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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

In the Matter of:

HARVEY W. WATT & COMPANY, INC.,
Third Party Administrator License No. 136923,

Respondent.

Docket No. 18-2809-12

**STIPULATION AND ORDER
RESOLVING VIOLATIONS OF
IDAHO INSURANCE CODE**

The parties herein, namely the Idaho Department of Insurance (“**Department**”) and its counsel of record, Richard B. Burleigh, Deputy Attorney General, and HARVEY W. WATT & COMPANY, INC., Third Party Administrator License No. 136923 (“**RESPONDENT**”), do hereby agree and stipulate to the following facts and conclusions of law:

1. That the Director of the Idaho Department of Insurance has jurisdiction over this matter pursuant to title 41, Idaho Code.
2. That **RESPONDENT** was granted Third Party Administrator (“**TPA**”) License No. 136923 effective April 24, 2006, pursuant to the previous version of chapter 9, title 41, Idaho Code, which chapter was replaced in its entirety in 2010 by the current version of chapter 9, title 41, Idaho Code.

3. That RESPONDENT's TPA License No. 136923 is scheduled to expire as of January 1, 2013.

4. That on July 27, 2012 RESPONDENT filed an application for home state TPA license pursuant to the requirements of chapter 9, title 41, Idaho Code.

5. That among the requirements set forth in Idaho Code § 41-911(2)(a) for a home state license is the requirement to file a certificate of existence from the Idaho Secretary of State.

6. That after reviewing the home state application, the Department concluded that no certificate of existence was provided by RESPONDENT with its application.

7. The Department contacted RESPONDENT by phone on July 31, 2012 and informed RESPONDENT that it must file an Idaho certificate of existence as soon as possible.

8. That as of November 2, 2012, RESPONDENT has not complied with the Department's July 31, 2012 instructions.

9. That as of November 2, 2012, there is no indication on the Idaho Secretary of State website that RESPONDENT has secured the necessary certificate of existence.

10. That RESPONDENT continues to operate as an administrator in Idaho notwithstanding its failure to comply with the requirements of the Idaho Code.

11. That, pursuant to Idaho Code § 41-915(2)(a), the Department may seek revocation of RESPONDENT's TPA license for failure to comply with the Idaho Code

12. That, pursuant to Idaho Code §§ 41-117 and 41-915(4), the Department may seek general penalties against RESPONDENT of up to five thousand dollars (\$5,000.00) per violation of the Idaho Insurance Code.

13. That, in lieu of a contested enforcement action the parties agree that this matter can be brought to a close by a negotiated and stipulated settlement.

14. RESPONDENT therefore agrees as follows:

- a. RESPONDENT shall pay a five hundred dollar (\$500.00) penalty to the Department within ten (10) business days following the execution of this Stipulation.
- b. RESPONDENT shall file all necessary information and documentation to complete its application for a home state license pursuant to Idaho Code § 41-911 within thirty (30) days from the execution of this Stipulation.
- c. If RESPONDENT fails to comply with the preceding, RESPONDENT agrees that the Department may revoke RESPONDENT's TPA license without further notice or hearing.

15. Nothing in this Stipulation shall affect the Department's review of RESPONDENT's TPA license application, which review and approval, if appropriate, shall proceed in the Department's normal course.

16. RESPONDENT acknowledges that it has had the opportunity to consult with counsel concerning this Stipulation. RESPONDENT waives its right to notice and hearing at which it may be represented by counsel, present evidence and examine witnesses. RESPONDENT waives its right to submit this matter for review by a court of competent jurisdiction.

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

18. The parties hereby waive the right to seek reconsideration and judicial review of this Stipulation or the violations of the Idaho Code referenced herein.

AGREED THIS 16 day of Nov, 2012.

HARVEY W. WATT & COMPANY, INC.
a Georgia corporation

By: Helen Alston
Name: Helen Alston
Its: President

STATE OF Georgia)
County of Fulton) ss.

On this 16 day of Nov, 2012, before me, the undersigned, a Notary Public in and for said State, personally appeared Helen Alston, the President of HARVEY W. WATT & COMPANY, INC., a Georgia corporation, who executed the foregoing instrument on behalf of said company, and acknowledged to me that the said instrument is the free and voluntary act and deed of said company, for the uses and purposes therein mentioned.

WITNESS MY HAND and official seal hereto affixed the day, month and year in this certificate first above written.

Curt M. Burch

Notary Public in and for the
State of Georgia

Residing at 2551 Hwy 16 W, Jackson GA 30233
My commission expires Sept. 11, 2016

AGREED THIS 19th day of November, 2012.

IDAHO DEPARTMENT OF INSURANCE

By: Georgia Siehl
Georgia Siehl, CPA, CFE
Bureau Chief, Chief Examiner
Idaho Department of Insurance

Approved as to Form:

OFFICE OF THE ATTORNEY GENERAL
STATE OF IDAHO

By: A. Rene Martin
for Richard B. Burleigh
Deputy Attorney General
Attorney for the Idaho Department of Insurance

IT IS SO ORDERED.

DATED this 19th day of November, 2012.

STATE OF IDAHO
DEPARTMENT OF INSURANCE

for William W. Deal
WILLIAM W. DEAL
Director

CERTIFICATE OF SERVICE

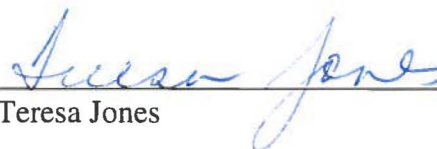
I HEREBY CERTIFY that on this 19th day of November, 2012, I caused a true and correct fully-executed copy of the foregoing STIPULATION RESOLVING VIOLATIONS OF IDAHO INSURANCE CODE to be served on the following by the designated means:

Harvey W. Watt & Company, Inc.
Attn: Glenda Skipper
PO Box 20787
Atlanta, GA 30320-0787

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

Richard B. Burleigh
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


Teresa Jones