## RULES OF COMPTROLLER GENERAL

### CHAPTER 120-2

**RULES OF COMMISSIONER OF INSURANCE**

**SUBJECT 120-2-2**

**PRACTICE AND PROCEDURE**

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Rule 120-2-2-.01 Definitions
The following words and terms as used in these rules shall have the meaning hereinafter ascribed to them:

1. “Adjudicator” means the Commissioner’s duly appointed representative, appointed pursuant to O.C.G.A. §33-2-6, whom he or she deems qualified by reason of training, experience and competence.

2. “Adjudication” means a trial type-proceeding that offers an opportunity for fact-finding before an adjudicator.

3. “Administrative record” includes the transcript or recording of the hearing and any transcribed or recorded conferences or oral arguments before the Adjudicator, all exhibits and stipulations filed in the adjudication, all exhibits excluded from the adjudication but preserved for purposes of administrative review, all party and limited participant filings, all written orders or decisions of the Adjudicator, any disclosure of ex parte contacts required under Rule 120-2-2-.09 (Ex Parte Communications), any
written statements of settlement, and any other matters required or permitted under these rules to be included, whether with or without leave from the Adjudicator.

4. “APA” means the Georgia Administrative Procedure Act, O.C.G.A. Title 50, Chapter 13.
5. “Commissioner” means the Insurance Commissioner of the State of Georgia.
6. “Contested Case” means a proceeding, including but not restricted to rate making, price fixing, and licensing, in which the legal rights, duties, or privileges of a party are required by law to be determined after an opportunity for hearing.
7. “Department” means the Department of Insurance of the State of Georgia.
8. “Docketed Party” is a named person required by law to participate in an adjudication.
9. “Intervenor” is a person either entitled by law or permitted by the Department to participate with full or limited rights as a party, despite not being a Docketed Party to an adjudication.
10. “License” means and includes the whole or part of any Department permit, certificate, approval registration or similar form of permission with reference to any activity of continuing nature as provided for by the Georgia Insurance Code.
11. “Limited participant” is a person, who is not a party, permitted by agency discretion to participate in an adjudication.
12. “Motion” means a request made to the Adjudicator or to the Department, as may be appropriate.
13. “Notice of Hearing” means a written statement of the substance of a specific charge alleging violation of any rule or statute to be considered at a hearing to the person or party affected or of the substance of a proposed rule to be considered which will afford actual notice to all interested persons. Such notice shall be served in accordance with Rule 120-2-2-.14(1)(c)(ii) that follows. Provided, however, that when the Commissioner certifies for the record that an emergency exists requiring the holding of a hearing upon notice less than twenty (20) days, a hearing may be held with less than twenty (20) days' notice but not less than 10 days' notice.
14. “Party” is a Docketed Party, agency, or intervenor in an adjudication.
15. “Person” includes an individual, partnership, corporation, association, public or private organization, or governmental agency.
16. “Petition” A written application from a person or persons to the Department or the Commissioner asking that authority be exercised to grant relief or privileges.
17. “Record” (noun) is a document or other information that is inscribed on a tangible medium or stored in an electronic or other medium and retrievable in perceivable form.
18. “Record” (verb) means to preserve or convert proceedings, discussions, or other actions in permanent form via audio, video, stenographic, or other reasonable means.
19. “Rule” means each regulation, standard or statement of general applicability that implements, interprets or prescribes law or policy, or describes the organization, procedure or practice requirements. The term includes the amendment or repeal of a prior rule.
20. “Settlement Adjudicator” is an adjudicator other than the Adjudicator presiding over a case, whom the Commissioner appoints to facilitate settlement or other dispute resolution under Rule 120-2-2-.23 (Settlement and Alternative Dispute Resolution).

Authority: O.C.G.A. Secs. 33-2-9, 33-2-17 et seq.
Rule 120-2-2.02 Construction, Modification, or Waiver of Rules

1. These rules apply to all hearings held under the authority granted to the Commissioner in O.C.G.A. § 33-2-17.

2. These rules must be liberally construed to secure the fair, expeditious, and inexpensive determination of all adjudications.

3. These rules must be interpreted, to the extent permissible, to be consistent with the Georgia Constitution, the APA, and other applicable statutory law. To the extent that any rule is not consistent, applicable constitutional or statutory law controls.

4. Except to the extent that waiver or modification would otherwise be contrary to law, the Adjudicator may, after adequate notice to all interested persons, modify or waive any of these rules upon a determination that no party will be prejudiced and that the ends of justice will be served.

5. On any procedural question not addressed by specific statute, the APA, or these rules, the Adjudicator is guided so far as practicable by Georgia's Civil Practice Act, found in OCGA § 9-11-1 et seq.

Authority: O.C.G.A. Secs. 33-2-9, 33-2-17 et seq.

Rule 120-2-2.03 Adjudicator Assignment

Adjudications must be presided over by an adjudicator designated by the Commissioner.

Authority: O.C.G.A. Secs. 33-2-9, 33-2-17 et seq.

Rule 120-2-2.04 Adjudicator Authority

The Adjudicator has all authority necessary to conduct fair, expeditious, and impartial adjudications. Such authority includes the authority to:

1. administer oaths and affirmations;
2. issue subpoenas authorized by law;
3. receive relevant evidence and rule upon the admission of evidence and offers of proof;
4. preside over depositions or cause depositions to be taken when the ends of justice would be served;
5. regulate the course of the hearing and the conduct of persons at the hearing;
6. hold conferences for the settlement or simplification of the issues by consent of the parties or through means of alternative dispute resolution;
7. inform the parties as to the availability of one or more means of alternative dispute resolution and encourage use of such means;
8. require the attendance at any conference held pursuant to Rule 120-2-2.24 of at least one representative of each party who has authority to negotiate concerning resolution of the issues in controversy;
9. dispose of procedural motions;
10. make or recommend decisions;
11. call and question witnesses;
12. order curative measures to remedy the filing or other disclosure of sensitive information, as identified in Rule 120-2-2-.13 (3), that should have been redacted under these rules;
13. impose appropriate non-monetary sanctions against any party or person failing to obey her/his order, refusing to adhere to reasonable standards of orderly and ethical conduct, or refusing to act in good faith; and
14. take any other action authorized by the Commissioner.


Rule 120-2-2-.05 Adjudicator Impartiality, Recusal or Disqualification, or Unavailability

1. Impartiality. The Adjudicator must conduct her/his functions in an impartial manner.
2. Recusal of Adjudicator.
   a. Recusal by Adjudicator. The Adjudicator may at any time recuse her/himself.
   b. Disqualification Sought by Party.
      i. Before the filing of the Adjudicator’s decision, any party may move that the Adjudicator recuse her/himself on the ground of personal bias or basis for other disqualification by filing with the Adjudicator promptly upon discovery of the alleged facts an affidavit setting forth in detail the matters alleged to constitute grounds for disqualification.
      ii. The Adjudicator must rule upon the motion, stating the grounds therefor. If the Adjudicator concludes that the motion is timely and has merit, the Adjudicator must promptly recuse her/himself and withdraw from the adjudication. If (s)he does not recuse her/himself and withdraw from the adjudication, (s)he must proceed with the adjudication.
      iii. A party may seek review of the Adjudicator’s denial of a motion for disqualification only at the conclusion of the adjudication, unless the requirements of Rule 120-2-2-.45 (Interlocutory Review) are satisfied.

3. Unavailability of Adjudicator. If the Commissioner finds that the Adjudicator is unable to perform her/his duties or otherwise becomes unavailable, the Commissioner must designate another adjudicator to serve.

Authority: O.C.G.A. Secs. 33-2-9 et seq.

Rule 120-2-2-.06 Individuals with Disabilities

For any portion of the adjudication (including in connection with any conference or hearing), the Adjudicator must take due account of any disclosed physical or mental disability of a party, limited participant, representative, or witness.

Authority: O.C.G.A. Secs. 33-2-9 et seq.

Rule 120-2-2-.07 Oral Testimony, Interpretation, and Interpreters

1. Any party or limited participant who anticipates a need for an interpreter during any part or all of an adjudication must promptly notify the Adjudicator and identify any
specific language and dialect for which an interpreter is needed and the participant or participants who will require the interpretation services.

2. An interpreter must establish her/his qualifications to the satisfaction of the Adjudicator and state, under oath, that the interpreter is (1) competent to interpret the identified language and dialect, and (2) will do so accurately to the best of the interpreter's ability, before performing interpretation services for the adjudication.

3. A qualified interpreter who testifies under oath as to her/his qualifications, and who promises to translate accurately to the best of her/his ability, is permitted to assist with the adjudication, subject to general rules of procedure or evidence applicable to any party, limited participant, or witness.

Authority: O.C.G.A. Secs. 33-2-9 et seq.

Rule 120-2-2-.08 Foreign-Language Documents and Translations

1. All documents filed with the Department or offered for the administrative record of an adjudication must be in the English language or accompanied by an authenticated English translation.

2. An affidavit in English by a person who does not understand English must include a separate translator's affidavit under oath stating that the underlying affidavit has been read to the person in a language that the person understands and that, to the best of the translator's knowledge, the affiant understood it before signing. The translator's affidavit must also state facts demonstrating that the translator is competent to translate the language of the witness as well as a representation that the interpretation was true and accurate to the best of the translator's abilities.

3. A translator's affidavit authenticating the translation of a foreign-language document must be typed, signed by the translator, and identify and accompany the foreign-language document. If a translator's affidavit is filed in connection with the translation of multiple documents, the certification must specify the documents covered by the translator's affidavit. A translator's affidavit must include facts providing a basis to conclude that the translator is competent to translate the language of the document and a representation that the translation is true and accurate to the best of the translator's abilities.

4. A translated document accompanied by a proper translator's affidavit is admissible in the adjudication to the same extent as it would be if it were not translated.

Authority: O.C.G.A. Secs. 33-2-9 et seq.

