

LAWRENCE G. WASDEN
Attorney General

JOHN C. KEENAN
Deputy Attorney General
State of Idaho
Department of Insurance
700 W. State Street, 3rd Floor
P.O. Box 83720
Boise, Idaho 83720-0043
Telephone: (208) 334-4283
Facsimile: (208) 334-4298
john.keenan@doi.idaho.gov
I.S.B. No. 3873

FILED
APR 03 2017
Department of Insurance
State of Idaho *AM*

Attorneys for the Department of Insurance

BEFORE THE DIRECTOR OF THE DEPARTMENT OF INSURANCE

STATE OF IDAHO

IDAHO DEPARTMENT OF
INSURANCE,

Complainant,

vs.

MALORIE WARNER, an individual
holding Idaho Resident Producer License
No. 385203,

Respondent.

Docket No. 18-3180-16

**STIPULATION AND
FINAL ORDER**

STIPULATION

The Idaho Department of Insurance (hereinafter "Department") and Respondent **MALORIE WARNER**, hereby agree and stipulate as follows:

1. The Director of the Department has jurisdiction over this matter pursuant to Title 41, Idaho Code.

2. On July 14, 2016, the Department filed and served a *Verified Complaint and Notice of Right to Hearing* (hereinafter “Verified Complaint”) on Respondent Malorie Warner (hereinafter “Warner”)

3. On July 27 2016, Warner filed and served an *Answer to Verified Complaint and Request for Hearing*.

4. The Department alleged in the Verified Complaint that Warner had violated section 41-1016(1)(e), Idaho Code, on ten (10) separate occasions, and that Warner violated section 41-1016(1)(h), Idaho Code, on ten (10) separate occasions.

5. The parties have agreed to settle this matter without the necessity of a full hearing.

6. In consideration of the foregoing statements, the Department and Warner agree:

a. That Warner admits to one violation of section 41-1016(1)(e), Idaho Code, in the misrepresentation of a material fact to an insurance transaction;

b. That, based on the violation of section 41-1016(1)(e), Idaho Code, Warner stipulates that her Idaho Resident Producer License No. 385203 shall be revoked and that she shall be barred from submitting an application to the Department of Insurance for a new license for a period of five (5) years from the date of entry of the Final Order revoking her Idaho Resident Producer License No. 385203;

c. That an administrative penalty in the total amount of Eight Thousand Five Hundred Dollars (\$8,500.00) shall be entered against Warner;

d. The total amount of the administrative penalty shall be suspended, except for the sum of One Thousand Five Hundred Dollars (\$1,500.00) which sum shall be due and payable within thirty (30) days after the date of entry of the Final Order

e. That the Idaho Department of Insurance shall not consider any application for a producer license from Warner until after five (5) years following the order of

revocation and until such time that the total administrative penalty imposed herein, including the amount suspended, has been paid in full;

f. That the form and content of the Final Order as attached hereto is appropriate; and that the Director of the Department may enter the Final Order, the terms of which include the adoption in full and incorporation of the foregoing Stipulation.

7. The terms of this Stipulation are appropriate and proper under the circumstances referenced herein; and the parties hereto have entered into this Stipulation knowingly, voluntarily, and with full knowledge of any rights they may be waiving thereby.

8. Before executing this Stipulation, Warner has had the opportunity to review this Stipulation with her attorney(s) and to seek appropriate advice and counsel relating to this Stipulation and Final Order.

9. The parties hereto waive their right to notice and hearing at which they may be represented by counsel, present evidence, and examine witnesses. The parties hereto further waive their right of reconsideration, appeal, and other rights as set forth in title 41 and title 67, chapter 52, Idaho Code, including the right to submit this matter for review by a court of competent jurisdiction.

10. The parties hereto have reviewed the proposed Final Order and agree as to its form and that said Final Order may be submitted to the Director of the Department for his review and signature.

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IT IS SO AGREED.

DATED THIS 31st day of March, 2017

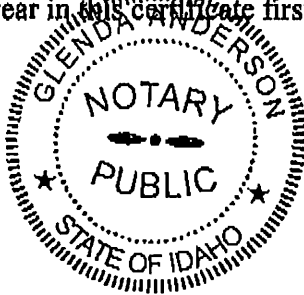
RESPONDENT

By: Malorie Warner
MALORIE WARNER
Respondent

STATE OF IDAHO)
: ss.
County of Bonneville)

On this 31st day of March, 2017, before me, the undersigned Notary Public, personally appeared MALORIE WARNER, proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument, and acknowledged to me that she executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



Glenda Anderson
Notary Public
Residing at Idaho Falls
My commission expires 7/28/2022

IT IS SO AGREED.

DATED THIS 3 day of April, 2017.

STATE OF IDAHO
DEPARTMENT OF INSURANCE

By: Elaine Mellon
ELAINE MELLON
Bureau Chief, Consumer Services Bureau

STATE OF IDAHO)
 : ss.
County of Ada)

On this 3RD day of April, 2017, before me, the undersigned Notary Public, personally appeared ELAINE MELLON, proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument, and acknowledged to me that she executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



[Signature]
Notary Public of Idaho
Residing at BOISE
My commission expires 30 OCTOBER 2019

FINAL ORDER

The parties hereto, namely the Idaho Department of Insurance and MALORIE WARNER, Respondent, having entered into the foregoing Stipulation, and the form of the order having been approved, the Director, having reviewed the same, does hereby find that there is a factual basis for entry of a Final Order herein and finds and concludes that MALORIE WARNER, Respondent, did violate title 41, Idaho Code, as stated in the Stipulation.

