

Order by the Commissioner shall not unfairly or illegally prejudice the Commissioner from further participation in or resolution of these proceedings.

4. Respondent fully understands that this Agreed Order will in no way preclude additional proceedings by the Commissioner against the Respondent for acts or omissions not specifically addressed in this Agreed Order or for facts and/or omissions that do not arise from the facts or transactions herein addressed.

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 the Agreed Order, the stipulations and imposition of discipline contained herein, and the consideration and entry of said Agreed Order by the Commissioner, except that Respondent reserves the right to seek administrative or judicial review of any issues that may arise in connection with the enforcement of the Agreed Order.

FINDINGS OF FACT

6. Respondent is an insurance company domiciled in the State of New York.

7. By order of the Supreme Court of the State of New York, New York County, entered April 30, 2010, the Respondent was placed in rehabilitation, and the Superintendent of Insurance of the State of New York was appointed as Rehabilitator.

CONCLUSIONS OF LAW

8. Ark. Code Ann. § 23-63-213(b) allows the Commissioner, without advance notice or a hearing thereon, to suspend the Respondent's certificate of authority due to a rehabilitation proceeding having been initiated in its domiciliary state.

9. Respondent admits to the Findings of Fact, above. Respondent further admits that the

Conclusions of Law, above, are acceptable and reasonable. In order to avoid any further expense or cost associated with litigating this matter, Respondent hereby desires to enter into this Agreed Order.

ORDER

NOW THEREFORE, on the basis of the foregoing, and the wavier of the Respondent of its rights to a hearing and appeal under Arkansas Insurance Code and the Arkansas Administrative Procedures Act, Ark. Code Ann. §§ 25-15-201, *et seq.*, and the admission by Respondent of the jurisdiction of the Commissioner, the Commissioner finds that the Respondent has agreed to the entry of this Order and that this Order is appropriate and in the public interest.

Pursuant to Ark. Code Ann. § 23-63-213 of the Arkansas Insurance Code, the Commissioner and Respondent agree that:

1. Except as provided in Paragraph 3 below, Respondent shall cease and desist from writing new and renewal policies for a period of two (2) years from the date of entry of this Agreed Order (the "Suspension Period"). Should the Commissioner determine that the Respondent has been successfully rehabilitated in its domiciliary state, he may at any time agree to permit the Respondent to resume writing new and renewal policies. However, the Respondent's Certificate of Authority shall automatically be revoked without further action by the Commissioner or the Arkansas Insurance Department if Respondent has not been permitted by the Commissioner to resume writing new and renewal policies within two (2) years from the date of this Order, except that Respondent may petition the Commissioner for an extension of such two-year period.

2. During the Suspension Period, Respondent shall cease writing new business in the State of Arkansas, and shall only renew those policies that the law may require. Respondent shall,

however, at all such times continue to file with the Commissioner any annual statement prepared on its behalf, pay fees, licenses and taxes as required and applicable, and service existing policyholders and adjust losses thereunder.

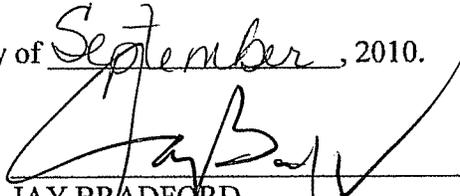
3. Respondent may apply at any time to the Department, for the lifting of the suspension of its certificate of authority, should upon Respondent's application, the Commissioner determine that Respondent has the financial strength to resume writing new and/or renewal policies,

4. This Agreed Order is in the public interest and in the best interests of the parties, and represents a compromise and settlement of the controversy between the parties and is for settlement purposes only. By the signature affixed below, Professional Liability Insurance Company of America affirmatively states that it has freely agreed to the entry of this Agreed 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 should it had desired to do so, that it waives its right to a hearing on the matters underlying this Agreed 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 Department, or any agent or representative thereof. The parties, by signing this Agreed Order, affirmatively state their agreement to be bound by the terms of this Agreed Order and aver that no promises or offers relating to the circumstances described herein, other than the terms of settlement set forth in this Agreed Order, are binding upon them.

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

SO ORDERED.

ENTERED this the 2nd day of September, 2010.



JAY BRADFORD
INSURANCE COMMISSIONER
STATE OF ARKANSAS

APPROVED FOR ENTRY:

Superintendent of the State of New York as Rehabilitator
of Professional Liability Insurance Company of America
in rehabilitation

By: 

John Pearson Kelly
General Counsel
New York Liquidation Bureau