Rule 120-2-2-.09 Ex Parte Communications

1. Except as required for the disposition of ex parte matters authorized by law, the Adjudicator may not consult a person or party on any matter relevant to the merits of the adjudication, unless on notice and opportunity for all parties to participate. This provision does not, however, preclude the Adjudicator from consulting with adjudicatory employees such as law clerks.

2. Except as required for the disposition of ex parte matters authorized by law,
   a. no interested person outside the Department may make or knowingly cause to be made to the Department or any of its personnel who is or may reasonably be
expected to be involved in the decisional process an ex parte communication relevant to the merits of the adjudication;

b. the Department or its personnel who are or may reasonably be expected to be involved in the decisional process of the adjudication may make or knowingly cause to be made to any interested person outside the Department an ex parte communication relevant to the merits of the adjudication.

3. The Adjudicator, or agency personnel who is or may reasonably be expected to be involved in the decisional process who receives, makes, or knowingly causes to be made a communication prohibited by this rule must place in the public administrative record:
   a. all such written communications;
   b. memoranda stating the substance of all such oral communications; and
   c. all written responses, and memoranda stating the substance of all oral responses, to the materials described in (a) and (b) above.

4. Upon receipt of a communication knowingly made or knowingly caused to be made by a party in violation of this rule, the Commissioner or the Adjudicator may, to the extent consistent with the interests of justice, the policy of underlying statutes, and the Department’s rules and precedents, require the party to show cause why its claim or interest in the adjudication should not be dismissed, denied, disregarded, or otherwise adversely affected by reason of such violation.

5. The prohibitions of this rule apply beginning on the date the Department became aware of the issue for adjudication but in no case do they begin to apply later than when an adjudication is noticed for hearing unless the person responsible for the communication has knowledge that it will be noticed, in which case the prohibitions apply upon her/his acquisition of such knowledge.

Authority: O.C.G.A. Secs. 33-2-9 et seq.

Rule 120-2-2-.10 Separation of Functions

1. The Adjudicator may not be responsible to, or subject to the supervision or direction of, personnel engaged in the performance of investigative or prosecutorial functions for the Department.

2. No officer, employee, or agent of the Department engaged in investigative or prosecutorial functions in connection with any adjudication may, in that adjudication or one that is factually related, participate or advise in the decision of the Adjudicator, except as a witness or counsel in the adjudication or its appellate review.

Authority: O.C.G.A. Secs. 33-2-9 et seq.

Rule 120-2-2-.11 Rights of Parties, Intervenors, and Limited Participants

1. The rights of a Party are determined by statute, these rules, and other applicable law.

2. The Adjudicator may, pursuant to statute, these rules, or other applicable law, restrict an intervenor’s participation.

3. A limited participant may make oral submissions, written submissions, or both, as the Adjudicator permits.

Authority: O.C.G.A. Secs. 33-2-9, 33-2-21 et seq.
Rule 120-2-2-.12 Representation

1. Any person may appear in an adjudication on her/his own behalf, by an attorney, or, if permitted by the Adjudicator or Department, by an authorized representative who qualifies under this rule. Each person, attorney, or authorized representative must file a notice of appearance. The notice must state the name of the case (and docket number if assigned), the person on whose behalf the appearance is made, and the person’s or representative’s mailing address, email address, and telephone number. Similar notice must also be given for any withdrawal of appearance.

2. An attorney must be a member in good standing of the State Bar of Georgia, another State, the District of Columbia, or any territory or commonwealth of the United States. (S)he must file with the Department a written affidavit that (s)he is currently qualified as provided by this subsection and is authorized to represent the person on whose behalf (s)he acts. Any attorney licensed outside the state of Georgia must submit to the Adjudicator a pro hac vice motion written in accordance with Rule 4.4 of the Uniform Superior Court Rules of the State of Georgia and its Appendix.

3. In the Adjudicator’s discretion, an owner, majority shareholder, director, officer, registered agent, member, manager or partner of a corporation, limited liability company, or partnership may be allowed to represent the entity in a proceeding.

Authority: O.C.G.A. Secs. 33-2-9, 33-2-21 et seq.

Rule 120-2-2-.13 Form and Content of Filed Documents; Privacy Protections for Filings

1. Necessary Information. A filed document must state clearly:
   a. the name of the Department;
   b. the name of the adjudication;
   c. the name and designation (such as "applicant," "petitioner," or "respondent") of the filing party;
   d. the type of filing (e.g., petition, notice, motion to dismiss, etc.);
   e. any assigned docket number of the case; and
   f. the filing party’s or other filing person’s address, telephone number, fax number (if any), and email address (if any).

2. Specifications.
   a. All filed documents created by a party must:
      i. be 8 by 11 inches in size except, when necessary, tables, charts, and other attachments may be larger if folded to the size of the filed documents to which they are physically attached;
      ii. be only on one side of the page and be typewritten, printed, or otherwise reproduced in permanent and plainly legible form;
      iii. be double-spaced except for footnotes and long quotations, which may be single-spaced;
      iv. have a left margin of at least 1 1/2 inches and other margins of at least 1 inch; and
      v. be bound on the left side, if bound.
   b. Illegible documents will not be accepted.
c. All documents must be in the English language or, if in a foreign language, accompanied by an authenticated English translation.

3. Confidentiality and Privacy Protections.
   a. Unless the Department orders otherwise, in an electronic or paper filing with the Department that contains an individual’s social-security number, driver’s license number, passport number, taxpayer-identification number, birthdate, an individual’s mother’s maiden name, the name of an individual known to be a minor, an individual’s physical or email address, an individual’s telephone number, or a financial-account or credit-card number, a party or nonparty making the filing may include only
      i. the last four digits of any social-security number and any taxpayer-identification number;
      ii. the year of an individual’s birth;
      iii. the first letter of an individual’s mother’s maiden name;
      iv. the city, state, and country of an individual’s physical address;
      v. a minor’s initials; and
      vi. the last four digits of the financial-account or credit-card number.
   b. The redaction requirement under this subsection does not apply to the record of a court or other tribunal, if that record was not subject to a redaction requirement when originally filed.
   c. The Adjudicator may order that a filing be made under seal with or without redaction. The Adjudicator may later unseal the filing or may order the person who made the filing to file a redacted version for the public administrative record. The Department must retain the unredacted copy as part of the administrative record.
   d. For good cause, the Adjudicator may order redaction of additional information, including national security, business-proprietary, medical, or other sensitive personal information.
   e. A person waives the protection of this subsection as to the person’s own information by filing it without redaction and not under seal.

4. Signature. The original of every filed document must be signed by the submitting party or its attorney or other authorized representative of record. Except as otherwise provided, filed documents need not be verified or accompanied by an affidavit. The signature constitutes a certification by the signing person that (s)he has read the filed document, that to the best of her/his knowledge, information, and belief the statements made therein are true, that it is not interposed for delay, and that it complies with this rule.

Authority: O.C.G.A. Secs. 33-2-9 et seq.

Rule 120-2-2-.14 Service and Filing of Documents
1. Service. All documents in the adjudication must be served as set forth below.
   a. Service by the Department. The Department or the Adjudicator must serve one copy of all subpoenas, orders, notices, decisions, rulings on motions, and similar documents issued by the Department or the Adjudicator upon each party
and limited participant in accordance with Rule 120-2-2-.14(1)(c) below. Every document served by the Department or the Adjudicator must be accompanied by a certificate of service that provides the information in the form described in Rule 120-2-2-.14(3)(b) below.

b. Service by Party or Limited Participant.
   i. In General. Unless these rules provide otherwise or the Adjudicator orders otherwise, each of the following papers must be served on every party and limited participant:
      1. a document filed after the document initiating the adjudication under Rule 120-2-2-.20 (Initiation of Adjudication);
      2. a written motion, except one that may be heard ex parte;
      3. a written notice or appearance or any similar document; and
      4. any other document permitted to be filed by the Department rules or by the Adjudicator.
   ii. If a Party Fails to Appear. No service is required on a party who is in default for failing to appear. But a document that asserts a new claim against such a party must be served on that party.

   i. Service on Whom.
      1. If a party or limited participant is represented by an attorney or authorized representative, service under this rule must be made on the attorney or authorized representative unless the Adjudicator orders service on the party or limited participant.
      2. If a party or a limited participant is not represented, service under this rule must be made on the party and limited participant herself.
   ii. Service in General. A document is served under this rule by:
      1. handing it to the person;
      2. leaving it at the person’s office with a clerk or other person in charge or, if no one is in charge, in a conspicuous place in the office; or if the person has no office or the office is closed, at the person’s dwelling or usual place of abode with someone of suitable age and discretion who resides there;
      3. mailing it to the person’s last known address, in which event service is complete upon mailing;
      4. leaving it with the Department’s clerk if the person has no known address;
      5. sending it by electronic means in which event service is complete upon transmission, but is not effective if the serving party learns that it did not reach the person to be served; or
      6. delivering it by any other means that the person consented to in writing, in which event service is complete when the person making service delivers it to the agent designated to make delivery.
iii. **Using the Department Facilities.** Parties or limited participants who lack access to technology capable of making electronic service may request that the Department permit the use of the Department’s electronic-transmission facilities to make service.

2. **Filing.**
   a. **Required Filings; Certificate of Service.** Any document after the document initiating the adjudication that is required to be served—together with a certificate of service—must be filed within a reasonable time after service.
   b. **How Filing Is Made—In General.** A document is filed by delivering it to:
      i. the appropriate office designated by the Department; or
      ii. an adjudicator who agrees to accept it for filing, and who must then note the filing date on the document and promptly send it to the Department.
   c. **Electronic Filing, Signing, or Verification.** Documents may be filed, signed, or verified by electronic means, so long as the electronic means comply with any applicable Department rule.
   d. **Acceptance by the Department.** The appropriate office designated by the Department must not refuse to file a document solely because it is not in the form prescribed by these rules or by a Department practice.

