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I.S.B. No. 3873

**FILED** *gij*  
**JUN 30 2010**  
Department of Insurance  
State of Idaho

*Attorneys for Idaho Department of Insurance*

**BEFORE THE DIRECTOR OF THE DEPARTMENT OF INSURANCE**

**STATE OF IDAHO**

|                                       |   |                       |
|---------------------------------------|---|-----------------------|
| In the Matter of:                     | ) | Docket No. 18-2617-10 |
|                                       | ) |                       |
| <b>PROTEX, LLC</b> , an Idaho limited | ) | <b>CONCILIATION</b>   |
| liability corporation; and fire       | ) | <b>AGREEMENT</b>      |
| sprinkler inspection contractor       | ) |                       |
|                                       | ) |                       |
|                                       | ) |                       |

The parties hereto, namely Protex, LLC (hereinafter "Protex") and the State Fire Marshal, enter into this conciliation agreement as follows, and hereby stipulate and agree as follows

1. That the State Fire Marshal and the Director of the Idaho Department of Insurance have jurisdiction over this matter in accord with Idaho Code §§ 41-210 and 41-254 and other applicable statutes.
2. That Protex, L.L.C. is an Idaho limited liability corporation and was doing business as a fire sprinkler maintenance inspector in the state of Idaho.

3. That commencing on or about September 9, 2008 and ending on or about March 9, 2010, Protex did complete thirty-eight (38) separate sprinkler inspections of businesses, including but not limited to residential businesses and retail businesses.
4. That during all pertinent times stated hereinabove, Protex was not licensed as required by law in accordance with Idaho Code § 41-254 and IDAPA 18.01.49.
5. Protex admits that it violated the law during each and every inspection for a total of thirty-eight separate violations.
6. That the appropriate sanction for each said violations is the general penalty set out in Idaho Code § 41-117 in the amount of \$5,000.00 per violation.
7. That the total penalty to be imposed is \$5,000.00 per violation for thirty-eight violations for a total of \$190,000.00 administrative penalty.
8. That except for a total of \$1,000.00, the said administrative penalty shall be suspended indefinitely until such time in the future that the Director of the Idaho Department of Insurance finds and concludes that Protex, L.L.C. has violated Idaho law requiring licensure of installation and/or inspection of fire sprinkler systems; whereupon that portion of suspended administrative penalty shall become immediately due and payable.
9. That for each and every inspection of businesses completed unlawfully for twelve full months prior to the undersigned date, Protex shall provide to the State Fire Marshal a timetable of inspections to be completed of said businesses by a state of Idaho licensed fire sprinkler inspector; said inspections shall be completed in a manner consistent with said timetable which is subject to the approval and modification by the State Fire Marshal.
10. That the Director of Idaho Department of Insurance may enter a Final Order in accordance with this Conciliation Agreement.
11. IT IS SO AGREED.

DATED this 28 day of June, 2010.

PROTEX, LLC, an Idaho limited liability corporation.

By Rob Ahten  
Rob Ahten  
Its President,

IDAHO DEPARTMENT OF INSURANCE

By Mark Larson  
Mark Larson  
State Fire Marshal

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| In the Matter of:                     | ) | Docket No. 18-2617-10 |
|                                       | ) |                       |
| <b>PROTEX, LLC</b> , an Idaho limited | ) | <b>FINAL ORDER</b>    |
| liability corporation; and fire       | ) |                       |
| sprinkler inspection contractor       | ) |                       |
|                                       | ) |                       |
|                                       | ) |                       |

The parties hereto having entered into a Conciliation Agreement and the Director having reviewing the record herein, and having found cause therefor, and in consideration of the premises;

IT IS ORDERED that the Conciliation Agreement as executed by the parties herein is referenced here as if set forth in full;

IT IS FURTHER ORDERED and the Conciliation Agreement is approved in its entirety and shall be considered for all purposes as an Order of the Director; and,

IT IS FURTHER ORDERED that an administrative fine in the amount of \$190,000.00 shall be imposed against Respondent Protex, LLC, with all but \$1,000.00 of said administrative


fine shall be suspended, provided however, that said administrative fine shall be due and payable immediately if at any time in the future, upon notice and with an opportunity to be heard, the Director of the Idaho Department of Insurance finds and concludes as a matter of law that Protex, LLC has violated Idaho law requiring the licensure of the installation and/or inspection of fire sprinkler systems;

IT IS FURTHER ORDERED that upon payment in full of the \$1,000.00 administrative fine imposed hereinabove, and upon completion of the inspections of businesses as set forth in paragraph 9 of the Conciliation Agreement and in a manner as approved by the State Fire Marshal in writing and made a part of the record herein, the above-entitled matter shall be DISMISSED WITH PREJUDICE.

IT IS SO ORDERED.

Dated this 30<sup>th</sup> day of JUNE, 2010.

IDAHO DEPARTMENT OF INSURANCE

By   
WILLIAM W. DEAL, Director

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that I have on this 30th day of June, 2010, caused a true and correct copy of the foregoing document to be served upon the following by the designated means:

Rob Ahten, President  
Protex, LLC  
7790 W. Mossy Cup  
Boise, ID 83709

☒ first class mail  
☒ certified mail  
☐ hand delivery  
☐ via facsimile

John C. Keenan  
Deputy Attorney General  
Idaho Department of Insurance  
700 W. State St., 3<sup>rd</sup> Floor  
Boise, ID 83720-0043

☐ first class mail  
☐ certified mail  
☒ hand delivery  
☐ via facsimile

  
\_\_\_\_\_  
Teresa Jones  
Assistant to the Director