



FUNK & BOLTON

ATTORNEYS AT LAW

DAVID M. FUNK (MD)  
BRYAN D. BOLTON (MD, PA)  
REN L. TUNDERMANN (MD)  
CHARLES D. MACLEOD (MD)  
LINDSEY A. RADER (MD)  
DEREK B. YARMIS (MD, DC)  
JEFFERSON L. BLOMQUIST (MD)  
MICHAEL P. CUNNINGHAM (MD, DC)  
JAMES F. TAYLOR (MD)  
ERNEST A. CROFOOT (MD)  
MARK A. BARONDESS (MD, DC, VA, CA)

ASSOCIATES  
STACY L. SMITH (MD)  
AMY L. STRACHAN (PA, NJ)  
TAMAL A. BANTON (MD)  
SHANI DINOVTZ (MD)  
PATRICK W. THOMAS (MD)  
MARIBEL ROIG (MD)  
JUSTIN S. LANDRETH (NY)

OF COUNSEL  
STEPHEN P. CARNEY (MD)  
GARY C. HARRIGER (MD)  
ROBERT H. LEVAN (MD, DC, NY)  
CHRISTOPHER W. POVERMAN (MD, DC, NJ)  
DEBORAH R. RIVKIN (MD)  
KAREN P. RUFF (MD)  
RONALD L. SOUDERS (PA, DC)  
VICTOR K. TERVALA (MD)

A PROFESSIONAL ASSOCIATION  
TWELFTH FLOOR  
36 SOUTH CHARLES STREET  
BALTIMORE, MARYLAND  
21201-3111  
PHONE: 410.659.7700  
FAX: 410.659.7773  
www.fblaw.com

## INSURANCE LAW BULLETIN

### Re: **Court Rules People's Insurance Counsel Lacks Statutory Authority To Seek Judicial Review**

The Circuit Court for Baltimore City recently dismissed a petition for judicial review filed by the People's Insurance Counsel Division of the Office of the Attorney General (PICD), holding the PICD lacks the statutory authority to seek judicial review of a decision of the Insurance Commissioner.

A homeowners insurer filed with the Maryland Insurance Administration to stop accepting new homeowners insurance business in catastrophe-prone areas. The Administration found the filing complied with Maryland law, and the PICD requested a hearing. Over the insurer's objection, the Commissioner granted a hearing and permitted the PICD to participate as a party. The Commissioner found in favor of the insurer on the merits, the PICD petitioned for judicial review, and the insurer moved to dismiss the petition.

The Court granted the insurer's motion, ruling the PICD is not authorized by statute to petition for judicial review. The Court also noted that, in proceedings before the Commissioner, the PICD only has the "rights of counsel to a party." For this reason, the Commissioner was without authority to confer party status upon the PICD.

If you have any questions or would like a copy of the Court's Order, please contact **Bryan D. Bolton**, who represented the insurer in this matter, at 410-659-7754 or [bbolton@fblaw.com](mailto:bbolton@fblaw.com). To learn more about our firm, or review other Insurance Law Bulletins, please visit [www.fblaw.com](http://www.fblaw.com).

September 12, 2008  
No. 2008-6