3. **Certificate of Service.**
   a. Every document filed with the Department or the Adjudicator and required to be served upon all parties and limited participants must be accompanied by a certificate of service signed by (or on behalf of) the party making the service that provides the information in the form described in Rule 120-2-2-.14(3)(b) below.
   b. Certificates of service should be in substantially the following form:
      
      "I hereby certify that I have this day served the foregoing document(s) upon the following parties and limited participants in this adjudication at the address indicated by [specify the method]:
      
      (a) [name/address]
      
      (b) [name/address]
      
      ____DATE____ [Month, Day, Year]
      
      Signature ____________________________
      
      For __________________________________
      
      Capacity _____________________________"

Authority: O.C.G.A. Secs. 33-2-9, 33-2-17, 33-2-19, 33-2-21 et seq.

**Rule 120-2-2-.15 Amendment or Supplementation of Filed Documents**

1. Until the adjudication concludes, or the Adjudicator or Agency has made a dispositive ruling, a party must amend or supplement a previously filed document upon learning that the filing is incomplete or incorrect in some material respect.

2. The Adjudicator may approve other amendments or supplements to filed documents, when justice so requires.

Authority: O.C.G.A. Secs. 33-2-9 et seq.
Rule 120-2-2-.16 Time Computation
1. In computing any time period prescribed in these rules, the day from which the designated period begins to run is not included. The last day of the period so computed is included, unless it is a Saturday, Sunday, or state holiday. Intermediate Saturdays, Sundays, and state holidays are included in the computation.
2. When a party may or must act within a specified time after being served and service is made under Rule 120-2-2-.14(1)(c)(ii)(3) (mail), (4) (leaving it with the Department), or (5) (other means consented to), three days are added after the period would otherwise expire under Rule 120-2-2-.16(1).
Authority: O.C.G.A. Secs. 33-2-9 et seq.

Rule 120-2-2-.17 Motions
1. How Made.
   a. All motions must state the basis for the specific relief requested and be in writing, except as provided in Rule 120-2-2-.17(1)(b).
   b. Unless the Adjudicator orders otherwise, a motion may be made orally during a conference or hearing. After providing an opportunity for response, the Adjudicator may rule on the motion immediately or may order that the motion and response be submitted in writing pursuant to Rule 120-2-2-.17(1)(a).
2. Unless the Adjudicator orders otherwise, any party may file a response in support of or in opposition to any written motion within 5 days after service of the motion. If no response is filed within the response period, the party failing to respond will be deemed to have waived any objection to the granting of the motion. The movant will have no right to reply to the response, although the Adjudicator may in her/his discretion permit a reply to be filed.
3. Except for procedural matters, the Adjudicator may not, without assent of the parties, grant a written motion prior to the expiration of the time for filing responses. Any party adversely affected by the ex parte grant of a motion for a procedural order may request reconsideration, vacation, or modification of the order within 10 days of service of the order. The Adjudicator may deny a written motion without awaiting a response or may allow oral argument (including that made by telephone).
4. The Adjudicator may summarily deny dilatory, repetitive, or frivolous motions. Unless the Adjudicator orders otherwise, the filing of a motion does not stay an adjudication.
5. All motions and responses thereto must comply with Rule 120-2-2-.14 (Service and Filing of Documents).
Authority: O.C.G.A. Secs. 33-2-9, 33-2-21 et seq.

Rule 120-2-2-.18 Subpoenas
1. Upon a party’s request, a subpoena for testimony, records, or things shall be issued by the Department.
2. Upon motion of a person served with a subpoena (or by a party), the Adjudicator may quash or modify the subpoena for good cause shown.
3. Subpoenas must be served on all parties.
Authority: O.C.G.A. Secs. 33-2-9, 33-2-16 et seq.

Rule 120-2-2-.19 Withdrawal or Dismissal
1. Withdrawal.
   a. An adjudication may be withdrawn without an order of the Adjudicator
      i. by filing a stipulation of all parties who have appeared in the adjudication,
         or
      ii. by filing a notice of withdrawal by the party initiating the adjudication at
          any time before another party has served a document responding to the
          petition or, if there is none, before the introduction of evidence at the
          hearing.
   b. A notice of withdrawal may not be filed by a party who has previously withdrawn
      or been dismissed from an adjudication based on (or including) the same claim.
   c. Unless otherwise stated in the notice of withdrawal or stipulation, a withdrawal is
      without prejudice.
   d. Except as provided above, an adjudication may not be withdrawn except by order
      of the Adjudicator and upon such terms and conditions as the Adjudicator deems
      proper.

2. Dismissal.
   a. Any party may move to dismiss the adjudication or any request for relief sought
      therein for:
      i. failure of another party to comply with these rules or with any order of the
         Adjudicator, or
      ii. failure to prosecute the adjudication.
   b. Unless the Adjudicator specifies otherwise, a dismissal under this subsection,
      other than a dismissal for lack of jurisdiction, operates as an adjudication upon
      the merits.

Authority: O.C.G.A. Secs. 33-2-9, 33-2-21 et seq.

Rule 120-2-2-.20 Initiation of Adjudication
1. An adjudication is initiated when a party files a petition.
2. The petition may be sent to the Department by either:
   a. Mail: ATTN: Administrative Procedure Division,
      Department of Insurance
      2 Martin Luther King Jr. Dr.
      716 West Tower, Floyd Bldg.
      Atlanta, GA 30334, or
   b. Email: AdminProc@oci.ga.gov
3. The petition must contain the following:
   a. addressed to the Commissioner;
   b. signed by the petitioner or his/her counsel;
   c. a brief statement of the nature of the proceeding,
   d. the identity of known parties,
   e. the jurisdiction under which the adjudication is initiated,
   f. a brief statement of the general allegations of fact and the issues to be
      adjudicated,
   g. the legal authority that constitutes a basis for the adjudication, and
h. a brief statement of the nature of the relief sought.

Authority: O.C.G.A. Secs. 33-2-9, 33-2-17 et seq.

Rule 120-2-2-.21 Consolidation or Severance of Adjudication

1. **Consolidation.** The Adjudicator may, upon a party’s motion or on her/his own authority, with reasonable notice and opportunity to object provided to all parties affected, consolidate any or all matters at issue in two or more adjudications docketed under these rules where common fact questions or applicable law exist and where such consolidation would expedite or simplify consideration of the issues and the interests of justice would be served. Consolidation must not prejudice any rights under these rules and must not affect the right of any party to raise issues that could have been raised if consolidation had not occurred. For purposes of this rule, no distinction is made between joinder and consolidation of adjudications.

2. **Severance.** Unless the Department or Adjudicator orders otherwise, the Adjudicator may by motion or on her/his own authority, for good cause shown, order any adjudication severed with respect to some or all parties, claims, and issues.

Authority: O.C.G.A. Secs. 33-2-9 et seq.

Rule 120-2-2-.22 Intervention

1. Any person who desires to participate in an adjudication as an intervenor must file a motion to intervene. Unless ordered otherwise by the Adjudicator, a motion to intervene must be filed not later than 15 days after initiation of the adjudication.

2. A motion to intervene must:
   a. specify the legal basis that supports the motion to intervene;
   b. set forth the movant’s property, financial, or other interest in the adjudication;
   c. specify the aspect or aspects of the adjudication as to which the movant wishes to intervene; and
   d. state any other facts or reasons why the movant should be permitted to intervene.

3. Any party may file a response within 5 days after a motion to intervene is filed.

4. In ruling on a motion to intervene, the Adjudicator must consider the factors in Rule 120-2-2-.22(2). The Adjudicator must also specify whether the movant, if granted intervenor status, has full or limited participatory rights. If the Adjudicator grants limited participatory rights, the Adjudicator must specify the nature of the limitations.

5. If the Adjudicator determines that a movant does not meet the requirements under this rule to intervene, the Adjudicator may view the motion to intervene as if it had been timely filed as a motion to participate as a limited participant under Rule 120-2-2-.23(Limited Participation).

Authority: O.C.G.A. Secs. 33-2-9, 33-2-21 et seq.

Rule 120-2-2-.23 Limited Participation

1. A person wishing to participate in an adjudication other than as a party must file a motion to participate as a limited participant. The motion must state concisely the reasons why the movant wishes to participate in the adjudication and the extent of participation desired.
2. Any party may file a response within 10 days after a motion to participate as a limited participant is filed.

3. The Adjudicator may grant the motion, in whole or part, upon finding that the movant will contribute materially to the Adjudicator’s ability to make an informed decision in the adjudication. The Adjudicator must give the movant notice of her/his decision on the motion.

Authority: O.C.G.A. Secs. 33-2-9 et seq.

Rule 120-2-2-.24 Settlement and Alternative Dispute Resolution

1. **Availability.** The parties may have the opportunity to submit a settlement to the Adjudicator or submit a request for alternative dispute resolution under Rule 120-2-2-.24(4).

2. **Form.** A settlement must be in the form of a proposed settlement agreement, a consent order, and a motion for its entry, which must include the reasons it should be accepted and must be signed by the consenting parties or their authorized representatives.

3. **Content of Settlement Agreement.** The proposed settlement agreement must contain the following:
   a. an admission of all jurisdictional facts;
   b. an express waiver of further procedural steps before the Adjudicator or the Department, of any right to challenge or contest the validity of the order entered into in accordance with the agreement, and of all rights to seek judicial review or otherwise to contest the validity of the consent order;
   c. a statement that the order will have the same force and effect as an order made after full hearing; and
   d. a statement that matters in the parties’ filings required to be adjudicated, if any, have been resolved by the proposed settlement agreement and consent order.

4. **Settlement Adjudicator; Alternative Dispute Resolution.**
   a. The Adjudicator, upon motion of a party or upon her/his own authority, may request that the Commissioner appoint a Settlement Adjudicator to conduct settlement negotiations or remit the adjudication to alternative dispute resolution as the Department may provide or to which the parties may agree. The order appointing the Settlement Adjudicator may confine the scope of settlement negotiations to specified issues. The order must direct the Settlement Adjudicator to report to the Commissioner at specified times.
   b. If a Settlement Adjudicator is appointed, (s)he must:
      i. convene and preside over conferences and settlement negotiations between the parties and assess the practicalities of a potential settlement,
      ii. report to the Adjudicator describing the status of the settlement negotiations and recommending the termination or continuation of the settlement negotiations, and
      iii. not discuss the merits of the case with the Adjudicator or any other person who does not have a need to know under Department rules, and not appear as a witness in the case.
c. Settlement negotiations conducted by the Settlement Adjudicator must terminate upon the order of the Commissioner issued after consultation with the Settlement Adjudicator.
d. Notwithstanding the provisions of Rule 120-2-2-.45 (Interlocutory Review), no decision concerning the appointment of a Settlement Adjudicator or the termination of the settlement negotiation is subject to review or rehearing by the Adjudicator or the Department.

