	)	
ORISKA INSURANCE COMPANY	)	
Respondent.	)	

CONSENT ORDER

WHEREAS, Petitioner, the Tennessee Insurance Division ("Division"), and the Respondent, Oriska Insurance Company ("Respondent"), hereby stipulate and agree, subject to the approval of the Commissioner of the Tennessee Department of Commerce and Insurance ("Commissioner") as follows:

GENERAL STIPULATIONS

1. It is expressly understood that this Consent Order is subject to the Commissioner's acceptance and has no force and effect until such acceptance is evidenced by the entry of the Commissioner.

2. This Consent Order is executed by the Respondent for the purpose of avoiding further administrative action with respect to this cause. Furthermore, should this Consent Order not be accepted by the Commissioner, it is agreed that presentation to and consideration of this Consent Order by the Commissioner shall not unfairly or illegally prejudice the Commissioner from further participation or resolution of these proceedings.

3. Respondent fully understands that this Consent Order will in no way preclude

additional proceedings by the Commissioner against the Respondent for acts or omissions not specifically addressed in this Consent Order or for facts and/or omissions that do not arise from the facts or transactions herein addressed.

4. Respondent fully understands that this Consent Order will in no way preclude proceedings by state government representatives, other than the Commissioner for violations of the Law addressed specifically in this Consent Order, against the Respondent for violations of law under statutes, rules, or regulations of the State of Tennessee, which may arise out of the facts, acts, or omissions contained in the Findings of Fact and Conclusions of Law stated herein, or which may arise as a result of the execution of this Consent Order by the Respondent.

5. Respondent expressly waives all further procedural steps, and expressly waives all rights to seek judicial review of or to otherwise challenge or contest the validity of this Consent Order, the stipulations and imposition of discipline contained herein, and the consideration and entry of said Consent Order by the Commissioner.

AUTHORITY AND JURISDICTION

6. The Commissioner has jurisdiction over this matter pursuant to Tennessee Insurance Law ("Law"), Title 56 of the Tennessee Code Annotated ("Tenn. Code Ann."), specifically, Tenn. Code Ann. §§ 56-1-101 *et seq.*, §§ 56-1-401 *et seq.*, §§ 56-2-102 to 103, § 56-2-115 and §§ 56-11-101 through 56-11-119. The Law places on the Commissioner the responsibility of the administration of its provisions.

PARTIES

7. The Division is the lawful agent through which the Commissioner administers Tennessee Law and is authorized to bring this action for the protection of the insureds and the public.

8. Respondent is an insurance company licensed by the Commissioner to conduct insurance business in the State of Tennessee. The principal place of business on file with the Division is: P. O. Box 855, Oriskany, New York 13424.

FINDINGS OF FACT

9. Respondent is a property and casualty insurance company domiciled in the State of New York.

10. Respondent has received a Certificate of Authority to sell workers' compensation, automobile, and general liability insurance in the State of Tennessee, thereby subjecting Respondent to regulations pursuant to the law, specifically Tenn. Code Ann. §§ 56-1-101, *et seq.*

11. On or about June 4, 2012, the New York State Department of Financial Services issued a Report on Examination of Respondent which determined Respondent's capital stock was impaired in the amount of seven million, three hundred ninety-one thousand, four hundred eighty dollars ($7,391,480), and Respondent's minimum required surplus was impaired in the amount of eight million, ninety-one thousand, four hundred eighty dollars ($8,091,480).

12. Pursuant to Tenn. Comp. R. Regs. Ch. 0780-1-66.03(1) adverse findings reported in financial condition and market conduct examination reports, audit reports, and actuarial opinions, reports or summaries are deemed financially hazardous to the policyholders, creditors, and the public.

CONCLUSIONS OF LAW

13. TENN. CODE ANN. § 56-1-416 provides that the Commissioner shall revoke or suspend all certificates of authority granted to an insurance company if the Commissioner is of the opinion, upon examination or other evidence, that a foreign insurance company is in an unsound condition or has failed to comply with the law and, upon such a finding, no new

business shall be done by the company or its agents under suspension or revocation while such default or disability continues until its authority to do business is restored by the Commissioner.

