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Department of Insurance
State of Idaho

Attorneys for the Department of Insurance

BEFORE THE DIRECTOR OF THE DEPARTMENT OF INSURANCE
STATE OF IDAHO

IDAHO DEPARTMENT OF INSURANCE,

Complainant,

vs.

REBECCA A. TINSLEY, an individual
holding Idaho Resident Producer License No.
32944, and THE TINSLEY AGENCY, INC.,
an Idaho corporation holding Resident
Producer Agency License No. 757610,

Respondents.

Docket No. 18-3876-20

**STIPULATION AND
FINAL ORDER**

COME NOW the staff of the Idaho Department of Insurance (“Department”); REBECCA A. TINSLEY (“TINSLEY”), a resident producer under title 41 of the Idaho Code, holding Resident Producer License No. 32944 and THE TINSLEY AGENCY, INC. (“TINSLEY AGENCY”), resident producer agency under title 41 of the Idaho Code, holding Resident Producer Agency License No. 757610, and do hereby agree and stipulate as follows:

FINDINGS OF FACT

1. TINSLEY is a licensed insurance producer in the state of Idaho, holding Resident Producer License No. 32944, which license is due to expire on November 30, 2022. TINSLEY is subject to the provisions of title 41, Idaho Code, and to the rules of the Idaho Department of Insurance promulgated thereunder.

2. TINSLEY AGENCY is a licensed insurance producer in the state of Idaho, holding Resident Agency Producer License No. 757610, which license is due to expire on January 1, 2022. TINSLEY AGENCY is subject to the provisions of title 41, Idaho Code, and to the rules of the Idaho Department of Insurance promulgated thereunder

3. The Director of the Department (“Director”) has jurisdiction over TINSLEY, TINSLEY AGENCY, and the subject matter herein pursuant to provisions of the Idaho Insurance Code, Idaho Code §§ 41-101 *et seq.*

4. On December 1, 2020, the Department filed a Verified Complaint and Notice of Right to Hearing (hereinafter “Verified Complaint”), seeking revocation of TINSLEY’s and TINSLEY AGENCY’s producer licenses and imposition of administrative penalties.

5. Among the allegations in the Verified Complaint were that TINSLEY made material misrepresentations on an application for insurance and submitted policy applications containing false signatures.

CONCLUSIONS OF LAW

6. Idaho Code § 41-1016(1) provides that the Director of the Department may impose an administrative penalty of up to \$1,000, and suspend, revoke, or refuse to issue a producer license for certain enumerated violations.

7. Idaho Code § 41-1016(1)(e) gives cause for the imposition of a penalty and action

against a producer for “[m]isrepresenting any fact material to any insurance transaction or proposed transaction.”

8. Idaho Code § 41-1016(1)(h) gives cause for the imposition of a penalty and action against a producer for “[u]sing fraudulent, coercive or dishonest practices, or demonstrating incompetence, untrustworthiness or financial irresponsibility, or being a source of injury and loss to the public or others, in the conduct of business in this state or elsewhere.”

9. By engaging in the actions described in the Verified Complaint, TINSLEY violated Idaho Code § 41-1016(1)(e) and violated Idaho Code § 41-1016(1)(h).

10. The parties agree that this matter may be brought to a close by a negotiated and stipulated settlement and entry of this Stipulation and Final Order.

AGREEMENT

11. Based upon the foregoing, TINSLEY, TINSLEY AGENCY, and the Department stipulate and agree as follows:

- a. TINSLEY admits to one violation of Idaho Code § 41-1016(1)(e) by misrepresenting facts on an application for insurance.
- b. TINSLEY admits to eleven violations of Idaho Code § 41-1016(1)(h) by submitting applications for insurance that bore false signatures.
- c. As sanction for the violations referenced above, TINSLEY and the Department agree to the penalties set forth below and agree that the Director of the Department may enter the Final Order attached hereto, which provides as follows:
 - i. That the Stipulation be adopted in full and incorporated into the Final Order;

- ii. That TINSLEY shall pay a fine of twelve thousand dollars (\$12,000) within six (6) months of the date of the Final Order;
 - iii. That, in the event TINSLEY fails to comply with any term of this Stipulation and Final Order, the Department may take appropriate action at its sole discretion, including, but not limited to, immediately issuing a notice to show cause why TINSLEY's license should not be revoked.
- d. TINSLEY further expressly agrees that, in the event she submits to the Department an application for any Idaho license provided for and authorized under title 41, Idaho Code, the Department may consider the facts and allegations in the Verified Complaint in this action as true for the limited purpose of evaluating her character and fitness for licensure.