5. The Adjudicator (or Settlement Adjudicator) may require that the attorney or other representative of each party be present and that the parties, or agents having full settlement authority, also be present or available by telephone.

6. None of the following is admissible in evidence—on behalf of any party—either to prove or disprove the validity or amount of a disputed claim or to impeach by a prior inconsistent statement or a contradiction:
   a. furnishing, promising, or offering (or accepting, promising to accept, or offering to accept) a valuable consideration in compromising or attempting to compromise the claim; or
   b. conduct or a statement made during compromise negotiations about the claim.

7. The Adjudicator (or Settlement Adjudicator) may impose on the parties and persons having an interest in the outcome of the Adjudication such other and additional requirements as are necessary for the efficient resolution of the case, consistent with Agency precedent.

8. The conduct of settlement negotiations must not unduly delay the adjudication.

Authority: O.C.G.A. Secs. 33-2-9 et seq.

Rule 120-2-2-.25 Prehearing Statement

1. The Adjudicator may require all parties to prepare prehearing statement(s) at a time and in the manner to be established by the Adjudicator.

2. Prehearing statement(s) must, unless the Adjudicator orders otherwise, set forth briefly the following matters:
   a. issues involved in the adjudication;
   b. stipulated facts together with a statement that the party (or parties) have communicated or conferred in a good-faith effort to reach stipulations to the fullest extent possible;
   c. facts in dispute;
   d. a list of witnesses, including expert witnesses, and exhibits to be presented during the hearing, including any stipulations relating to authenticity of records and expert witnesses;
   e. a brief statement of applicable law;
   f. the proposed legal conclusions to be drawn and remedies sought; and
   g. estimated time required for presentation of the party’s (or parties’) case.

3. Failure to file a prehearing statement, unless a waiver has been granted by the Adjudicator, may result in dismissal of a party from the adjudication, dismissal of a document initiating the adjudication (if any), entry of decision against the party, or imposition of such other sanctions or curative measures as may be appropriate in the circumstances.
Rule 120-2-2-.26 Summary Decision

1. Any party may, after commencement of the adjudication and at least 30 days before the date fixed for the hearing, move with or without supporting affidavits for full or partial summary decision in her/his favor. Any other party may, within 20 days after service of the motion, serve opposing affidavits or counter-move for full or partial summary decision. The Adjudicator has discretion to set the matter for argument and call for the submission of briefs.

2. Affidavits, if any, must set forth such facts as would be admissible in evidence and must show affirmatively that the affiant is competent to testify to the matters stated therein.

3. When a motion for summary decision is made and supported as provided in this rule, a party opposing the motion must set forth specific facts, by affidavits or as otherwise provided in this rule, showing that there is a genuine issue of material fact for the hearing. If a party opposing the motion declares via affidavit the reasons why that party cannot present, by affidavit or other evidence, facts essential to justify her/his opposition, the Adjudicator may deny the motion for summary decision or may order a continuance to permit affidavits or other evidence to be obtained or may make such other order as is just.

4. The Adjudicator may grant summary decision if the filed documents, affidavits, material obtained by discovery or otherwise, or matters officially noted show that there is no genuine issue as to any material fact and that a party is entitled to a summary decision.

5. The Adjudicator shall rule on a motion for summary determination in writing.

6. A ruling on all or any part of a motion for summary decision is not subject to interlocutory review, except to the extent such a ruling qualifies for interlocutory review as provided in Rule 120-2-.45 (Interlocutory Review).

Authority: O.C.G.A. Secs. 33-2-9 et seq.

Rule 120-2-2-.27 Scheduling, Location, and Notice of Hearing

1. Unless the Department provides otherwise, the Adjudicator is responsible for scheduling the hearing with due regard for the convenience and expense to the parties, their representatives, and witnesses, and the availability of suitable hearing facilities and other relevant factors. The Adjudicator must provide written notice to all parties of the time, place, and date for the hearing, the legal authority under which the hearing is to be held, and the matters at issue, at least 10 days before the date set for hearing. The hearing must be open to the public, unless the Adjudicator orders otherwise.

2. A request for a change in the time, place, or date of the hearing may be entertained by the Adjudicator. A hearing may be postponed by the Adjudicator for good cause, upon motion of a party or upon her/his own authority. A motion to postpone a hearing must be received at least 5 days prior to the date set for hearing. A motion for postponement received less than 5 days prior to the scheduled hearing will generally be denied unless good cause is shown for late filing.

3. At any time after commencement of an adjudication, any party may move to expedite the scheduling of a proceeding consistent with an agency’s expedited hearing procedures. A party moving to expedite a proceeding must:
a. describe the circumstances justifying expedition, and
b. include affidavits to support any factual representations with the motion.

4. Following timely receipt of the motion and any responses, the Adjudicator may expedite
pleading or filing schedules, prehearing conferences, and the hearing, as appropriate.

5. If the Commissioner or the Adjudicator finds that the public health, safety or welfare
requires emergency action and incorporates a finding to that effect, notice shall be given
and an emergency hearing will be held.


Rule 120-2-2-.28 Type or Manner of Hearings
1. The Adjudicator has discretion, as consistent with agency policy and practice, to
determine what type or manner of hearing is appropriate, including in-person hearings
or remote hearings conducted by video conference or teleconference.
2. Before permitting the use of remote hearings the Adjudicator must determine that the
use of such communications will not jeopardize the rights of any party to the hearing.
3. Hearings may be in the form of a notice to show cause stating that action may be taken
by the Commissioner or the Department unless the party shows cause at the hearing,
why the proposed action should not be taken.


Rule 120-2-2-.29 Sequestration of Witnesses
1. The Adjudicator, upon motion of a party or upon her/his own authority, may sequester
witnesses to ensure that their testimony will not be influenced by the testimony of other
witnesses.
2. As part of her/his sequestration order, the Adjudicator must notify the affected witnesses
and parties of the terms of the sequestration.


Rule 120-2-2-.30 Failure of Party to Appear
The Adjudicator may enter summary decision against a party for failure to appear at a scheduled
hearing unless that party shows good cause for the failure to appear.

Authority: O.C.G.A. Secs. 33-2-9, 33-2-22 et seq.

Rule 120-2-2-.31 Admissibility of Evidence
1. The Adjudicator may apply the rules of evidence as applied in the trial of civil nonjury
cases in the superior courts and may, when necessary to ascertain facts not reasonably
susceptible of proof under such rules, consider evidence not otherwise admissible in
superior court if it is of a type commonly relied upon by reasonably prudent persons.
2. A party is entitled to present her/his case or defense by any evidence, to submit rebuttal
evidence, and to conduct such cross-examination as may be required for a full and true
disclosure of the facts. Any evidence may be received, but the Adjudicator must provide
for the exclusion of irrelevant, immaterial, privileged, or unduly repetitious evidence.

Authority: O.C.G.A. Secs. 33-2-9, 33-2-21 et seq.

Rule 120-2-2-.32 Confidential, Sensitive, and Privileged Information
1. Unless the Adjudicator orders otherwise, the parties must redact all evidence proffered for admission in the same manner as required under Rule 120-2-2-.13 (Form and Content of Filed Documents; Privacy Protections for Filings). The provisions of Rule 120-2-2-.13 concerning filing under seal, waiver, and the application of redaction requirements to additional information apply to proffered evidence for admission.

2. Nothing in this rule limits the discretion of the Adjudicator to give effect to applicable privileges or permit full disclosure of the evidence without redaction as necessary for fair consideration of the evidence.

Authority: O.C.G.A. Secs. 33-2-9, et seq.

Rule 120-2-2-.33 Official Notice
The Adjudicator may officially notice such matters as might be judicially noticed by courts or such facts within the specialized knowledge of the Department as an expert body. When a decision or part thereof rests on the official notice of a material fact not appearing in the evidence in the administrative record, any party, upon timely request, must have an opportunity to show the contrary. The fact of official notice, if taken with or without a party’s challenge, must be stated in the decision.

Authority: O.C.G.A. Secs. 33-2-9, 33-2-21 et seq.

Rule 120-2-2-.34 Evidentiary Stipulations
1. The parties may stipulate in writing at any stage of the adjudication, or agree orally at the hearing, to any or all pertinent facts in the adjudication, unless the stipulation is determined by the Adjudicator to be contrary to law. Stipulations may be received in evidence before or at the hearing, and when received in evidence, will be binding on the parties to the stipulation. The Adjudicator may, for good cause shown, permit a party to introduce facts or argue points of law outside the scope of the facts and law outlined or stipulated to in prehearing statements.

2. Parties waive their right to a hearing on any stipulated fact(s) and their right to any hearing whatsoever if they stipulate all pertinent facts.

Authority: O.C.G.A. Secs. 33-2-9, 33-2-21 et seq.

Rule 120-2-2-.35 Written Testimony
1. The Adjudicator may accept and enter into the administrative record direct testimony of witnesses made by verified written statement rather than by oral presentation at the hearing. Witnesses whose testimony is presented by verified written statement must be available for cross-examination as may be required under Rule 120-2-2-.31.

2. Testimony presented by written statement must be made under oath and verified by a notary public.

Authority: O.C.G.A. Secs. 33-2-9, 33-2-21 et seq.

Rule 120-2-2-.36 Oaths and Oral Examination
1. Witnesses must testify under oath or affirmation. Interpreters must also ascribe by oath or affirmation to the accuracy of the translation.

