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Attorneys for Department of Insurance

FILED 
JAN 15 2013
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.

JOHN K. BAIRD, an Idaho resident holding
Idaho Resident Insurance Producer License
No. 376107 and Idaho Resident Bail Agent
License No. 384560,

Respondent.

Docket No. 18-2823-12

**ORDER OF DEFAULT REVOKING
IDAHO RESIDENT INSURANCE
PRODUCER LICENSE AND IDAHO
RESIDENT BAIL AGENT LICENSE**

The Director of the Idaho Department of Insurance (Director), having reviewed the record on file herein; and it appearing therefrom that JOHN K. BAIRD, the Respondent herein, has been duly served with a copy of the “Complaint for Revocation of Idaho Resident Insurance Producer License and Idaho Resident Bail Agent License” (Complaint) filed on December 17, 2012, by the Idaho Department of Insurance (Department) in this administrative proceeding,

which Complaint, a copy of which is attached hereto as Exhibit A, alleged violations of the Idaho Insurance Code by the Respondent; and further, as shown by the Affidavit of A. René Martin, Deputy Attorney General, on file in this proceeding, that the Respondent has failed to request a hearing or to otherwise dispute in writing the allegations set forth in such Complaint; and good cause appearing therefor,

NOW, THEREFORE, IT IS HEREBY ORDERED that Idaho Resident Insurance Producer License No. 376107 and Idaho Resident Bail Agent License No. 384560 issued to JOHN K. BAIRD is HEREBY REVOKED.

IT IS FURTHER ORDERED that JOHN K. BAIRD shall immediately return Idaho Resident Insurance Producer License No. 376107 and Idaho Resident Bail Agent License No. 384560 to the Idaho Department of Insurance at P.O. Box 83720, Boise, Idaho 83720-0043.

IT IS SO ORDERED.

DATED this 15TH day of January, 2013.

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 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 the Respondent holds an insurance license.

NOTIFICATION OF RIGHTS

This Order constitutes a final order of the Director. Any party may file 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 15th day of January, 2013, I caused a true and correct copy of the foregoing ORDER OF DEFAULT REVOKING IDAHO RESIDENT INSURANCE PRODUCER LICENSE AND IDAHO RESIDENT BAIL AGENT LICENSE to be served upon the following by the designated means:

John K. Baird
7079 E. Panorama Drive
Idaho Falls, ID 83401-5826

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

American Family Life Assurance
Company of Columbus
1932 Wynnton Road
Columbus, GA 31999-0001

- ☒ first class mail
- ☐ certified mail
- ☐ hand delivery



Teresa Jones

LAWRENCE G. WASDEN
Attorney General

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Department of Insurance
State of Idaho

Attorneys for Department of Insurance

**BEFORE THE DIRECTOR OF THE DEPARTMENT OF INSURANCE
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STATE OF IDAHO, DEPARTMENT OF
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vs.

JOHN K. BAIRD, an Idaho resident holding
Idaho Resident Insurance Producer License
No. 376107 and Idaho Resident Bail Agent
License No. 384560,

Respondent.

Docket No. 18-2823-12

**COMPLAINT FOR REVOCATION
OF IDAHO RESIDENT INSURANCE
PRODUCER LICENSE AND IDAHO
RESIDENT BAIL AGENT LICENSE**

COMES NOW the State of Idaho, Department of Insurance (Department), by and through its counsel, A. René Martin, Deputy Attorney General, to complain and allege as follows:

1. This administrative proceeding is brought under the provisions of the Idaho Insurance Code, Idaho Code § 41-101 *et seq.*, including Idaho Code § 41-1016(1), which authorizes the Department to initiate a contested case against an Idaho-licensed insurance

producer or bail agent, seeking revocation of the insurance producer or bail agent's license, as well as the imposition of administrative penalties, if the Director finds, as to the licensee, that any one (1) or more of the causes or violations enumerated in subsections (1)(a) through -(n) of that section exist.

RESPONDENT

2. JOHN K. BAIRD (the Respondent) is a resident of the state of Idaho and is an Idaho-licensed insurance producer, currently holding Idaho Resident Insurance Producer License No. 376107. Such license was issued on April 21, 2011, and authorizes the Respondent to transact life and disability (health) insurance in Idaho.