NOW, THEREFORE, based on the foregoing and in consideration of the premises,

IT IS HEREBY ORDERED that the foregoing Stipulation is APPROVED, is adopted in full, and is incorporated herein as if set forth in full and made a part hereof;

IT IS FURTHER ORDERED that an administrative penalty in the total sum of Eight Thousand Five Hundred Dollars (\$8,500.00) is hereby imposed against MALORIE WARNER, with all of said administrative penalty SUSPENDED except for the sum of One Thousand Five Hundred Dollars (\$1,500.00) which is due and payable within thirty (30) days after the date of entry of this Final Order;

IT IS FURTHER ORDERED that Idaho Resident Producer License No. 385203 issued to MALORIE WARNER is hereby REVOKED;

IT IS FURTHER ORDERED that MALORIE WARNER shall not submit an application for any license under title 41, Idaho Code, nor shall the Department consider such an application from MALORIE WARNER, for a period of five (5) years after entry of this Final Order, and until the total sum of the administrative penalty imposed herein, including the suspended sum of Seven Thousand Dollars (\$7,000.00), has been paid in full;

IT IS FURTHER ORDERED that in the event MALORIE WARNER files an application for a license under title 41, Idaho Code, MALORIE WARNER shall show good cause why the prior revocation shall not be deemed a bar to the issuance of a new license;

IT IS SO ORDERED.

DATED THIS 3rd day of April, 2017.

STATE OF IDAHO
DEPARTMENT OF INSURANCE

By 
DEAN CAMERON
Director

NOTIFICATION REGARDING REPORTABLE PROCEEDINGS

This is considered a reportable administrative proceeding. As such, it is a public record and is public information that may be disclosed to other states and reported to companies of which you are actively appointed. This information will be reported to the National Association of Insurance Commissioners (NAIC) and will appear in the Idaho Department of Insurance's online searchable database. Be aware that this proceeding must be disclosed on any license application and must be reported to any and all states in which you hold an insurance license.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 3rd day of April, 2017, I caused a true copy of the foregoing **STIPULATION AND FINAL ORDER** to be served by the method indicated below and addressed to each of the following:

Allen H. Browning
Browning Law
482 Constitution Way, Suite 111
Idaho Falls, ID 83402

☒ first class mail
☐ certified mail
☐ hand delivery

Auto-Owners Life Insurance Company
6101 Anacapi Boulevard
Lansing, MI 48917-3968

☒ first class mail
☐ certified mail
☐ hand delivery

Blue Cross of Idaho Health Service, Inc.
3000 E. Pine Avenue
Meridian, ID 83642

☒ first class mail
☐ certified mail
☐ hand delivery

The Cincinnati Life Insurance Company
6200 South Gilmore Road
Fairfield, OH 45014-5141

☒ first class mail
☐ certified mail
☐ hand delivery

Colonial Life & Accident Insurance Company
1200 Colonial Life Boulevard
Columbia, SC 29210

☒ first class mail
☐ certified mail
☐ hand delivery

Dakota Fire Insurance Company
717 Mulberry Street
Des Moines, IA 50309-3872

☒ first class mail
☐ certified mail
☐ hand delivery

Delta Dental Plan of Idaho, Inc.
P.O. Box 2870
Boise, ID 83701-2870

☒ first class mail
☐ certified mail
☐ hand delivery

EMC National Life Company
699 Walnut St Ste 1100
Des Moines, IA 50309-3965

☒ first class mail
☐ certified mail
☐ hand delivery

Emcasco Insurance Company
P.O. Box 712
Des Moines, IA 50306-0712

☒ first class mail
☐ certified mail
☐ hand delivery

Employers Mutual Casualty Company
717 Mulberry Street
Des Moines, IA 50309-3872

☒ first class mail
☐ certified mail
☐ hand delivery

Humana Health Plan, Inc.
321 West Main Street – 12th Floor
Louisville, KY 40202

☒ first class mail
☐ certified mail
☐ hand delivery

Humana Insurance Company
1100 Employers Boulevard
Depere, WI 54115

☒ first class mail
☐ certified mail
☐ hand delivery

Humanadental Insurance Company
1100 Employers Boulevard
Depere, WI 54115

☒ first class mail
☐ certified mail
☐ hand delivery

Montana Health Cooperative
Mountain Health Co-Op
P.O. Box 5358
Helena, MT 59604-5358

☒ first class mail
☐ certified mail
☐ hand delivery

PacificSource Community Health Plans
P.O. Box 7068
Springfield, OR 97475-0068

☒ first class mail
☐ certified mail
☐ hand delivery

PacificSource Health Plans
P.O. Box 7068
Springfield, OR 97475-0068

☒ first class mail
☐ certified mail
☐ hand delivery

SelectHealth, Inc.
5381 Green Street
Murray, UT 84123

☒ first class mail
☐ certified mail
☐ hand delivery

John Keenan
Deputy Attorney General
Idaho Department of Insurance
700 W. State Street, 3rd Floor
P.O. Box 83720
Boise, ID 83720-0043

☐ first class mail
☐ certified mail
☒ hand delivery


Pamela Murray