2. To the extent that cross-examination is permissible or required under Rule 120-2-2-.31 (Admissibility of Evidence) or other law, cross-examination is limited to the scope of the direct examination and, subject to the Adjudicator’s discretion, may be limited to
witnesses whose testimony is adverse to the party desiring to cross-examine. The
Adjudicator has discretion to permit inquiry into additional matters as if on direct
examination, particularly when it would obviate the need to recall the witness.

Authority: O.C.G.A. Secs. 33-2-9, 33-2-21 et seq.

Rule 120-2-2-.37 Exhibits and Records

1. All exhibits offered in evidence by a party must be marked for identification before or
during the hearing and must be numbered and marked with a designation identifying the
sponsor. The original of each exhibit offered in evidence or marked for identification
must be filed and retained in the administrative record of the adjudication, unless the
Adjudicator permits the substitution of copies for the original record. The sponsoring
party must supply copies of each exhibit to the Adjudicator and to each other party. A
party may withdraw an exhibit from the administrative record during the hearing or at
the conclusion of the hearing only with the Adjudicator’s permission.

2. All exhibits offered but denied admission into evidence, except exhibits denied
admission because of excessive size, weight, or other characteristic that prohibits
convenient transportation or storage, must be placed in a separate file designated for
rejected exhibits. A party may offer into evidence photographs, models, or other
representations of any exhibit denied admission because of excessive size, weight, or
other characteristic that prohibits convenient transportation or storage

3. Unless the Adjudicator orders otherwise, proposed exhibits to be offered upon direct
examination must be exchanged 5 days prior to the hearing. Proposed exhibits not so
exchanged in accordance with the Adjudicator’s order may be denied admission as
evidence. A party concedes the authenticity of all exhibits submitted or exchanged prior
to the hearing, under the Adjudicator’s direction, unless that party files and serves on all
parties written objection, or unless good cause is shown for failure to file and serve such
written objection.

Authority: O.C.G.A. Secs. 33-2-9, 33-2-21 et seq.

Rule 120-2-2-.38 Witness Fees; Refusal to Testify

1. Fees. Witnesses, other than employees of the Department or employees otherwise
compensated by another agency or employer, summoned in an adjudication are entitled
to the same fees and mileage as witnesses in the courts of the State of Georgia, and
witnesses whose depositions are taken and the persons taking the same will severally be
entitled to the same fees as are paid for like services in the courts of the State of Georgia.
Witness fees and mileage must be paid by the party at whose instance the witness
appears, whether at a deposition or hearing.

2. Failure or Refusal to Testify. If a witness fails or refuses to testify, the failure or
refusal to answer any question that the Adjudicator deems proper may be grounds for
striking all or part of the testimony that the witness may have given, or for any other
action that the Adjudicator deems appropriate.

Authority: O.C.G.A. Secs. 33-2-9, 33-2-16, 33-2-21 et seq.

Rule 120-2-2-.39 Burden of Proof
1. In any case involving an administrative enforcement order, or the revocation, suspension, amendment, or non-renewal of a license, the holder of the license and the person against whom an order is issued shall bear the burden as to any affirmative defenses raised.

2. A party challenging the issuance, revocation, suspension, amendment, or non-renewal of a license who is not the licensee shall bear the burden.

3. An applicant for a license that has been denied shall bear the burden.

4. Any licensee that appeals the conditions, requirements, or restrictions placed on a license shall bear the burden.

5. Unless otherwise provided for in (1)-(4) of this Rule the proponent of a factual proposition has the burden of introducing evidence to support that proposition.

6. Unless otherwise provided by law, the standard of proof on all issues in a hearing shall be a preponderance of the evidence.

Authority: O.C.G.A. Secs. 33-2-9, 33-2-21 et seq.

Rule 120-2-2-.40 Closing of the Administrative Record

1. At the conclusion of the hearing, the Adjudicator, unless ordering otherwise, must close the administrative record. Once the administrative record is closed, no additional evidence will be accepted except upon a showing that the evidence is material and that there was good cause for failure to produce it prior to closing the administrative record.

2. Should the Adjudicator request the preparation of a transcript or require or authorize the filing of proposed findings of fact and conclusions of law, or briefs, the record shall be deemed closed upon the receipt of the transcript or upon the expiration of the time allowed for the required or authorized filings, whichever date is later.

Authority: O.C.G.A. Secs. 33-2-9, 33-2-21 et seq.

Rule 120-2-2-.41 Proposed Findings; Closing Arguments; Briefs

1. Before the Adjudicator’s decision and upon such terms that the Adjudicator may find reasonable, any party is entitled to file a brief, and propose findings of fact, conclusions of law, and orders. The Adjudicator has discretion to hear oral argument. Any brief, proposed findings of fact, conclusions of law, orders, and any oral argument must be included as part of the administrative record.

2. When providing oral decisions from the bench, the Adjudicator may permit or preclude the filing of briefs.

Authority: O.C.G.A. Secs. 33-2-9, 33-2-21 et seq.

Rule 120-2-2-.42 Record of Hearing

1. All hearings must be recorded and made part of the administrative record. Exhibits admitted into evidence, or exhibits proffered and rejected by the Adjudicator and placed in a rejected exhibit file, and evidentiary stipulations at the hearing, become part of the administrative record.

2. The Adjudicator must reflect in the administrative record any approved correction to the transcript.

3. All pleadings and motions, all recordings or transcripts of oral hearings or arguments, all written direct testimony, all other data, studies, reports, documentation, information,
and other written material of any kind submitted in the proceedings, a statement of matters officially noticed, all proposed findings of fact, conclusions of law, and briefs, as well as the Initial or Final Decision shall be a part of the hearing record and shall be available to the public, except as provided by law according confidentiality.

4. Evidentiary hearings shall be either stenographically reported verbatim or recorded by electronic means. Upon written request, a copy of the record of any oral proceeding shall be furnished to the Department at no cost and to any other party at the requesting party’s expense.

Authority: O.C.G.A. Secs. 33-2-9, 33-2-21 et seq.

Rule 120-2-2-.43 Decision of Adjudicator
The Adjudicator must prepare a decision containing:

1. findings of fact, conclusions of law, and discretionary determinations based on consideration of the whole administrative record;
2. an order recommending the final disposition of the case, including relief, if appropriate;
3. the date upon which the decision will become effective (e.g., the day of issuance); and
4. a statement of further right to review.

Authority: O.C.G.A. Secs. 33-2-9, 33-2-21, 33-2-23 et seq.

Rule 120-2-2-.44 Reopening of Case
1. A decision that has otherwise become final may be reopened:
   a. upon the Adjudicator’s order, within 30 days of the notice of the decision to correct a clerical error or for good cause shown;
   b. upon a party’s motion to reopen for good cause filed within 60 days of the notice of the decision; or
   c. upon the Adjudicator’s order at any time if there is evidence that the hearing decision may have been procured by fraud or similar fault.

2. “Good cause” for reopening requires both
   a. new and material evidence that was not
      i. available to the proponent and
      ii. actually or constructively known by the proponent, and
   b. an obvious error was made at the time of the decision.

3. For purposes of reopening a case, evidence is “new and material” when:
   a. the evidence is not part of the existing administrative record;
   b. the evidence is relevant to issues adjudicated in the prior decision; and
   c. the evidence shows that the decision may be contrary to the weight of the evidence, whether or not a different conclusion is ultimately reached after reopening.

4. If the Adjudicator determines that good cause exists to reopen the decision, Rule 120-2-2-.31 (Admissibility of Evidence) governs the admissibility of new evidence.

Authority: O.C.G.A. Secs. 33-2-9, 33-2-21 et seq.

Rule 120-2-2-.45 Interlocutory Review
1. Interlocutory review should be handled on an expedited basis.
2. A party that seeks interlocutory review of an adjudicator’s decision, or part thereof, must file a petition with the Adjudicator. The petition must:
   a. be filed with the Adjudicator within 10 days after the Adjudicator’s decision;
   b. designate the decision (or part thereof) from which review is sought; and
   c. set forth the grounds on which review is sought, including all applicable points of fact and law, and the reasons why interlocutory review is warranted under Rule 120-2-2-.45(4).

3. Any party that opposes the petition may file a response within 5 days after service of the petition.

4. The Adjudicator must certify the ruling for interlocutory review by the Commissioner if the Adjudicator determines that:
   a. the decision involves a controlling question of law about which there is substantial ground for difference of opinion; and
   b. an immediate review will materially advance the completion of the adjudication, or subsequent review by Commissioner will provide an inadequate remedy.

5. Within 5 days after the Adjudicator’s ruling on a petition to certify a decision under Rule 120-2-2-.45(2), the petitioner may apply to the Commissioner, whether or not the Adjudicator has certified the decision under Rule 120-2-2-.45(4), to allow the interlocutory review sought in the petition. The application must reference the petition filed under Rule 120-2-2-.45(2), all filings made with the Adjudicator in support of or in opposition to the petition, and the Adjudicator’s decision on the petition. The application must not otherwise set forth the grounds on which interlocutory review is sought or contain any argument, unless the Commissioner orders otherwise. No response to any application made under this subsection may be permitted unless the Commissioner orders otherwise.

6. Any petition or application filed under this rule may be summarily dismissed whenever the Adjudicator or the Commissioner, respectively, determines that review is not appropriate.

7. The Adjudicator may, on his or her own motion, certify an order for interlocutory review under this rule in its discretion.

8. If the Commissioner decides to allow interlocutory review, the Commissioner must decide the matter on the basis of the administrative record and briefs submitted to the Adjudicator, without further briefs or oral argument, unless the Commissioner orders otherwise.

9. The filing of an application for interlocutory review and the certification of a ruling for interlocutory review does not stay proceedings before the Adjudicator unless (s)he or the Commissioner so orders.

Authority: O.C.G.A. Secs. 33-2-9, 33-2-21 et seq.

**Rule 120-2-2-.46 Petitions for Review**

1. Any party may file with the Department a petition for review within 30 days after issuance of the Adjudicator’s decision. Two or more parties may join in the same petition.

