STATE OF OREGON
DEPARTMENT OF CONSUMER AND BUSINESS SERVICES
DIVISION OF FINANCIAL REGULATION

In the Matter of: EVEREST DENALI INSURANCE COMPANY, A Delaware Business Corporation, Respondent.	Case No. INS-18-0076 FINAL ORDER TO CEASE AND DESIST, ORDER ASSESSING CIVIL PENALTY, AND CONSENT TO ENTRY OF ORDER

The Director of the Department of Consumer and Business Services for the State of Oregon ("Director"), acting in accordance with Oregon Revised Statutes ("ORS") chapters 731, 732, 733, 734, 735, 737, 742, 743, 743A, 744, 746, 748 and 750 ("Insurance Code"), has decided to take enforcement action against Everest Denali Insurance Company ("Respondent").

Respondent wishes to resolve and settle this matter with the Director.

Now, therefore, as evidenced by the signature(s) subscribed in this Order, Respondent hereby CONSENTS to entry of this Order.

FINDINGS OF FACT

The Director FINDS that:

1. Respondent has been licensed in Oregon as a Foreign Insurer since June 1, 2017. Respondent's NAIC number is 16044.

2. Respondent's last recorded principal business mailing address is P.O. Box 830, Liberty Corner, NJ 07938-0830.

3. Respondent is authorized to transact workers' compensation insurance in Oregon.

4. Workers' compensation insurers are required to file a Special Oregon

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Labor and Industries Building
350 Winter Street NE, Suite 410
Salem, OR 97301-3881
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Schedule P by March 1 of each year.

5. Respondent filed its Special Oregon Schedule P for 2017 on March 8, 2018, seven days after the due date.

CONCLUSIONS OF LAW

The Director CONCLUDES that:

6. Under ORS 731.252(1), whenever the Director has reason to believe that any person has been engaged or is engaging or is about to engage in any violation of the Insurance Code, the Director may issue an order to discontinue or desist from such violation or threatened violation.

7. ORS 731.574(1) authorizes the Director to require workers' compensation insurers to file a Special Oregon Schedule P by March 1 of each year.

8. By filing its Special Oregon Schedule P seven days past the due date, Respondent violated ORS 731.574(1).

9. ORS 731.988(1) authorizes the Director to impose upon Respondent a civil penalty of up to $10,000 per violation of ORS 731.574(1).

ORDER

Now therefore, the Director issues the following Orders:

10. Pursuant to ORS 731.252(1), the Director ORDERS Respondent to CEASE AND DESIST from violating any provision of the Insurance Code or the administrative rules promulgated thereunder.

11. Pursuant to ORS 731.988(1), the Director ORDERS Respondent to pay a CIVIL PENALTY of $3,500 for violating ORS 731.574(1).

12. The Director hereby suspends payment of $1,000 of the CIVIL PENALTY for a period of two years, provided Respondent makes timely and accurate filings of its 2018 and 2019 Special Oregon Schedule Ps.

13. The suspended CIVIL PENALTY ($1,000) will be waived two years from the

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effective date of this Order, provided Respondent has complied with the foregoing Order terms. The Director reserves the right to immediately assess and collect the suspended civil penalty upon a determination that Respondent has violated any term of this Order.

14. The non-suspended CIVIL PENALTY ($2,500) is due and payable at the time this Order is submitted to the Director.

15. This Order is binding upon Respondent's successors and assigns.

16. This Order is a "Final Order" under ORS 183.310(6)(b). Subject to that provision, the entry of this Order does not limit other remedies that are available to the Director under Oregon law.

SO ORDERED this 8th day of November, 2018 in Salem, Oregon.

CAMERON C. SMITH, Director
Department of Consumer and Business Services

/s/ Dorothy Bean
Dorothy Bean, Chief of Enforcement
Division of Financial Regulation

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ENTITY CONSENT TO ENTRY OF ORDER

I, Keith Shoemaker, am an officer of Respondent and I am authorized to act on its behalf. I have read the foregoing Order and I know and fully understand the contents hereof. The factual allegations stated herein are true and correct. I have been advised of the right to a hearing and of the right to be represented by counsel in this matter. Respondent voluntarily consents to the entry of this Order without any force or duress, expressly waiving any right to a hearing in this matter, as well as any rights to administrative or judicial review of this order. Respondent understands that the Director reserves the right to take further action against it to enforce this order or to take appropriate action upon discovery that Respondent has committed other violations of the Oregon Insurance Code. Respondent, along with its officers, directors, employees, or agents, will fully comply with the terms and conditions stated herein.

Respondent understands that this Order is a public document.

Signature: /s/ Keith Shoemaker

Position Held: Senior Vice President and Comptroller

State of New Jersey

County of Somerset

Signed or attested before me on this 30th day of October, 2018 by Keith T. Shoemaker

/s/ Lorraine N. Day

Notary Public

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