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FILED 

DEC 07 2012

Department of Insurance  
State of Idaho

**BEFORE THE DIRECTOR OF THE DEPARTMENT OF INSURANCE  
OF THE STATE OF IDAHO**

STATE OF IDAHO, DEPARTMENT OF  
INSURANCE,

Complainant,

vs.

MICHAEL PHILLIP OKEEFE, an individual  
holding Idaho Non-resident Producer License  
No. 409130 and Idaho Independent Adjuster  
License No. 413168,

Respondent.

Docket No. 18-2813-12

**DEFAULT ORDER REVOKING  
IDAHO NON-RESIDENT  
INSURANCE PRODUCER LICENSE  
AND INDEPENDENT ADJUSTER  
LICENSE**

The Director of the State of Idaho, Department of Insurance (Director), having reviewed the record on file herein, including the Affidavit of A. René Martin, Deputy Attorney General, and good causing appearing therefor, does hereby make the following findings and enter an order as follows:

## **FINDINGS**

1. MICHAEL PHILLIP OKEEFE (Respondent) is an Idaho-licensed insurance producer, currently holding Idaho Non-resident Insurance Producer License No. 409130, and is also an Idaho-licensed independent adjuster, currently holding Idaho Independent Adjuster License No. 413168.

2. On November 7, 2012, the Respondent was duly served with a copy of the Complaint for Revocation of Idaho Non-resident Insurance Producer License and Independent Adjuster License (Complaint) by the State of Idaho, Department of Insurance (Department), in this administrative proceeding, which Complaint alleged the following facts and violations of the Idaho Insurance Code:

## **FACTUAL ALLEGATIONS**

(3) On or about January 18, 1996, the Supreme Court of Kansas entered an Order of Disbarment, which order disbarred the Respondent from the practice of law in the state of Kansas and revoked the Respondent's license and privilege to practice law in that state. Such order reflected that the Respondent had been disbarred by the United States Tax Court for fraud on the court and had been disbarred by the Missouri Supreme Court.

(4) On or about February 20, 1996, the Supreme Court of the United States suspended the Respondent from the practice of law before the Court. Thereafter, on or about March 18, 1996, a decision was issued by the Supreme Court of the United States, indicating that the Respondent requested to resign as a member of the bar of the Court and ordering that the Respondent's name be stricken from the roll of attorneys admitted to the practice of law before the Court.

(5) On or about April 25, 2012, the Respondent submitted to the Department an application for an Idaho Non-resident Producer License. The third question on such application reads as follows:

Have you ever been named or involved as a party in an administrative proceeding, including FINRA sanction or arbitration proceeding[,] regarding any professional or occupational license or registration?

“Involved” means having a license censured, suspended, revoked, canceled, terminated; or, being assessed a fine, a cease and desist order, a

prohibition order, a compliance order, placed on probation, sanctioned or surrendering a license to resolve an administrative action.

“Involved” also means being named as a party to an administrative or arbitration proceeding, which is related to a professional or occupational license, or registration. [...]

The Respondent’s answer to such question was “No.”

(6) On or about May 17, 2012, the Respondent submitted to the Department an application for an Idaho Independent Adjuster License. The second question on such application reads as follows:

Have you ever been named or involved as a party in an administrative proceeding, including FINRA sanction or arbitration proceeding[,] regarding any professional or occupational license or registration?

“Involved” means having a license censured, suspended, revoked, canceled, terminated; or, being assessed a fine, a cease and desist order, a prohibition order, a compliance order, placed on probation, sanctioned or surrendering a license to resolve an administrative action.

“Involved” also means being named as a party to an administrative or arbitration proceeding, which is related to a professional or occupational license, or registration. [...]

The Respondent’s answer to such question was “No.”

(7) On or about June 29, 2012, the Commissioner of Insurance of the State of Kansas entered a Summary Order, in Docket No. 4455--SO, which order became effective July 17, 2012. Such order terminated by surrender the Kansas resident insurance agent license then held by the Respondent. Such order included the conclusions of law that the Respondent’s Kansas resident insurance agent license was subject to revocation because the Respondent had provided incomplete and untrue information on his license application and that sufficient grounds existed for revocation of the Respondent’s Kansas insurance agent license.

(8) On or about August 15, 2012, the Commissioner of the Kentucky Department of Insurance entered an Order Revoking License, in File No. 2012-0324, which order revoked the Respondent’s Kentucky insurance producer license.

(9) On or about September 5, 2012, the Insurance Commissioner for the State of Arkansas and the Respondent entered into a Consent Order, in A.I.D. No. 2012-682, whereby the Respondent agreed to the immediate revocation of his Arkansas non-resident insurance producer license.

COUNTS ONE AND TWO: PROVIDING INCORRECT, MISLEADING,  
INCOMPLETE, OR MATERIALLY UNTRUE INFORMATION IN THE LICENSE  
APPLICATION

(10) Paragraphs [3] through 9 above are incorporated fully herein by this reference.

(11) Idaho Code § 41-1016(1)(a) provides that the Director of the Department of Insurance (Director) may revoke the Idaho license of an insurance producer who provides incorrect, misleading, incomplete, or materially untrue information in the license application. Idaho Code § 41-1108(5) provides that Idaho Code § 41-1016 shall apply as to adjuster licenses.

(12) The Respondent's failure to disclose the disbarment proceedings, as described in paragraphs 3 and 6 above, on the non-resident insurance producer application and independent adjuster application submitted to the Department, constitutes cause for revocation of both the Respondent's Idaho non-resident insurance producer license and Idaho independent adjuster license, pursuant to Idaho Code § 41-1016(1)(a). Each failure constitutes a separate case for revocation.