2. A petition for review, no more than 2000 words, must be filed only upon one or more of the following grounds:
a. a finding of material fact is not supported by substantial evidence;
b. a necessary legal conclusion is erroneous;
c. the decision is contrary to law or to the duly promulgated rules or decisions of the Department;
d. a substantial question of law, policy, or discretion is involved; or
e. a prejudicial error of procedure was committed.

3. Each issue must be plainly and concisely stated and must be supported by citations to the administrative record when assignments of error are based on the administrative record, and by statutes, regulations, cases, or other principal authorities relied upon. Except for good cause shown, no assignment of error by any party may rely on any question of fact or law not presented to the Adjudicator.

4. A statement in opposition to the petition for review may be filed, within 15 days after the date on which petitions are due.

5. Review by the Commissioner is not a matter of right, but within the sound discretion of the Commissioner. A petition not granted within 30 days after the issuance of the Adjudicator’s decision is deemed denied.

6. The Commissioner, at any time within 30 days after the issuance of the Adjudicator’s decision, may review the decision on its own authority.

Authority: O.C.G.A. Secs. 33-2-9, 33-2-21 et seq.

Rule 120-2-2-.47 Record Before the Department
The Adjudicator must decide each matter on the basis of the whole administrative record.

Authority: O.C.G.A. Secs. 33-2-9, 33-2-21 et seq.

Rule 120-2-2-.48 Appellate Briefs
1. Unless the Commissioner orders otherwise, a party must file a brief in support of its petition for review within 30 days after the Commissioner grants the petition. If a petitioner fails to file a timely brief, the order granting review may be vacated. Other parties may file any briefs they wish considered by the Commissioner within 15 days after the petitioner’s brief is served. If the Adjudicator orders review on his or her own motion, all parties must file any briefs they wish considered by the Commissioner within 30 days of the order, unless the Adjudicator otherwise orders.

2. Except by permission of the Commissioner, a brief must not exceed 2000 words.

Authority: O.C.G.A. Secs. 33-2-9 et seq.

Rule 120-2-2-.49 Oral Argument
When a petition for review has been filed the Commissioner may permit oral argument in his/her discretion. The order scheduling a case for oral argument must contain the allotment of time for each party and order of presentation for oral argument before the Commissioner.

Authority: O.C.G.A. Secs. 33-2-9, 33-2-21 et seq.

Rule 120-2-2-.50 Final Decision
1. Upon conclusion of the hearing, the Adjudicator will write a reasoned opinion explaining his findings of facts and conclusions of law and furnish each party a copy within fifteen (15) days after concluding the hearing.
2. The Adjudicator, will certify the entire record of the case and send it, along with his opinion to the Commissioner for review.

3. The Commissioner will render his final decision within thirty (30) days. The Commissioner’s final decision should be expressed in clear and intelligible language so that all parties will understand the outcome of the case and the actions required to be taken if any.

4. If no petition for review is filed, and the Commissioner has not taken review of the Adjudicator’s decision on its own authority, the decision becomes the final decision of the Commissioner 30 days after issuance.

5. When a case stands submitted for final decision on the merits, the Department will dispose of the issues presented by entering an appropriate order, which will include findings and conclusions and the reasons or bases therefor.

6. In appropriate cases, the Commissioner may simply adopt the Adjudicator’s decision. Authority: O.C.G.A. Secs. 33-2-9, 33-2-23 et seq.

**Rule 120-2-2-.51 News Coverage of Hearings.**

In all adjudications open to the public, persons desiring to broadcast, record, or photograph any portion of the hearing must file a timely written request with the Adjudicator prior to the hearing. The request shall specify the particular hearing for which such coverage is requested, the type of equipment to be used in the courtroom, and the person responsible for installation and operation of such equipment. The Adjudicator shall resolve such request in the manner prescribed for such a request by the Uniform Rules of the Superior Courts of the State of Georgia.

Authority: O.C.G.A. Secs. 33-2-9 et seq.

**Rule 120-2-2-.52 Declaratory Rulings**

(1) An interested person may, by petition setting forth all the facts, obtain declaratory rulings by the Commissioner as to the applicability of any rule or order of the Commissioner.

(2) An interested person may, by petition setting forth all the facts, obtain declaratory rulings by the Commissioner as to the applicability of any statutory provisions.

(3) All such petitions requesting declaratory rulings shall set forth actual facts or situations. The Commissioner will make no ruling on untrue or hypothetical facts.

(4) All rulings hereunder shall be contingent upon the truthfulness of the facts set forth in the petition requesting a declaratory ruling.

(5) Within thirty (30) days of the date of filing such petition, the Commissioner will rule thereon, provided, however, the Commissioner may by order extend such thirty (30) day period if he recites in such extension order the reasons therefor.

(6) The date of filing shall be the date received by the Commissioner.
(7) The date of filing shall be prominently affixed to the petition.

Authority: O.C.G.A. Secs. 33-2-9 et seq.

**Rule 120-2-2-.53 Unfair Trade Practices**

(1) Except to the extent provided for in this rule, proceedings by the Department for an alleged unfair method of competition or an unfair or deceptive act or practice shall be in conformity with the provisions of Rules 120-2-2-.04-120-2-2-.50.

   (a) a hearing shall be held not less than fifteen (15) days after the date of service of the charges;

   (b) at the hearing, a party charged with an unfair method of competition or an unfair and deceptive act or practice shall have an opportunity to be heard and to show cause why an order should not be entered requiring the party to cease and desist from the acts, methods or practices complained of.

(2) The Adjudicator, at a hearing pursuant to Rule 120-2-2-.53(1) shall have the power and authority to do the following in addition to the power and authority granted in Rules 120-2-2-.04-120-2-2-.50:

   (a) examine and cross-examine witnesses;

   (b) require the production of books, papers, records, correspondence or other documents which he deems relevant.

(3) If after a hearing, the Adjudicator determines that the method of competition is in violation of Title 33, Chapter 6 of the Official Code of Georgia, he or she shall:

   (a) reduce his or her findings to writing;

   (b) issue and serve an order requiring the party to cease and desist the act or practice.

(4) The Commissioner may at any time, before notice of appeal is served upon him, or after the expiration of the time allowed by law for the serving of such notice, if no such notice has been served, amend or set aside in whole or in part any order issued by him under Rule 120-2-2-.53, whenever, in his opinion:

   (a) the facts and circumstances surrounding the case have so changed as to require such action; or

   (b) if the public interest requires it.

(5) No change of an order in a manner unfavorable to the person changed, or to the parties at interest, shall be made except after notice and opportunity for hearing as herein provided for in Rule 120-2-2-.53.
(6) The date of the Adjudicator's last order shall be the point of time from which it may be reviewed by appeal.

Authority: O.C.G.A. Secs. 33-2-9 et seq.

**Rule 120-2-2-.54 Licensing**

When the grant, denial of renewal of any license, not specifically provided for in these rules, is required by law to be preceded by notice and opportunity for hearing, the provisions of Rules 120-2-2-.04 - 120-2-2-.50 shall apply.

Authority: O.C.G.A. Secs. 33-2-9 et seq.

**Rule 120-2-2-.55 Renewal Licenses**

**Editor's Note:** Chapter 120-2-2 of the Rules and Regulations of the Georgia Insurance Department entitled "Practice and Procedure" has been amended by adding a new Rule 120-2-2-.56 entitled "Renewal Licenses" This Regulation is on file in the office of the Comptroller General and is open for public examination and copying. Original Rule entitled "Renewal Licenses" adopted. F. July 17, 1967; eff. July 10, 1967, as specified by the Agency. In accordance with Ga. Laws 1967, p. 618; Ga. Code Ann., Section 3A-124, the contents of this Rule is not filed with or published by the Secretary of State; only the names and designations are filed, printed and distributed.

Authority: O.C.G.A. Secs. 33-2-9 et seq.

**Rule 120-2-2-.56 First-Time Applicants**

**Editor's Note:** Chapter 120-2-2 of the Rules and Regulations of the Georgia Insurance Department entitled "Practice and Procedure" has been amended by adding a new Rule 120-2-2-.56 entitled "First-Time Applicants" This Regulation is on file in the office of the Comptroller General and is open for public examination and copying. Original Rule entitled "First-Time Applicants" adopted. F. July 17, 1967; eff. July 10, 1967, as specified by the Agency. In accordance with Ga. Laws 1967, p. 618; Ga. Code Ann., Section 3A-124, the contents of this Rule is not filed with or published by the Secretary of State; only the names and designations are filed, printed and distributed.

Authority: O.C.G.A. Secs. 33-2-9 et seq.

**Rule 120-2-2-.57 Continuing Education Requirements**

**Editor's Note:** Chapter 120-2-2 of the Rules and Regulations of the Georgia Insurance Department entitled "Practice and Procedure" has been amended by adding a new Rule 120-2-2-.57 entitled "Continuing Education Requirements" This Regulation is on file in the office of the Comptroller General and is open for public examination and copying. Original Rule entitled "Continuing Education Requirements" adopted. F. July 17, 1967; eff. July 10, 1967, as specified by the Agency. In accordance with Ga. Laws 1967, p. 618; Ga. Code Ann., Section 3A-124, the contents of this Rule is not filed with or published by the Secretary of State; only the names and designations are filed, printed and distributed.
Authority: O.C.G.A. Secs. 33-2-9 et seq.

Rule 120-2-2-.58 Advisory Committee; Course and Instructor Approval for Continuing Education Requirements; Certificate

Editor's Note: Chapter 120-2-2 of the Rules and Regulations of the Georgia Insurance Department entitled "Practice and Procedure" has been amended by adding a new Rule 120-2-2-.58 entitled "Advisory Committee; Course and Instructor Approval for Continuing Education Requirements; Certificate" This Regulation is on file in the office of the Comptroller General and is open for public examination and copying. Original Rule entitled "Advisory Committee; Course and Instructor Approval for Continuing Education Requirements; Certificate" adopted. F. July 17, 1967; eff. July 10, 1967, as specified by the Agency. In accordance with Ga. Laws 1967, p. 618; Ga. Code Ann., Section 9A-124, the contents of this Rule is not filed with or published by the Secretary of State; only the names and designations are filed, printed and distributed.

