§ 7711. Powers of the superintendent and the board of directors. In addition to the duties and powers enumerated elsewhere in this chapter:

(a) The superintendent may suspend or revoke, after notice and hearing, the certificate of authority to transact insurance in this state of any member insurer which fails to pay an assessment when due or fails to comply with the plan of operation. As an alternative the superintendent may levy a penalty to be paid to the people of this state, after notice and hearing, on any member insurer which fails to pay an assessment when due. Such penalty shall not exceed five percent of the unpaid assessment per month, but no penalty shall be less than one hundred dollars per month.

(b) Any action of the board of directors or the corporation may be appealed to the superintendent by any member insurer if such appeal is taken within thirty days of the action being appealed. Any final action or order of the superintendent shall be subject to judicial review in a court of competent jurisdiction.

(c) Upon the request of the superintendent, the board of directors shall render advice and make recommendations to the superintendent concerning any matter affecting his duties and responsibilities regarding the financial condition of member companies and companies seeking admission to transact insurance business in this state.

(d) The board of directors shall establish a panel of advisors, consisting of representatives of at least thirteen member insurers not serving on the board of directors, knowledgeable as to the life and health insurance business to provide it with information tending to indicate that any member insurer or company seeking to do any insurance business in this state is or may be in danger of becoming an impaired or insolvent insurer; persons serving on the panel of advisors shall be deemed agents of the corporation for purposes of section seven thousand seven hundred sixteen of this article. The board of directors may, upon majority vote, make reports and recommendations to the superintendent upon any matter germane to the solvency, liquidation, rehabilitation or conservation of any member insurer or germane to the solvency of any company seeking to do an insurance business in this state. Such reports and recommendations shall not be considered public documents. Nothing in this article shall be deemed to limit the ability of a member of the panel of advisors or any other person from reporting information germane

to the solvency of a member insurer or company seeking to do an insurance business in this state to the superintendent or other lawful authority or the corporation.

(e) It shall be the duty of the board of directors, upon majority vote, to notify the superintendent of any information indicating any member insurer may be an impaired or insolvent insurer.

(f) The board of directors may, upon majority vote, make recommendations to the superintendent for the detection and prevention of insolvencies.

(g) The board of directors shall, at the conclusion of any insurer insolvency in which the corporation was obligated to pay covered claims, prepare a report to the superintendent containing such information as it may have in its possession bearing on the history and causes of such insolvency. The corporation shall cooperate with the boards of directors of guaranty associations or corporations in other states in preparing a report on the history and causes for insolvency of a particular insurer, and may adopt by reference any report prepared by such other associations or corporations.