

LAWRENCE G. WASDEN
Attorney General

BRANDON KARPEN, ISB No. 7956
Deputy Attorney General
State of Idaho
Department of Insurance
700 W. State Street, 3rd Floor
P.O. Box 83720
Boise, Idaho 83720-0043
Telephone: (208) 334-4204
Facsimile: (208) 334-4298
brandon.karpen@doi.idaho.gov

FILED 
FEB 09 2015
Department of Insurance
State of Idaho

Attorneys for the Department of Insurance

BEFORE THE DIRECTOR OF THE DEPARTMENT OF INSURANCE
STATE OF IDAHO

STATE OF IDAHO, DEPARTMENT OF
INSURANCE,

Complainant,

vs.

RODRIGO DIAZ, Non-Resident Producer
License No. 431658,

Respondent.

Docket No. 18-3001-14

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

The Director of the Idaho Department of Insurance (Director) has reviewed the record in the above-captioned case. Respondent Rodrigo Diaz has been lawfully served the Verified Complaint and Notice of Right to Hearing, a copy of which is attached hereto as Exhibit A. As evidenced from the Affidavit of Brandon Karpen, Diaz has failed to file an answer to the Verified Complaint and has failed to request a hearing. Accordingly, having found that Diaz has waived his rights regarding the opportunity for hearing,

IT IS HEREBY ORDERED that Non-Resident Producer License No. 431658 issued to

Rodrigo Diaz is hereby REVOKED. Diaz shall immediately return Non-Resident Producer License No. 431658 to the Idaho Department of Insurance, P.O. Box 83720, Boise, Idaho 83720-0043.

IT IS SO ORDERED.

DATED: February 9, 2015.

STATE OF IDAHO
DEPARTMENT OF INSURANCE


THOMAS A. DONOVAN
Acting Director

NOTIFICATION REGARDING REPORTABLE PROCEEDINGS

This 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 of which you are actively appointed. This information will be reported to the National Association of Insurance Commissioners (NAIC) and will appear in the Idaho Department of Insurance's online searchable database. Be aware that this proceeding must be disclosed on any license application and must be reported to any and all states in which you hold an insurance license.

NOTIFICATION OF RIGHTS

This constitutes a final order of the agency. Any party may file a motion for reconsideration of this final order within fourteen (14) days of the service date of this order. The agency 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 to the district court does not itself stay the effectiveness or enforcement of the order under appeal.

CERTIFICATE OF SERVICE

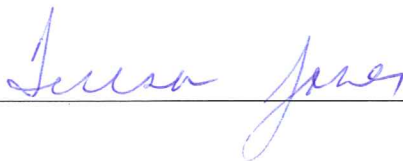
I HEREBY CERTIFY that I have, on this 9th day of February, 2015, caused a true and correct copy of the foregoing ORDER OF DEFAULT REVOKING NON-RESIDENT PRODUCER LICENSE to be served upon the following by the designated means:

Rodrigo Diaz
1463 Frio Run
San Antonio, TX 78245-9585

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

Brandon Karpen
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



LAWRENCE G. WASDEN
Attorney General

BRANDON KARPEN, ISB No. 7956
Deputy Attorney General
State of Idaho
Department of Insurance
700 W. State Street, 3rd Floor
P.O. Box 83720
Boise, Idaho 83720-0043
Telephone: (208) 334-4204
Facsimile: (208) 334-4298
brandon.karpen@doi.idaho.gov

Attorneys for the Department of Insurance

FILED

JAN 08 2015 *WMA*

Department of Insurance
State of Idaho

BEFORE THE DIRECTOR OF THE DEPARTMENT OF INSURANCE

STATE OF IDAHO

STATE OF IDAHO, DEPARTMENT OF
INSURANCE,

Complainant,

vs.

RODRIGO DIAZ, Non-Resident Producer
License No. 431658,

Respondent.