Authority: O.C.G.A. Secs. 33-2-9 et seq.

Rule 120-2-2-.59 Vending Machine Licenses (Travel Accident or Baggage Insurance)

(1) A licensed resident agent or broker may solicit applications for and issue policies of personal travel accident or baggage insurance by means of mechanical vending machines if he obtains a vending machine license for each such machine supervised by him. For each vending machine, the agent or broker shall submit a completed form GID-108, entitled "Georgia Insurance Vending Machine License," attached hereto as "Exhibit I", and incorporated herein.

(2) The applicant shall enter the serial number of the vending machine, the name and address of the insurer, the name and address of the agent, and the place where the machine is to be in operation.
Upon receipt of the completed application and the required $5 license fee as provided in Section 56-1301 of the Georgia Insurance Code, the agent will be issued a vending machine license, which must be affixed to the machine in a prominent position.

Application forms GID-108, used for procuring vending machine licenses, may be obtained by submitting a request to the Georgia Insurance Department, Agents Licensing Division, Room 132, State Capitol Building, Atlanta, Georgia.

Authority: O.C.G.A. Secs. 33-2-9 et seq.
Rule 120-2-2-.60 Surplus Lines Brokers Licenses

(1) Any person, while licensed as a resident agent or broker as to Property, Casualty and Surety insurance, and who is deemed by the Commissioner to be competent and trustworthy, may be licensed as a surplus lines broker. The applicant shall submit a completed form GID-109, entitled "Surplus Lines Broker License Application", attached hereto as "Exhibit J", and incorporated herein.

(2) The applicant shall enter his name and license number as it appears on his current license, his business and residence addresses, and the type license he holds (whether agent or broker). He must also certify that he has read and understands the Surplus Lines Insurance Law (Sections 56-613 through 56-628 of the Georgia Insurance Code). Applicant shall date and sign the application and have his signature notarized. Applicant must submit with his application a $20,000 Surplus Lines Brokers Bond form GID-114.

(3) Upon receipt of the completed application, the $20,000 bond and the required $300 license fee as provided in Section 56-618 and 56-1301 of the Georgia Insurance Code, if qualified therefor, the applicant will be issued a Surplus Lines Broker's license.

(4) Application forms GID-109 and bond forms GID-114, used for procuring surplus lines broker's licenses, may be obtained by submitting a request to the Georgia Insurance Department, Agents Licensing Division, Room 132, State Capitol Building, Atlanta, Georgia.

Authority: O.C.G.A. Secs. 33-2-9 et seq.

Rule 120-2-2-.61 Letters of Certification

(1) Upon request, the Commissioner issues letters of certification, indicating the license history or status of anyone who has held or currently holds an insurance license in this State. This information is furnished on form GID-111, attached hereto as "Exhibit K", and incorporated herein. There is no charge for this service.
INSURANCE BROKER'S BOND

(Georgia)

KNOW ALL MEN BY THESE PRESENTS, that _______________________

____________________, whose residence is in ______________________

(City)

____________________, and place of business is in ___________
(State) (City) ______________________, and ______________________, as surety,
(State) are held and firmly bound unto James L. Bentley, Comptroller General, Ex-officio
Insurance Commissioner of Georgia, and his successors in office in the penal sum of
Twenty-five Hundred ($2,500) Dollars, lawful money of the United States of America, for
the payment of which well and truly to be made, we bind ourselves and our and each of
our heirs, executors, administrators, successors and assigns, jointly and severally, firmly
by these presents.
THE CONDITIONS OF THIS OBLIGATION ARE SUCH THAT if the above bounden
_______________________________________ shall faithfully account to all
persons requesting the said
________________________________________ to obtain insurance for them
for all monies or premiums collected in connection therewith as provided in Section 56-
837b of the Georgia Insurance Code of 1960, then this obligation shall be void, otherwise
to remain in full force and effect.
IN WITNESS WHEREOF, the said principal has caused these presents to be executed by
affixing hereto his or her signature, and the said surety has caused these presents to be
executed by the signature of its
________________________________________
(Agent or Attorney-in-fact
and its corporate seal to be affixed of Surety Company)
hereto, attested by its ________________________, this the
________ day of ______________, 19__.
(SEAL)
(Principal)
(SEAL)
(Surety)
(Note Attach to this Bond a By: ______________________
properly certified copy of (Title)
power of attorney or representative of surety _______________(Seal)
company who signs Bond.) (Attorney-in-Fact)

(Licensed Resident Agent)
PUBLIC ADJUSTER'S S BOND
(Georgia)
KNOW ALL MEN BY THESE PRESENTS, that _______________________
_________________________________, whose residence is in ______________,
Georgia, and place of business is in ___________________.
Georgia, as principal, and ______________________ as surety, are held
and firmly bound unto James L. Bentley, Comptroller General, Ex-officio Insurance
Commissioner of Georgia, and his successors in office, in the penal sum of Twenty-five
Hundred ($2,500) Dollars, lawful money of the United States of America, for the
payment of which well and truly to be made, we bind ourselves, and our and each of our
heirs, executors, administrators, successors and assigns, jointly and severally, firmly by
these presents:
THE CONDITIONS OF THIS OBLIGATION ARE SUCH THAT
if the above bounden _________________________________ shall faithfully
account to any insured whose claim he is handling for all monies or any settlement
received in connection therewith as provided in Section 56-845b of the Georgia
Insurance Code of 1960, then this obligation shall be void, otherwise to remain in full
force and effect.
IN WITNESS WHEREOF, the said principal has caused these presents to be executed by
affixing hereto his or her signature, and the said surety has caused these presents to be
executed by the signature of its
______________________________
(Agent or Attorney-in-Fact of Surety Company)
corporate seal to be affixed hereto, attested by its
this the ______________________ day of
________________________, 19__.
(SEAL) (Principal)
(SEAL) (Surety)
(Note: Attach to this Bond a By: ______________________
properly certified copy of Title:
power of attorney of __________________ (Seal)
representative of surety Attorney-in-Fact company who signs Bond.)

Licensed Resident Agent.

SURPLUS LINES BROKER’S BOND
STATE OF GEORGIA
COUNTY OF ______________________

KNOW ALL MEN BY THESE PRESENTS:
That ______________________________________________________ 
whose residence or place of business is in the City of 
___________________________, State of Georgia, as Principal, and 
____________________________ as Surety, a corporation
duly authorized to write surety bonds in this State, are held and firmly bound unto
JAMES L. BENTLEY, Comptroller General, Ex-officio Insurance Commissioner of the
State of Georgia, and his successors in office in the penal sum of Twenty Thousand
Dollars ($20,000.00) lawful money of the United States of America, for the payment of
which well and truly to be made, we bind ourselves, and our and each of our heirs,
executors, administrators, successors and assigns jointly and severally, firmly by these
presents:
The Conditions of the above obligation are such that:
WHEREAS, the above bounden Principal pursuant to the provisions of the Georgia
Insurance Code of 1960 (Sections 56-613 through 56-628), as amended, is about to apply 
or has applied to the Insurance Commissioner of the State of Georgia for a license to 
place surplus lines of insurance in companies or with insurers not admitted to do
business in this State;
NOW, THEREFORE, if the said above bounden Principal shall fully and faithfully comply
with the requirements of the said Georgia Insurance Code of 1960, as amended, and shall 
file with the Insurance Commissioner of Georgia on or before April 15th of each year and
quarterly thereafter, a sworn statement of the gross premiums charged for insurance placed, and the gross premiums returned on such insurance cancelled under such license during the preceding quarter, and at the time of filing such statement shall pay to the insurance Commissioner of the State of Georgia a sum equal to four percentum of such gross premiums, less return premiums, so reported; and shall faithfully account to all persons requesting him to obtain insurance for them for monies or premiums collected is connection therewith; and will in all other respects fully comply with the provision of the said Georgia Insurance Code of 1960, as amended; then this obligation is to be void; otherwise to remain in full force and effect.

IN WITNESS WHEREOF, the said principal has caused these presents to be executed by affixing hereto his or her signature, and the said surety has caused these presents to be executed by the signature of its _____________________
Attorney-in-Fact of Surety Company) corporate seal to be affixed hereto, attested by its ________________________, this the _______ day of ____________, 19___.
(SEAL) ________________________ (Seal)
(Surety) ________________________ (Seal)
(Principal) ________________________ (Seal)

(NOTE: Attach a certified copy of Power of Attorney As __________________ of Surety of Representative of (Title) Surety Company who signs Attest: ______________________ bonds). (If required by power of attorney) As __________________ of Surety (Title)
(Licensed Resident Agent)

(2) Letters of certification may be obtained by submitting a request to the Georgia Insurance Department, Agents Licensing Division, Room 132, State Capitol Building, Atlanta, Georgia.

Authority: O.C.G.A. Secs. 33-2-9 et seq.

**Rule 120-2-2-62 Bonds**

(1) Kinds of Bonds Required:

(a) To secure a broker's license, whether resident or nonresident, along with the application, a bond must be submitted on form GID-112, entitled "Insurance Broker's Bond", attached hereto as "Exhibit L", and incorporated herein;

(b) To secure a public adjuster's license, along with the application a bond must be submitted on Form GID-113, entitled, "Public Adjuster's Bond", attached hereto as "Exhibit M", and incorporated herein;
(c) To secure a surplus lines broker's license, along with the application, a bond must be submitted on form GID-114, entitled "Surplus Lines Broker's Bond", attached hereto as "Exhibit N", and incorporated herein.

(2) Completing the Bond Forms:

(a) Bond forms must be completed by inserting information in the spaces provided and must be signed by the principal, by an official or attorney-in-fact of a corporate surety authorized to do business in this State, and by a licensed resident agent of such corporate surety. Attached to the bond must be a properly certified copy of power of attorney of representative of surety company who signs bonds.

