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I.S.B. No. 3873

FILED

APR 27 2015

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.

MYLINH FETTERMAN, an individual with
an inactive Resident Producer License No.
150144,

Respondent.

Docket No. 18-3010-15

**STIPULATION AND
FINAL ORDER**

STIPULATION

The Idaho Department of Insurance (hereinafter "Department") and Respondent MYLINH FETTERMAN (hereinafter "Fetterman") 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 February 5, 2015, the Department filed and served a Verified Complaint and Notice of Right to Hearing (hereinafter “Verified Complaint”) on Fetterman.

3. On or about February 10, 2015, attorney Raymond Schild contacted John Keenan, Deputy Attorney General, notifying him of his representation of Fetterman and of his client’s intent to defend and to settle the matter before hearing.

4. The Department alleged in the Verified Complaint that Fetterman violated Idaho Code § 41-1016(1)(h) when Fetterman submitted to an insurance company sixteen (16) separate insurance policy applications without the named insured’s consent and that, in doing so, Fetterman used “fraudulent, coercive or dishonest practices, or demonstrat[ed] incompetence, untrustworthiness or financial irresponsibility, or [was] a source of injury and loss to the public or others, in the conduct of business in this state or elsewhere.”

5. The Department alleged in the Verified Complaint that Fetterman violated Idaho Code § 41-1016(1)(h) when Fetterman set up eleven (11) policies to automatically withdraw funds from the named insured’s bank account via electronic draft without the named insured’s knowledge or permission and that, in doing so, Fetterman used “fraudulent, coercive or dishonest practices, or demonstrat[ed] incompetence, untrustworthiness or financial irresponsibility, or [was] a source of injury and loss to the public or others, in the conduct of business in this state or elsewhere.”

6. The Department alleged in the Verified Complaint that Fetterman violated Idaho Code § 41-1016(1)(e) when Fetterman took two insurance applications and wrongfully withheld key material information from the insurance company and that, in doing so, Fetterman misrepresented material facts in an application and/or insurance transaction.

7. The Department also alleged in the Verified Complaint that Fetterman violated Idaho Code § 41-1016(1)(j) when Fetterman forged the signatures of named insureds on seven (7) separate applications for insurance coverage.

8. In consideration of the foregoing recitals, the Department and Fetterman agree:

a. That Fetterman admits to the violations as alleged in the Verified Complaint.

b. 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 Fetterman's Idaho Resident Insurance Producer License No. 150144 be permanently revoked;

(iii) That an administrative penalty be imposed against Fetterman in the amount of Twenty-Five Thousand Dollars (\$25,000.00);

(iv) That all of the administrative penalty except for Three Thousand Dollars (\$3,000.00) shall be suspended;

(v) That the total sum not suspended in the amount of Three Thousand Dollars (\$3,000.00) shall be due and payable upon execution of this Stipulation;

(iv) That, in the event Fetterman in the future submits an application for an Idaho insurance license to the Idaho Department of Insurance, the total suspended amount of Twenty-Two Thousand Dollars (\$22,000.00) shall be immediately due and payable; and,

(vii) Before the Department shall consider any such application from Fetterman, the balance of the administrative penalty in the amount of Twenty-Two Thousand Dollars (\$22,000.00) shall be paid in full.

9. 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.

10. Before executing this Stipulation, Fetterman has had the opportunity to review this Stipulation with her attorney and to seek appropriate advice and counsel relating to this Stipulation and Final Order.

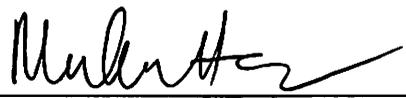
11. The parties hereto waive their right to notice and hearing at which they may be represented by counsel, present evidence, and examine witnesses. The parties hereto further waive their right of reconsideration, appeal, and other rights as set forth in title 67, chapter 52, Idaho Code, including the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

12. 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.

IT IS SO AGREED.

DATED THIS 23rd day of April, 2015.

RESPONDENT

By: 
MYLINH FETTERMAN

STATE OF IDAHO)
County of Ada) : ss.

On this 23rd day of April, 2015, before me, the undersigned Notary Public, personally appeared MYLINH FETTERMAN, 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.



Kelly L. Krystyan
Notary Public
Residing at Boise, ID
My commission expires 09/27/19

STIPULATION AND FINAL ORDER APPROVED AS TO FORM:

By: [Signature]
Raymond D. Schild, Esq.
Attorney for Mylinh Fetterman

IT IS SO AGREED.

DATED THIS 24 day of April, 2015.

STATE OF IDAHO
DEPARTMENT OF INSURANCE

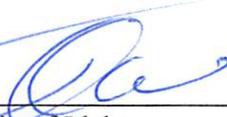
By: 
GINA MCBRIDE
Bureau Chief, Consumer Services Bureau

STATE OF IDAHO)
 : ss.
County of Ada)

On this 24 day of April, 2015, before me, the undersigned Notary Public, personally appeared GINA McBRIDE, 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.




Notary Public of Idaho
Residing at Base
My commission expires 30 Oct 2019

STIPULATION AND FINAL ORDER APPROVED AS TO FORM:

By: 
John C. Keenan
Deputy Attorney General
Attorneys for Idaho Department of Insurance

FINAL ORDER

The parties hereto, namely the Idaho Department of Insurance and MYLINH FETTERMAN, 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 MYLINH FETTERMAN 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;

IT IS FURTHER ORDERED that Idaho Resident Insurance Producer License No. 150144 issued to MYLINH FETTERMAN is hereby REVOKED permanently;

IT IS FURTHER ORDERED that an administrative penalty in the amount of Twenty-Five Thousand Dollars (\$25,000.00) is hereby imposed on MYLINH FETTERMAN;

IT IS FURTHER ORDERED that Twenty-Two Thousand Dollars (\$22,000.00) of said administrative penalty is suspended;

IT IS FURTHER ORDERED that the total sum of Three Thousand Dollars (\$3,000.00) is immediately due and payable;

IT IS FURTHER ORDERED that if at any time in the future MYLINH FETTERMAN submits an application for an Idaho insurance license to the Idaho Department of Insurance, the suspended sum of Twenty-Two Thousand (\$22,000.00) shall be immediately due and payable; and,

IT IS FURTHER ORDERED that the Idaho Department of Insurance shall not consider any application from MYLINH FETTERMAN for an Idaho insurance license until such time that the total administrative penalty has been paid in full.

IT IS SO ORDERED.

DATED THIS 27th day of April, 2015.

STATE OF IDAHO
DEPARTMENT OF INSURANCE

By



THOMAS A. DONOVAN
Acting 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 27th day of April, 2015, I caused to be served a true copy of the foregoing **ERROR! NO TEXT OF SPECIFIED STYLE IN DOCUMENT.** by the method indicated below, and addressed to each of the following:

Raymond D. Schild, Esq.
Sallaz-Schild Law, PLLC
1000 S. Roosevelt Street
Boise, ID 83705

- first class mail
- certified mail
- hand delivery
- via facsimile

John C. 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
- via facsimile


Pamela Murray