Docket No. 18-3001-14

**VERIFIED COMPLAINT AND
NOTICE OF RIGHT TO HEARING**

The Idaho Department of Insurance ("Department") complains and allege as follows:

JURISDICTION

1. Jurisdiction in this matter is founded in the Idaho Insurance Code, Idaho Code § 41-101 *et seq.*, including Idaho Code § 41-210, which authorizes the Director of the Department of Insurance ("Director") to enforce the provisions of title 41 of the Idaho Code, including those governing Diaz's activities as an insurance producer.

EXHIBIT

A

2. Jurisdiction is further founded in Idaho Code § 41-213, which authorizes the Department to institute such proceedings as deemed necessary for the enforcement of any provision of the Idaho insurance code, including but not limited to license revocation and the imposition of administrative penalties.

3. This pleading also serves as notice to Diaz of his right to contest the allegations, the requested relief, and of his right to hearing.

CONTROLLING LAW

4. This action is brought pursuant to Idaho Code § 41-1016(1), which defines the causes and violations that can lead to the imposition of administrative penalties, and suspension, revocation, or refusal to issue an insurance license.

5. Idaho Code § 41-1016(1)(d) prohibits “[i]mproperly withholding, misappropriating or converting any moneys or properties received in the course of doing insurance business;”

6. Idaho Code § 41-1016(1)(g) gives cause for the imposition of a penalty and action against an insurance license for “[a]dmitting or being found to have committed any insurance unfair trade practice or fraud;”

7. Idaho Code § 41-1016(1)(h) prohibits a producer from “[u]sing fraudulent, coercive or dishonest practices, or demonstrating incompetence, untrustworthiness or financial irresponsibility, or being a source of injury and loss to the public or others, in the conduct of business in this state or elsewhere;”

8. Idaho Code § 41-1016(1)(i) gives cause for the imposition of a penalty and action against an insurance license for “[h]aving an insurance license denied, suspended or revoked in any other state, province, district or territory.”

9. This action is also brought pursuant to Idaho Code § 41-1021, which states, “[a] producer shall report to the director any administrative action taken against the producer in another jurisdiction or by another governmental agency within thirty (30) days of the final disposition of the matter. This report shall include a copy of the order, consent order or other relevant legal documents.” Failure to comply with § 41-1021 is cause for the imposition of a penalty or action against an insurance license under Idaho Code § 41-1016(1)(b), which prohibits the “[violation of] any provision of title 41, Idaho Code, department rule, subpoena or order of the director or of another state’s insurance director.”

RESPONDENT

10. Rodrigo Diaz is a Texas-licensed insurance producer, currently holding Idaho Non-resident Insurance Producer License No. 431658. The license was issued on November 23, 2012, and expires May 31, 2015.

11. Department records reflect that Diaz is licensed in Arizona, Delaware, Florida, Maryland, Michigan, Montana, North Dakota, Nebraska, Nevada, New York, Oregon, Pennsylvania, South Carolina, Tennessee, Virginia, Vermont, Wisconsin, West Virginia, and Wyoming.

12. Department records further reflect that Diaz has had insurance licenses revoked in California, Georgia, Iowa, Kansas, Kentucky, and Maine.

13. As an authorized non-resident producer, Diaz falls within the jurisdiction of the Director and title 41 of the Idaho Code.

FACTUAL ALLEGATIONS

14. On May 6, 2014, Nationwide Insurance notified the Department that Diaz’s appointment with their company was terminated “for cause.”

15. On June 4, 2014, legal counsel for Nationwide informed the Department that Diaz's appointment with the company was terminated because it was discovered, and Diaz admitted, that he stole money from one of his insurance clients.

16. According to Nationwide, on March 7, 2014, a Pennsylvania Nationwide customer called the Nationwide service center in San Antonio, Texas, to purchase insurance. The call was routed to Diaz, who collected her payment information, including her credit card number.

17. On March 14, 2014, the Pennsylvania customer contacted Nationwide complaining that Diaz made two unauthorized charges on her credit card totaling \$1,100.