(3) Bond forms GID-112, GID-113, and GID-114 may be obtained by submitting a request to the Georgia Insurance Department, Agents Licensing Division, Room 132, State Capitol Building, Atlanta, Georgia.

Authority: O.C.G.A. Secs. 33-2-9 et seq.

Rule 120-2-2-.63 Approval of Formal Classroom Training Courses
Complying with the pertinent regulations, an insurer may seek approval of a training course by submitting a complete outline of the subjects to be taught each hour, the instructor for each subject, using a minimum of forty (40) hours of actual classroom instructions, a resume of each instructor showing his background of training and experience, a statement describing the classroom facilities, physical equipment and instructional material to be used. The insurer is notified of approval, or upon disapproval, such notification shall indicate wherein the submitted material does not comply with the pertinent regulations.

Authority: O.C.G.A. Secs. 33-2-9 et seq.

Rule 120-2-2-.64 Study Manuals and Materials

Editor's Note: Chapter 120-2-2 of the Rules and Regulations of the Georgia Insurance Department entitled "Practice and Procedure" has been amended by adding a new Rule 120-2-2-.64 entitled "Study Manuals and Materials" This Regulation is on file in the office of the Comptroller General and is open for public examination and copying, Original Rule entitled "Study Manuals and Materials" adopted. F. July 17, 1967; eff. July 10, 1967, as specified by the Agency. In accordance with Ga. Laws 1967, p. 618; Ga. Code Ann., Section 3A-124, the contents of this Rule is not filed with or published by the Secretary of State; only the names and designations are filed, printed and distributed.

Authority: O.C.G.A. Secs. 33-2-9 et seq.

Rule 120-2-2-.65 Procedures-Claims and Investigation Division

(1) Action by this Division is instigated by either a written complaint or a personal visit to the office by a complainant.
(2) A record is made of the complaint. Such record contains the name of the complainant, the person or party against whom the complaint is made and a statement of the nature of the complaint.

(3) The complaint is then assigned to the investigator best qualified to make the particular investigation.

(4) The investigator obtains through investigation all available data necessary to properly evaluate the claim. The investigator will obtain copies of the statement of the claim made by the claimant; all available medical data; and the policy will be thoroughly evaluated to determine if a legitimate claim has been denied.

(5) The Division reviews the estimates of loss in all claims involving fire and casualty to determine if an offer is based on a legitimate estimate.

(6) If an investigation discloses misrepresentation or any other unfair trade practice, the facts are submitted to the Commissioner for his determination as to the course the Department will follow to halt the practice.

(7) Investigation is made regardless of amount and the policyholder is informed as to the Division’s view and if the claim is uncollectible, the file is closed.

(8) The Division will not actively participate in third party claims unless it is obvious on the face of the complaint that either party is acting in bad faith.

Authority: O.C.G.A. Secs. 33-2-9 et seq.

Rule 120-2-2-.66 Procedures-Policy Forms Division

(1) Filing Policies:

(a) All domestic foreign and alien life and accident and sickness insurers doing business within the State of Georgia shall file a single copy of each policy form used by such insurers with duplicate letters of transmittal;

(b) Policies filed with this division will be evaluated for the purposes of determining if the policy meets the minimum requirements of law; determining if the policy is actuarially sound; determining that policies are not detrimental to the public interest; and determining if construction of the policy renders terms or language conflicting or ambiguous;

(c) After thorough evaluation a policy is either approved or denied, however, approval may consist of outright approval or conditional approval or additional information may be required prior to any action by this Division. A policy may be deemed approved by operation of law if not acted upon within 30 days after filing; an extension of 30 days may be granted by the Commissioner. Policy form approval once granted may be withdrawn after notice and cause shown.
(2) Advertising, Sickness, Accident and Hospitalization Insurers:

(a) All insurance companies doing business in the State of Georgia and writing accident and sickness or hospitalization insurance shall file with the office of the Insurance Commissioner any and all advertising of every kind and description which is intended to be issued, circulated, distributed, published or used in any manner in the sale of accident and sickness or hospitalization insurance in this State;

(b) When forwarding advertising material to this Division for approval, write on each advertisement the form number of the policy or endorsement, or both which provide the benefits so advertised; send or designate one copy of each policy form or endorsement which contain said benefits so advertised; furnish any additional information that will enable this Division to identify the policy to which advertisement relates;

(c) Advertising shall truthfully and clearly represent the benefits provided by the policy and shall be designed to avoid drawing of untrue and misleading conclusions therefrom. Advertising should not have the capacity or the tendency to mislead those to whom the appeal is made;

(d) Any company filing such advertising shall attach therewith a certification over the signature of an official or authorized representative of the company stating that to their best knowledge and belief the advertising so submitted meets the requirements of Georgia's ethical standards of advertising. On such filing the Commissioner will accept same subject to his subsequent review and action should said advertising be found to be misleading to the general public and fail to meet such ethical standards as provided by law and rules and regulations of the Commissioner;

(e) In the absence of certification that the advertising material meets such ethical standards, prior approval of such advertising material shall be obtained from the Policy Forms Division of the Department of Insurance, State of Georgia.

(3) Regulation of non-profit hospital and non-profit medical service corporations:

(a) Plans of operation. Plans of operation shall be submitted at any time, any phase of the operation changes, i.e., change rates, change policy forms, change area of operation or contract with new hospitals or change or terminate contract with an old hospital. Plans of operation shall be submitted to the Policy Forms Division in duplicate, approval or disapproval shall be stamped upon the face of the duplicate plan and returned to the submitting corporation, however, approval may consist of outright approval or conditional approval or additional information may be required to be submitted prior to action thereon. Plans of operation shall include, but not be limited to, the coverage provided by the membership certificates, services to be rendered by the associations, fees to be charged for the services, the general course and method of transacting business, the area of operation of such
association and the schedule of charges payable under authority of contracts with participating hospitals or doctors;

(b) Membership certificates and contracts between associations and hospitals. Each non-profit hospital service corporation and non-profit medical service corporation shall submit one copy of each membership certificate proposed for use by such corporation with duplicate letters of transmittal to the Policy Forms Division. After thorough evaluation, a membership certificate will be either approved or denied, however, approval may consist of outright approval or conditional approval or additional information may be required to be submitted prior to action thereon. Approval or disapproval shall be stamped upon the face of a duplicate letter of transmittal and returned to the submitting corporation. All contracts between associations and hospitals or doctors shall be submitted to the Policy Forms Division in duplicate. The Division's action thereon shall be stamped upon the face of the duplicate contract and returned to the submitting corporation. Approval may consist of outright approval or conditional approval or additional information may be required to be submitted prior to action thereon;

(c) Fees charged for membership certificates. Each hospital service corporation and medical service corporation shall submit all pertinent supporting data and duplicate fee schedules to the Policy Forms Division and approval or disapproval shall be stamped on the face of a duplicate fee schedule and returned to the submitting corporation indicating the Division's action thereon. Approval may consist of outright approval or conditional approval or additional information may be required to be submitted prior to action thereon by this Division.

(d) Annual Statements. Annual Statements shall be submitted annually on or before March 1, verified by at least two of the principal officers of said corporation, showing its financial condition on December 31, the next preceding; which statement shall be on form GID-25F;

(e) Annual Budgets. Annual budgets are examined by this Division to assure that projected income, claims expense and operating expense are in proper proportion.

Authority: O.C.G.A. Secs. 33-2-9 et seq.

Rule 120-2-2-.67 Trade Secret Assertions

(a) Any entity that is required by law, regulation, bid or request for proposal to submit to an agency records that it wishes to be confidential under O.C.G.A. Section 50-18-72(3)(34), shall attach to the records an affidavit that includes the following:

(i) An affirmative declaration that specific information in the records constitutes trade secrets pursuant to Article 27 of Chapter 1 of Title 10;
(2) An identification of the specific information by page number, document, exhibit or other identifying characteristic;

(3) An affirmative declaration that the entity does not wish the information to be made public;

(4) An affirmative declaration that the information is not commonly known by or available to the public;

(5) An affirmative declaration that the entity derives economic value, actual or potential, from the information not being generally known to, and not being readily ascertainable by proper means by, other persons who can obtain economic value from its disclosure or use; and

(6) An affirmative declaration that the information is the subject of reasonable efforts under the circumstances to maintain its secrecy.

(b) The affidavit must be submitted at the same time that the records are submitted.

(c) Nothing in this rule affects any other protections under the law that may be applicable to records submitted to the Department.

Authority: O.C.G.A. Secs. 33-2-9 et seq.

Rule 120-2-2-.68 Rating Division Regulations

(1) Purpose of Rate Regulation Statutes

(2) Filing of Rates, Rating Plans, Rating Systems, Underwriting Rules, Policy and Bond Forms

(3) Insurer's Membership in Rating Organizations

(4) Prior Approval of Policy and Bond Forms

(5) Changes in Rates, Rating Plans, Rating Systems and Underwriting Rules

(6) Rules for Submitting Property, Marine and Transportation, and Casualty (Excluding Accident and Sickness) Policies and Forms.

Authority: O.C.G.A. Secs. 33-2-9 et seq.

Rule 120-2-2-.69 Examinations Under Open Competition Rating Law

Editor's Note: Chapter 120-2-2 of the Rules and Regulations of the Georgia Insurance Department entitled "Practice and Procedure" has been amended by adding a new Rule 120-2-2-.69 entitled "Examinations Under Open Competition Rating Law." This Regulation is on file in the office of the Comptroller General and is open for public examination and copying. Original

Commented [CD4]: Rule content is missing. If content is not being published, must be cited in "Editor's Note." Reference attached example of Rule 120-2-2-.27 from Official Compilation.
Rule entitled "Examinations Under Open Competition Rating Law" adopted. F. July 17, 1967; eff. July 10, 1967, as specified by the Agency. In accordance with Ga. Laws 1967, p. 618; Ga. Code Ann., Section 3A-124, the contents of this Rule is not filed with or published by the Secretary of State; only the names and designations are filed, printed and distributed.

Authority: O.C.G.A. Secs. 33-2-9 et seq.