3. The Respondent is also an Idaho-licensed bail agent, currently holding Idaho Resident Bail Agent License No. 384560. Such license was issued on August 8, 2011, and was placed on inactive status on October 22, 2012, due to cancellation of the Respondent's surety performance bond.

FACTUAL ALLEGATIONS

4. On or about October 1, 2012, the Respondent pled guilty to one count of fraudulently presenting a false claim for services or supplies, a felony, and to one count of grand theft, a felony, in the Seventh Judicial District of the State of Idaho, County of Bonneville, in Case No. CR-2012-0006881-FE.

COUNT ONE:

BEING CONVICTED OF OR PLEADING GUILTY TO ANY FELONY

5. Paragraphs 1 through 4 above are incorporated fully herein by this reference.

6. Idaho Code § 41-1016(1)(f) provides that the Director of the Department of Insurance (Director) may revoke the Idaho license of a licensee who is convicted of or pleads guilty to any felony.

7. The Respondent's entry of a plea of guilty to two felonies, as referenced in paragraph 4 above, constitutes two separate causes for revocation of the Respondent's Idaho resident insurance producer license and Idaho resident bail agent license, pursuant to Idaho Code § 41-1016(1)(f).

*COUNT TWO:
USING FRAUDULENT, COERCIVE OR DISHONEST PRACTICES*

8. Paragraphs 1 through 4 above are incorporated herein by this reference.

9. Idaho Code § 41-1016(1)(h) provides that the Director may revoke a license issued under Chapter 10 of the Idaho Insurance Code if the licensee has used fraudulent, coercive or dishonest practices, or has demonstrated incompetence, untrustworthiness or financial irresponsibility, or has been a source of injury and loss to the public or others, in the conduct of business in this state or elsewhere.

10. The Respondent's entry of a plea of guilty to the two felony crimes, as referenced in paragraph 4 above, shows that the Respondent has used fraudulent, dishonest practices, has demonstrated untrustworthiness, and has been a source of injury and loss to the public or others in the conduct of business, and constitutes cause for revocation of both the Respondent's Idaho resident insurance producer license and Idaho resident bail agent license, pursuant to Idaho Code § 41-1016(1)(h).

REQUEST FOR RELIEF

11. Based on the foregoing, and pursuant to Idaho Code § 41-1016(1)(f) and –(h), the Department prays that the Director enter an order revoking Idaho Resident Insurance Producer License No. 376107 and Idaho Resident Bail Agent License No. 384560 held by the Respondent.

NOTICE OF RIGHT TO A HEARING

THE RESPONDENT IS HEREBY NOTIFIED, pursuant to Idaho Code § 41-232A(2), that a written request for a hearing must be filed and served upon the Department within twenty-one (21) days after service of this Complaint. Failure to file and serve a written request for a hearing upon the Department within the twenty-one (21) day time period shall be deemed a waiver of the opportunity for a hearing and to contest the allegations in the Complaint, pursuant to Idaho Code § 41-232A(2).

Any written request for a hearing shall be served on the Director of the Idaho Department of Insurance, addressed as follows:


William W. Deal, Director
Idaho Department of Insurance
P.O. Box 83720
Boise, ID 83720-0043

A copy of the written request for a hearing shall also be provided to the Department's counsel in this matter, A. René Martin, Deputy Attorney General, at the following address:

A. René Martin
Deputy Attorney General
Idaho Department of Insurance
P.O. Box 83720
Boise, ID 83720-0043

DATED this 17th day of December, 2012.

STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL


A. RENÉ MARTIN
Deputy Attorney General

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on this 17th day of December, 2012, I caused a true and correct copy of the foregoing COMPLAINT FOR REVOCATION OF IDAHO RESIDENT INSURANCE PRODUCER LICENSE AND IDAHO RESIDENT BAIL AGENT LICENSE to be served upon the following by the designated means:

John K. Baird
7079 E. Panorama Drive
Idaho Falls, ID 83401-5826

☒ first class mail
☒ certified mail
☐ hand delivery

American Family Life Assurance
Company of Columbus
1932 Wynnton Road
Columbus, GA 31999-0001

☒ first class mail
☐ certified mail
☐ hand delivery



Paralegal