18. Diaz admitted to Nationwide management to making the purchases with the customer's credit card for personal items.

19. Nationwide terminated Diaz's employment for cause on April 2, 2014.

20. On August 1, 2014, the Georgia Department of Insurance revoked Diaz's non-resident insurance license.

21. On August 11, 2014, the Kansas Department of Insurance revoked Diaz's non-resident insurance license.

22. On August 21, 2014, the Iowa Department of Insurance cancelled Diaz's non-resident insurance license.

23. On September 19, 2014, the Maine Department of Insurance revoked Diaz's non-resident insurance license.

24. On November 13, 2014, the Kentucky Department of Insurance revoked Diaz's non-resident insurance license.

25. On December 17, 2014, the California Department of Insurance revoked Diaz's non-resident insurance license.

26. To date, Diaz has not reported the any of the revocations to the Department.

COUNT ONE: VIOLATION OF IDAHO CODE § 41-1016(1)(d)

27. Paragraphs 10-26 are re-alleged as if set forth in full.

28. Idaho Code § 41-1016(1)(d) permits the Department to seek an order that revokes the license of any producer for "[i]mproperly withholding, misappropriating or converting any moneys or properties received in the course of doing insurance business."

29. Diaz accessed the Pennsylvania customer's credit card number in the course of doing insurance business.

30. Diaz improperly converted the Pennsylvania customer's moneys by using her credit card to make personal purchases.

31. Diaz's actions violate Idaho Code § 41-1016(1)(d).

32. As a result of the violation of Idaho Code § 41-1016(1)(d), the Department has cause and is entitled to an order that revokes Diaz's non-resident license.

COUNT TWO: VIOLATION OF IDAHO CODE § 41-1016(1)(g)

33. Paragraphs 10-32 are re-alleged as if set forth in full.

34. Idaho Code § 41-1016(1)(g) permits the Department to seek an order that revokes the license of any producer for "[a]dmitting or being found to have committed any insurance unfair trade practice or fraud."

35. On March 7, 2014, Diaz stole the Pennsylvania customer's credit card number while claiming to be using the information only to pay for a Nationwide insurance policy.

36. On or about April 2, 2014, Diaz admitted to Nationwide human resources consultants that he had used the credit card number to pay for personal purchases totaling \$1,100.

37. Diaz defrauded the Pennsylvania customer by telling her that he was only using her credit card number to purchase an insurance policy.

38. Diaz's actions violate Idaho Code § 41-1016(1)(g).

39. As a result of the violation of Idaho Code § 41-1016(1)(g), the Department has cause and is entitled to an order that revokes Diaz's non-resident license.

COUNT THREE: VIOLATION OF IDAHO CODE § 41-1016(1)(h)

40. Paragraphs 10-39 are re-alleged as if set forth in full.

41. Idaho Code § 41-1016(1)(h) permits the Department to seek an order that revokes the license of any producer who is deemed to have used "fraudulent, coercive or dishonest practices, or demonstrate[d] incompetence, untrustworthiness or financial irresponsibility, or [to have been] a source of injury and loss to the public or others, in the conduct of business in this state or elsewhere."

42. Diaz's fraudulent use of the Pennsylvania customer's credit card number caused her to incur a charge and loss of \$1,100.

43. Diaz's actions violate Idaho Code § 41-1016(1)(h).

44. As a result of the violations of Idaho Code § 41-1016(1)(h), the Department has cause and is entitled to an order that revokes Diaz's non-resident license.

COUNT FOUR: VIOLATION OF IDAHO CODE § 41-1016(1)(i)

45. Paragraphs 10-44 are re-alleged as if set forth in full.

46. Idaho Code § 41-1016(1)(i) permits the Department to seek an order that revokes the license of any producer who has had “an insurance license denied, suspended or revoked in any other state, province, district or territory.”

47. Diaz has had insurance licenses revoked in California, Georgia, Iowa, Kansas, Kentucky, and Maine.

48. As a result of the revocations, the Department has cause and is entitled to an order that revokes Diaz’s non-resident license pursuant to Idaho Code § 41-1016(1)(i).