12. By entering into this Stipulation, TINSLEY and TINSLEY AGENCY knowingly and voluntarily waive any rights they would otherwise have to notice and a 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 67, chapter 52, Idaho Code, including the right to submit this matter for review by a court of competent jurisdiction.

13. The parties agree that the terms of this Stipulation and Final Order are appropriate and proper under the circumstances referenced herein.

14. TINSLEY and TINSLEY AGENCY acknowledge that they have read this Stipulation and Final Order and understand its contents; that they have been given the opportunity to discuss this Stipulation and Final Order with independent legal counsel of their

choosing; and that they have entered into this Stipulation knowingly, voluntarily, and with full knowledge of any rights they may be waiving thereby.

15. TINSLEY and TINSLEY AGENCY acknowledge that this is an administrative action that may be required to be reported on license applications and license renewal forms and disclosed to other agencies through which TINSLEY and TINSLEY AGENCY hold a license.

16. This Stipulation is subject to approval by the Director or the Director's designee, and shall become effective and binding upon the Department, TINSLEY, and TINSLEY AGENCY upon such approval. Should the Director decline to approve this Stipulation and Final Order, the Department, TINSLEY, and TINSLEY AGENCY shall retain all of their rights, claims and/or defenses, and any factual and/or legal admissions made by TINSLEY or TINSLEY AGENCY herein shall be withdrawn.

17. This Stipulation constitutes the full and final resolution of all matters addressed herein, and the Department agrees that, subject to the Director's approval described above, the Department shall seek no further civil or administrative sanctions for the violations alleged in the Verified Complaint, Docket No. 18-3876-20, subject to the agreement set forth in Paragraph 11 above.

18. TINSLEY and TINSLEY AGENCY agree that, upon execution of this Stipulation and Final Order, no subsequent action or assertion shall be maintained or pursued in any manner asserting the invalidity of this Stipulation and Final Order and its provisions.

19. This Stipulation and Final Order embodies the entire agreement between the Department, TINSLEY, and TINSLEY AGENCY, and there are no agreements, understandings, representations, or warranties that are not expressly set forth herein.

20. Upon the Director's entry of the Final Order approving this stipulation, this

Stipulation and Final Order shall be a public record under the Idaho Public Records Act.

AGREED this 21st day of December, 2020

By: Rebecca A Tinsley
REBECCA A. TINSLEY

AGREED this 21st day of December, 2020

Rebecca A Tinsley, CEO
By: for The Tinsley Agency
THE TINSLEY AGENCY, INC.

AGREED this 28th day of December, 2020

STATE OF IDAHO
DEPARTMENT OF INSURANCE

By: [Signature]
Randall M. Pipal
Bureau Chief, Consumer Services

Approved as to Form:

STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL

By: Michael Witry
Michael Witry
Deputy Attorney General
Attorney for the Department of Insurance

FINAL ORDER

The parties hereto, namely the Idaho Department of Insurance, REBECCA A. TINSLEY, and THE TINSLEY AGENCY, INC., 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 does hereby conclude that TINSLEY 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 and is incorporated herein as if set forth in full and made a part hereof; and,

IT IS FURTHER ORDERED that TINSLEY shall pay a fine of twelve thousand dollars (\$12,000.00) within six (6) months of the date of this Final Order;

IT IS FURTHER ORDERED that, in the event TINSLEY fails to comply with any term of this Stipulation and Final Order, the Department may take appropriate action at its sole discretion, including, but not limited to, immediately issuing a notice to show cause why TINSLEY's license should not be revoked.

DATED this 22 day of December 2020

STATE OF IDAHO
DEPARTMENT OF INSURANCE



DEAN L. CAMERON
Director

NOTICE REGARDING REPORTABLE PROCEEDINGS

The foregoing 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 for which you are actively appointed. This information will be reported to the National Association of Insurance Commissioners (NAIC) and will appear in the online searchable database of the Idaho Department of Insurance. You should be aware that this proceeding must be disclosed on any insurance 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 30th day of December, 20 20, I caused a true and correct copy of the foregoing, fully-executed STIPULATION AND FINAL ORDER to be served upon the following by the designated means:

Rebecca A. Tinsely
The Tinsley Agency, Inc.
P.O. Box 1418
Orofino, ID 83544

- first class mail
- certified mail
- hand delivery

Michael Witry
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