COUNTS THREE AND FOUR: REVOCATION OF THE RESPONDENT'S  
INSURANCE LICENSE IN ANOTHER STATE

(13) Paragraphs [3] through 12 above are incorporated fully herein by this reference.

(14) Idaho Code § 41-1016(1)(i) provides that the Director may revoke the Idaho license of an insurance producer whose insurance license is denied, suspended, or revoked in any other state. Idaho Code § 41-1108(5) provides that Idaho Code § 41-1016 shall also apply as to adjuster licenses.

(15) The revocation of the Respondent's insurance licenses in Kentucky and Arkansas, as described in paragraphs 8 and 9 above, constitutes cause for revocation of the Respondent's Idaho non-resident insurance producer license and Idaho independent adjuster license, pursuant to Idaho Code § 41-1016(1)(i). Each license revocation establishes a separate basis for revocation of both the Respondent's Idaho non-resident insurance producer license and Idaho adjuster license.

COUNTS FIVE THROUGH SEVEN: FAILURE TO REPORT  
AN ADMINISTRATIVE ACTION TAKEN IN ANOTHER JURISDICTION

(16) Paragraphs [3] through 15 above are fully incorporated herein by this reference.

(17) Idaho Code § 41-1021(1) provides that a producer shall report to the Director any administrative action taken against the producer in another jurisdiction

within thirty (30) days of the final disposition of the matter. The orders described in paragraphs 7, 8, and 9 above are administrative actions required to be reported by the Respondent to the Department within thirty (30) days of the final disposition, pursuant to Idaho Code § 41-1021(1). The Respondent failed to report to the Department the administrative actions described in paragraphs 7, 8, and 9 above.

(18) Idaho Code § 41-1016(1)(b) authorizes the Director to revoke the license of a producer who violates any provision of title 41, Idaho Code. Idaho Code § 41-1108(5) provides that Idaho Code § 41-1016 shall also apply as to adjuster licenses.

(19) The Respondent's failure to report the administrative actions taken against his insurance licenses in Kansas, Kentucky, and Arkansas, as referenced above, each constitutes a separate violation of Idaho Code § 41-1021(1), authorizing the Director to revoke the Respondent's Idaho non-resident insurance producer license and Idaho independent adjuster license, pursuant to Idaho Code § 41-1016(1)(b).

3. The Respondent has failed to request a hearing or otherwise contest in writing the allegations of fact and violations included in the Complaint filed in this proceeding, as set forth above, and the legal time to request such hearing or otherwise contest the allegations has expired. Thus, it is appropriate that this default order be entered by the Director.

### **ORDER**

NOW, THEREFORE, IT IS HEREBY ORDERED that Idaho Non-resident Insurance Producer License No. 409130 issued to MICHAEL PHILLIP OKEEFE is HEREBY REVOKED, effective immediately.

IT IS FURTHER ORDERED that Idaho Independent Adjuster License No. 413168 issued to MICHAEL PHILLIP OKEEFE is HEREBY REVOKED, effective immediately.

IT IS FURTHER ORDERED that MICHAEL PHILLIP OKEEFE shall immediately return Idaho Non-resident Insurance Producer License No. 409130 and Idaho Independent Adjuster License No. 413168 to the State of Idaho, Department of Insurance, at P.O. Box 83720, Boise, Idaho 83720-0043.

**IT IS SO ORDERED.**

DATED this 6<sup>th</sup> day of December, 2012.

STATE OF IDAHO  
DEPARTMENT OF INSURANCE

  
WILLIAM W. DEAL  
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 as to which the Respondent is 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. The Respondent is advised to be aware that this proceeding must be disclosed on any insurance license application and must be reported to any and all states in which the Respondent holds an insurance license.

**NOTIFICATION OF RIGHTS**

This Order constitutes a final order of the Director. Any party may file with the Director a motion for reconsideration of this final order within fourteen (14) days of the service date of this order. The Director will dispose of the petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. *See*, Idaho Code § 67-5246(4).

Pursuant to Idaho Code §§ 67-5270 and 67-5272, any party aggrieved by this final order may appeal it by filing a petition for judicial review in the district court of the county in which: (1) the hearing was held; or (2) the final agency action was taken; or (3) the aggrieved party

resides or operates its principal place of business in Idaho; or (4) the real property or personal property that was the subject of the agency decision is located. An appeal must be filed within twenty-eight (28) days of: (a) the service date of this final order; or (b) an order denying a petition for reconsideration; or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration, whichever is later. *See*, Idaho Code § 67-5273. The filing of a petition for judicial review does not itself stay the effectiveness or enforcement of the order under appeal.

### **CERTIFICATE OF SERVICE**


I HEREBY CERTIFY that, on this 7<sup>th</sup> day of December, 2012, I caused a true and correct copy of the foregoing DEFAULT ORDER REVOKING IDAHO NON-RESIDENT INSURANCE PRODUCER LICENSE AND INDEPENDENT ADJUSTER LICENSE to be served upon the following by the designated means:

Michael Phillip Okeefe  
15436 W. 93<sup>rd</sup> Street  
Lenexa, KS 66219-1917

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

Michael Phillip Okeefe  
HR Block  
1301 Main Street #17N  
Kansas City, MO 64105-2127

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

  
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Teresa Jones  
Assistant to the Director