

**BEFORE THE COMMISSIONER OF INSURANCE  
OF THE STATE OF KANSAS**

**In the Matter of the** )  
**Imperial Casualty and Indemnity Company** )      **Docket No. 3949-OR**

**ORDER TO RESCIND**

Pursuant to the authority granted the Commissioner of Insurance by Kansas Statutes Annotated (K.S.A.) 40-222, K.S.A. 40-222b, K.S.A. 40-222d, K.S.A. 40-222e, and in accordance with the Kansas Administrative Procedure Act, K.S.A. 77-501, et seq., I, Sandy Praeger, the duly elected, qualified, and acting Commissioner of Insurance of the State of Kansas, hereby make the following findings of fact, conclusions of law, and order, to wit. This Order shall become effective as a Final Order, without further notice, upon the expiration of the fifteen (15) day period if no hearing is requested, pursuant to K.S.A. 77-542.

**Findings of Fact**

1. IMPERIAL CASUALTY AND INDEMNITY COMPANY is an insurance company incorporated under the laws of the State of Nebraska on December 7, 1954 and redomesticated to the State of Oklahoma effective December 31, 2003 with a registered corporate office located at 3555 NW 58<sup>th</sup> Street, Suite 200, Oklahoma City, Oklahoma 73112.
2. IMPERIAL CASUALTY AND INDEMNITY COMPANY was licensed to transact the business of insurance in the State of Kansas on November 1, 1956 pursuant to the authority of K.S.A. 40-901 and K.S.A. 40-1102.
3. The Commissioner of Insurance of the State of Kansas has jurisdiction over the subject matter of this proceeding and over the operation of IMPERIAL CASUALTY AND INDEMNITY COMPANY in this state, and this proceeding is in the public interest.

4. On April 14, 1989, the Commissioner of Insurance issued a Consent Order which suspended IMPERIAL CASUALTY AND INDEMNITY COMPANY'S authority to transact the business of insurance in Kansas. The Consent Order was placed on IMPERIAL CASUALTY AND INDEMNITY COMPANY as a result of the financial condition that had resulted in a condition such that the continued operation of the company in this state might be hazardous to the insuring public. The Nebraska Insurance Department issued a Cease and Desist Order on August 16, 1988 and an order of Administrative Supervision on March 1, 1989.
5. Pursuant to a Termination of Supervision Order issued on December 28, 1998, both the Cease & Desist and the Administrative Supervision Orders were terminated. A Consent Order of Redomestication was signed on December 17, 2003 by the Commissioner of the Oklahoma Department of Insurance and on December 31, 2003 by the Director of Insurance for the State of Nebraska, approving the redomestication of the Company to the State of Oklahoma.
6. On December 31, 2003, Providence Property & Casualty, an Oklahoma property and casualty insurance corporation, acquired the Company through the purchase of all of the outstanding shares of stock, after approval by the Oklahoma Insurance Department.
7. IMPERIAL CASUALTY AND INDEMNITY COMPANY'S most recent financial statements filed with the Department reflect an improvement in the Company's financial condition. As of September 30, 2008, IMPERIAL CASUALTY AND INDEMNITY COMPANY is reporting capital and surplus of \$11,896,372.

**Conclusions of Law**

8. IMPERIAL CASUALTY AND INDEMNITY COMPANY has provided the Commissioner of Insurance with information which indicates IMPERIAL CASUALTY AND INDEMNITY COMPANY has rectified the condition which warranted the issuance of the Consent Order referred to in paragraph #4 above.

**Order**

**IT IS THEREFORE, BY THE COMMISSIONER OF INSURANCE, ORDERED THAT:**

The Consent Order dated April 14, 1989, and referred to in paragraph #4 above, which suspended the authority of IMPERIAL CASUALTY AND INDEMNITY COMPANY to transact the business of insurance in the State of Kansas, is hereby rescinded. IMPERIAL CASUALTY AND INDEMNITY COMPANY may commence writing business in the State of Kansas.

**IT IS SO ORDERED THIS 11th DAY OF DECEMBER, 2008, IN THE CITY OF TOPEKA, COUNTY OF SHAWNEE, STATE OF KANSAS.**



/s/ Sandy Praeger  
Sandy Praeger  
Commissioner of Insurance

By:

/s/ John W. Campbell  
John W. Campbell  
General Counsel

## NOTICE OF RIGHTS

IMPERIAL CASUALTY & INDEMNITY COMPANY is entitled to a hearing pursuant to K.S.A. 77-537, the Kansas administrative Procedure act. If IMPERIAL CASUALTY & INDEMNITY COMPANY desires a hearing, the company must file a written request for a hearing with:

John W. Campbell, General Counsel  
Kansas Insurance Department  
420 S.W. 9<sup>th</sup> Street  
Topeka, Kansas 66612

This request must be filed within fifteen (15) days from the date of service of this Order. If IMPERIAL CASUALTY & INDEMNITY COMPANY requests a hearing, the Kansas Insurance Department will notify the company of the time and place of the hearing and information on the procedures, right of representation, and other rights of parties relating to the conduct of the hearing, before commencement of the same.

If a hearing is not requested in the time and manner stated above, this Summary Order shall become effective as a Final Order upon the expiration of time for requesting a hearing, pursuant to K.S.A. 77-613. In the event IMPERIAL CASUALTY & INDEMNITY COMPANY files a petition for judicial review, pursuant to K.S.A. 77-613(e), the agency officer to be served on behalf of the Kansas Insurance Department is:

John W. Campbell, General Counsel  
Kansas Insurance Department  
420 S.W. 9<sup>th</sup> Street  
Topeka, Kansas 66612

**Certificate of Service**

The undersigned hereby certifies that above and foregoing Order was served via the United States Postal Service, first-class postage prepaid, on this   11th   day of   December  , 2008, addressed to the following:

Mr. William Sneed  
Polsinelli, Shalton, Flanigan, Suelthaus, P.C.  
555 Kansas Ave.  
Suite 101  
Topeka, Kansas 66603

  /s/  Zachary J.C. Anshutz\_\_\_\_  
Zachary J.C. Anshutz  
Assistant General Counsel