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**FILED**  
**FEB 04 2013**  
Department of Insurance  
State of Idaho

*Attorneys for Department of Insurance*

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

STATE OF IDAHO, DEPARTMENT OF  
INSURANCE,

Complainant,

vs.

JEFFREY DOUGLAS PENTA, an Idaho non-  
resident insurance producer holding Idaho  
Non-resident Producer License No. 373097,

Respondent.

Docket No. 18-2838-12

**ORDER OF DEFAULT REVOKING  
IDAHO NON-RESIDENT PRODUCER  
LICENSE**

The Director of the Idaho Department of Insurance (Director), having reviewed the record on file herein; and it appearing therefrom that JEFFREY DOUGLAS PENTA, the Respondent herein, has been duly served with a copy of the “Complaint for Revocation of Idaho Non-resident Producer License” (Complaint) filed on January 4, 2013, 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 Non-resident Producer License No. 373097 issued to JEFFREY DOUGLAS PENTA is HEREBY REVOKED.

IT IS FURTHER ORDERED that JEFFREY DOUGLAS PENTA shall immediately return Idaho Non-resident Producer License No. 373097 to the Idaho Department of Insurance at P.O. Box 83720, Boise, Idaho 83720-0043.

**IT IS SO ORDERED.**

DATED this 4<sup>th</sup> day of February, 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

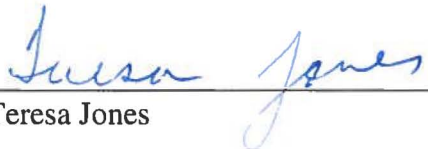
I HEREBY CERTIFY that, on this 4th day of February, 2013, I caused a true and correct copy of the foregoing ORDER OF DEFAULT REVOKING IDAHO NON-RESIDENT PRODUCER LICENSE to be served upon the following by the designated means:

Jeffrey Douglas Penta  
44 Judith Lane, Apt. 4  
Waltham, MA 02452-7243

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

A. Rene Martin  
Deputy Attorney General  
Idaho Department of Insurance  
700 W. State Street  
P.O. Box 83720  
Boise, ID 83720-0043

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

  
Teresa Jones

LAWRENCE G. WASDEN  
Attorney General

A. RENÉ MARTIN – I.S.B. #3188  
Deputy Attorney General  
State of Idaho  
Department of Insurance  
P.O. Box 83720  
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FILED

JAN 04 2013

Department of Insurance  
State of Idaho

*Attorneys for Department of Insurance*

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

STATE OF IDAHO, DEPARTMENT OF  
INSURANCE,

Complainant,

vs.

JEFFREY DOUGLAS PENTA, an Idaho non-  
resident insurance producer holding Idaho  
Non-resident Producer License No. 373097,

Respondent.

Docket No. 18-2838-12

**COMPLAINT FOR REVOCATION  
OF IDAHO NON-RESIDENT  
PRODUCER 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, which authorizes the Department to initiate a contested case against an Idaho-licensed insurance producer, seeking revocation of the insurance producer'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. JEFFREY DOUGLAS PENTA (the Respondent) is a resident of the state of Massachusetts and is an Idaho-licensed insurance producer, currently holding Idaho Non-resident Producer License No. 373097. Such license was issued on March 16, 2011, and authorizes the Respondent to transact property and casualty insurance in Idaho.

### **FACTUAL ALLEGATIONS**

3. On or about September 18, 2012, the Department received notification from NRT Insurance Agency, Inc. (NRT), by letter dated September 17, 2012, of the results of an internal investigation conducted by NRT regarding alleged misappropriation of insurance premium by the Respondent while an employee of NRT.

4. As a result of the Department's receipt of the notification referenced in paragraph 3 above, Department licensing staff conducted an inquiry into the status of the Respondent's licensure in other states where he had maintained a producer license. Such inquiry resulted in the discovery of the information set forth in paragraph 5 below.

5. On or about October 31, 2012, the Commissioner of Insurance of the State of Kansas entered a Summary Order, in Docket No. 4517--SO, summarily revoking the Respondent's Kansas non-resident insurance agent's license, based in part on findings that the Respondent had misappropriated or converted money received in the course of doing insurance business while employed as a licensed insurance producer by NRT. Such findings were entered by default, as the Respondent had failed to appear and defend against such allegations. Such Summary Order became effective November 19, 2012.

6. The Respondent failed to report to the Department the entry of the Kansas Summary Order referenced in paragraph 5 above within thirty (30) days of the entry of such order.

**COUNT ONE: REVOCATION OF THE RESPONDENT'S  
PRODUCER LICENSE IN ANOTHER STATE**

7. Paragraphs 1 through 6 above are incorporated fully herein by this reference.

8. Idaho Code § 41-1016(1)(i) provides that the Director of the Department of Insurance (Director) may revoke the Idaho license of an insurance producer whose insurance license is denied, suspended, or revoked in any other state.

9. The revocation of the Respondent's insurance producer license in Kansas, as referenced in paragraph 5 above, constitutes cause for revocation of the Respondent's Idaho non-resident insurance producer license, pursuant to Idaho Code § 41-1016(1)(i).

**COUNT TWO: FAILURE TO REPORT AN ADMINISTRATIVE ACTION  
TAKEN IN ANOTHER JURISDICTION**

10. Paragraphs 1 through 6 above are incorporated herein by this reference.

11. 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 order described in paragraph 5 above is an administrative action required to be reported by the Respondent to the Department within thirty (30) days of the final disposition. The Respondent failed to report the administrative action described in paragraph 5 above as required by Idaho Code § 41-1021(1).

12. Idaho Code § 41-1016(1)(b) permits the Director of the Department to revoke the license of a producer who violates any provision of title 41, Idaho Code. The Respondent's failure to report the administrative action taken against his insurance license in Kansas, as

referenced above, constitutes a violation of Idaho Code § 41-1021(1), authorizing the Director to revoke the Respondent's Idaho non-resident insurance producer license, pursuant to Idaho Code § 41-1016(1)(b).

### **REQUEST FOR RELIEF**

13. Based on the foregoing, and pursuant to Idaho Code § 41-1016(1)(b) and -(i), and Idaho Code § 41-1021(1), the Department prays that the Director enter an order revoking Idaho Non-resident Producer License No. 373097 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 4<sup>th</sup> day of January, 2013.

STATE OF IDAHO  
OFFICE OF THE ATTORNEY GENERAL

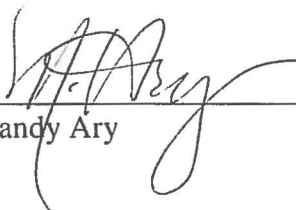
  
A. RENÉ MARTIN  
Deputy Attorney General

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that, on this 4<sup>th</sup> day of January, 2013, I caused a true and correct copy of the foregoing COMPLAINT FOR REVOCATION OF IDAHO NON-RESIDENT PRODUCER LICENSE to be served upon the following by the designated means:

Jeffrey Douglas Penta  
44 Judith Lane, Apt. 4  
Waltham, MA 02452-7243

☒ first class mail  
☒ certified mail  
☐ hand delivery

  
Mandy Ary