

**BEFORE JAMES A. DODRILL, INSURANCE COMMISSIONER
OF THE STATE OF WEST VIRGINIA**

In the Matter of:

BEDIVERE INSURANCE COMPANY, (NAIC #21970)

Administrative Proceeding No. 21-IC-02011

AGREED ORDER REVOKING CERTIFICATE OF AUTHORITY

Pursuant to the provisions of *W.Va. Code* §33-3-11(a)(4), the West Virginia Insurance Commissioner (“Commissioner”) may, after notice and hearing, refuse to renew, or may revoke or suspend the license of an insurer, in addition to other grounds therefor, if the insurer is found by the Commissioner to be in an unsound condition or in such condition as to render its further transaction of insurance in West Virginia hazardous to its policyholders or to the people of West Virginia. As to the above-referenced insurer in this administrative proceeding, the Commissioner makes the following Findings of Fact, Conclusions of Law and Order:

I. PARTIES AND JURISDICTION

1. The Commissioner, pursuant to *W.Va. Code* §33-2-3, administers and enforces Chapter 33 of the *West Virginia Code* and Title 114 of the *West Virginia Code of State Rules*.
2. The Commissioner, pursuant to *W.Va. Code* §33-34-3a, possesses regulatory authority and jurisdiction over insurers deemed to be in hazardous financial condition.
3. Bedivere Insurance Company ("BIC") is a foreign insurer domiciled in the state of Pennsylvania with a last known statutory home office address of Bedivere Insurance Company, ATTN: Bryan Enos, Treasurer, 1880 JFK Boulevard, Ste 801, Philadelphia, Pennsylvania 19103.
4. BIC has a mailing address of: Bedivere Insurance Company, ATTN: Bryan Enos, Treasurer, 1880 JFK Boulevard, Ste 801, Philadelphia, Pennsylvania 19103.

5. BIC was issued a Certificate of Authority (NAIC #21970) by the Commissioner on August 27, 1956, and is authorized to transact casualty insurance, *W.Va. Code* §33-1-10(e); fire insurance, *W.Va. Code* §33-1-10(c); marine insurance, *W.Va. Code* §33-1-10(d); and surety insurance, *W.Va. Code* §33-1-10(f)(1)(2)(3), in the State of West Virginia.

6. The Commissioner has jurisdiction over this matter pursuant to *W.Va. Code* §33-2-3.

II. FINDINGS OF FACT

7. The Commissioner issued to BIC a Certificate of Authority on August 27, 1956, and assigned NAIC No. 21970.

8. Certain standards may be considered by the Commissioner to determine whether the continued operation of an insurer transacting an insurance business in this state might be deemed to be hazardous to its policyholders, creditors, or the general public, pursuant to *W.Va. Code* §33-34-3a.

9. BIC filed its Annual Statement and Risk-based Capital report on March 1, 2021, indicating a negative surplus and mandatory control level risk-based capital.

10. In the Annual Financial Statement of the Company for year ending December 31, 2020, BIC reported the following unfavorable results of operation:

▪ Admitted Assets	\$300,973,189
▪ Liabilities	\$578,458,453
▪ Authorized and Issued Capital Stock	\$4,200,000
▪ Liabilities + Authorized and Issued Capital Stock	\$582,658,453

- Total Insolvency (Line 1 – line 4) (\$281,685,264)

11. On February 25, 2021, the sole shareholder of BIC consented to the entry of an Order of Liquidation.

12. The Company has failed to maintain minimum capital & surplus requirements as outlined in *W.Va. Code* §33-3-10(b).

13. The Company is insolvent as defined in *W.Va. Code* §33-3-10(b).

14. The Company is operating in hazardous financial condition per *W.Va. Code* §33-3-10(b).

15. The Company no longer meets the requirements for the license originally granted because of deficiency of assets or otherwise, and the continued operation of the Company in this state may be determined hazardous to the policyholders, creditors, or the general public.

16. *W.Va. Code* §33-34A-3 provides that the existence of Hazardous Financial Conditions either singularly or a combination of two or more may be considered by the Insurance Commissioner to determine whether the continued operation of any insurer transacting an insurance business in this state may be hazardous to the policyholders, creditors or the general public.

17. The Insurance Commissioner may, after notice and hearing, revoke or suspend the license of an insurer found by the Insurance Commissioner to be in an unsound condition or in such condition as to render its further transaction of insurance in West Virginia hazardous to its policyholders or for the protection of the people of West Virginia; [*W.Va. Code* §33-3-11(a)(4)].

18. The Insurance Commissioner shall, after notice and hearing, revoke or suspend the license of an insurer that no longer meets the requirements for the license originally granted because of deficiency of assets or otherwise; [*W.Va. Code §33-3-10(b)*].

III. CONCLUSIONS OF LAW

19. Paragraphs 1-18 are incorporated by this reference and made a part hereof.

20. The continued operation of BIC in West Virginia is hazardous to its policyholders pursuant to the standards set forth in *W.Va. Code §33-34-3a*.

21. Because the insurer is in hazardous financial condition, the Commissioner is authorized to suspend BIC's license to transact insurance in the State of West Virginia.

IV. ORDER

It is therefore **ORDERED**, pursuant to *W.Va. Code §33-3-11* that:

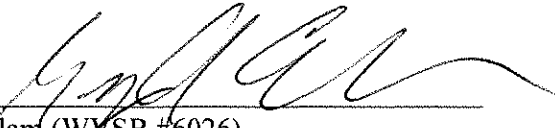
A. The Certificate of Authority issued to BIC to transact the business of casualty, fire, marine and surety insurance in the State of West Virginia is, hereby, revoked. This revocation automatically suspends the authority of BIC's producers to act as agents of BIC; and

B. BIC shall not solicit or issue new policies of insurance, renew policies of insurance or assume any West Virginia risk.

ENTERED this 9th day of April 2021.



JAMES A. DODRILL
Insurance Commissioner

Prepared by: 

Gregory A. Elam (WVSB #6026)

Associate General Counsel

Legal Division

West Virginia Offices of the Insurance Commissioner

Post Office Box 50540

Charleston, West Virginia 25305-0540

Agreed to by:

BEVIDERE INSURANCE COMPANY (In Liquidation)

By: 

TITLE: Chief Liquidation Officer