14. According to Tenn. Comp. R. Regs. Ch. 0780-1-66-.03, "Standards and Commissioner's Authority for Companies Deemed to be in Hazardous Financial Condition," Oriska violates standard 0780-1-66-.03(1), by having adverse findings regarding financial impairment in an examination report.

15. By virtue of the fact that the Respondent is in violation of Tenn. Code Ann. § 56-1-416 and Tenn. Comp. R. Regs. Ch. 0780-01-66.03(1), under Tenn. Code Ann. § 56-2-305 the Commissioner is permitted to suspend Respondent for violations of the Law.

16. Therefore, the Company is subject to sanctions under Tenn. Code Ann. § 56-1-416.

ORDER

NOW THEREFORE, on the basis of the foregoing and Respondent's waiver of the right to a hearing and appeal under the Law and Tennessee's Uniform Administrative Procedures Act, TENN. CODE ANN. §§ 4-5-101, to 4-5-404 (2011), and Respondent's admission of jurisdiction of the Commissioner, the Commissioner finds that Respondent, for the purpose of settling this matter, admits the Findings of Fact and Conclusions of Law, agrees to the entry of this Order and agrees that this Order is in the public interest, necessary for the protection of investors and consistent with the purposes fairly intended by the policy and provisions of the Law.

IT IS ORDERED, pursuant to TENN. CODE ANN. § 56-1-416 of the Tennessee Insurance Law, that:

1. Respondent's Certificate of Authority is hereby suspended for a period of two (2)

years. During such period, Respondent shall continue to be licensed in Tennessee but shall cease writing any new business in the State of Tennessee, and shall renew only those policies that the law may require or that the insured has a contractual right to renew. Should the Commissioner determine that the Respondent's financial condition is no longer unsound, she may at any time remove the suspension of the Respondent's Certificate of Authority, provided the Respondent meets all requirements for Tenn. Code Ann. §§ 56-1-501, 56-1-502, 56-2-101 through 56-2-104, 56-2-113 through 56-2-115, 56-2-201 and 56-2-301. The Commissioner, in her sole discretion, may also extend the suspension period should she find such extension to be in the public interest. However, in the event Respondent's Certificate of Authority is not reinstated within two (2) years from the date of this Order, unless the Commissioner has extended the suspension period, the Respondent's Certificate of Authority shall be automatically revoked without further action by the Commissioner or the Division.

2. Respondent shall continue to pay fees, licenses and taxes as required by law, and to service existing policyholders and adjust losses.

This Consent Order is in the public interest and in the best interests of the parties. This Consent Order represents a compromise and settlement of the controversy between the parties and is for settlement purposes only. By the signature affixed below, Oriska Insurance Company affirmatively states that it has freely agreed to the entry of this Consent Order, that it has been advised that it may consult legal counsel in this matter and has had the opportunity to consult with legal counsel, that it waives its right to a hearing on the matters underlying this Consent Order and to a review of the Findings of Fact and Conclusions of Law contained herein, and that no threats or promises of any kind have been made by the Commissioner, the Division, or any agent or representative thereof. The parties, by signing this Consent Order, affirmatively state

their agreement to be bound by the terms of this Consent Order and aver that no promises or offers relating to the circumstances described herein, other than the terms of settlement set forth in this Consent Order, are binding upon them.

Nothing in this Consent Order should be construed to limit the authority of the Insurance Division or the Commissioner to take further action against the Respondent should such action, in the opinion of the Insurance Division or the Commissioner, be necessary.

SO ORDERED.

ENTERED this the 30th day of June, 2015.

Julie Mix McPeak

Julie Mix McPeak, Commissioner
Department of Commerce and Insurance

APPROVED FOR ENTRY:

Oriska Insurance Company

Michael Humphreys
Assistant Commissioner for Insurance
Department of Commerce and Insurance

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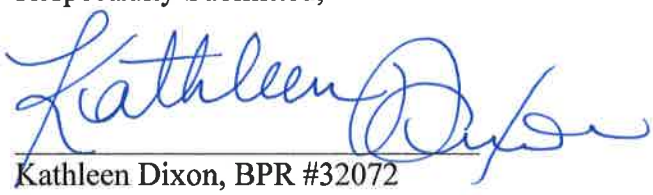
Respectfully Submitted,



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