COUNT FIVE: VIOLATION OF IDAHO CODE § 41-1021(1)

49. Paragraphs 10-48 are re-alleged as if set forth in full.

50. Idaho Code § 41-1016(1)(b) permits the Department to seek an order that suspends or revokes the license of any producer who is deemed to have “violat[ed] any provision of title 41, Idaho Code ...”

51. Idaho Code § 41-1021(1) requires a producer to report to the Department any administrative action taken against the producer by another governmental agency within 30 days of the final disposition of the action.

52. The August 1, 2014, revocation of Diaz’s non-resident insurance license by the Georgia Department of Insurance is a reportable event, pursuant to Idaho Code § 41-1021(1), that Diaz was obligated to report to the Department no later than September 1, 2014.

53. The August 11, 2014, revocation of Diaz’s non-resident insurance license by the Kansas Department of Insurance is a reportable event, pursuant to Idaho Code § 41-1021(1), that Diaz was obligated to report to the Department no later than September 11, 2014.

54. The August 21, 2014, cancelation of Diaz's non-resident insurance license by the Iowa Department of Insurance is a reportable event, pursuant to Idaho Code § 41-1021(1), that Diaz was obligated to report to the Department no later than September 21, 2014.

55. The September 19, 2014, revocation of Diaz's non-resident insurance license by the Maine Department of Insurance is a reportable event, pursuant to Idaho Code § 41-1021(1), that Diaz was obligated to report to the Department no later than October 20, 2014.

56. The November 13, 2014, revocation of Diaz's non-resident insurance license by the Kentucky Department of Insurance is a reportable event, pursuant to Idaho Code § 41-1021(1), that Diaz was obligated to report to the Department no later than December 15, 2014.

57. In violation of Idaho Code § 41-1021(1), Diaz has not reported any of the events to the Department.

58. As a result of the violations of Idaho Code § 41-1021(1), the Department has cause and is entitled to an order that revokes Diaz's non-resident license pursuant to Idaho Code § 41-1016(1)(b).

REQUEST FOR RELIEF

Based upon the foregoing facts and allegations, unless the Department receives a written objection from Diaz, including the basis for the objection and a demand for hearing, within twenty-one (21) days following service of this verified complaint and notice, the Department intends to submit a proposed order to the Director whereby the Director shall revoke Diaz's non-resident insurance producer license.

NOTICE OF RIGHT TO A HEARING

Pursuant to Idaho Code § 41-232A, Diaz has the right to a hearing on this matter. In order to exercise this right, a written request for a hearing must be filed and served upon the Department within 21 days after service of this Complaint. Failure to file and serve a written

request for a hearing upon the Department within the 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 shall also be provided to the Department's counsel in this matter, Brandon Karpen, Deputy Attorney General, at the following address:

Brandon Karpen
Deputy Attorney General
Idaho Department of Insurance
P.O. Box 83720
Boise, ID 83720-0043

In lieu of a hearing, this matter may be resolved by negotiation, stipulation, agreed settlement, or consent order, pursuant to Idaho Code § 67-5241. Should you wish to discuss these options, please contact the undersigned deputy attorney general. If Diaz fails to submit a timely written response to the allegations within 21 days of the service of this complaint, a final order will be entered imposing the relief described above.

DATED this 8th day of January, 2015.

OFFICE OF THE ATTORNEY GENERAL


By: BRANDON KARPEN
Deputy Attorney General
Attorney for the Department of Insurance

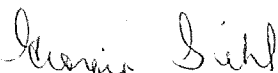
VERIFICATION

STATE OF IDAHO)
 : ss.
County of Ada)

Georgia Siehl, Bureau Chief, Company Activities, for the Department of Insurance, State of Idaho, being first duly sworn, deposes and says:

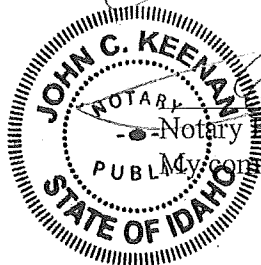
I have read the foregoing Complaint and Notice of Right to Hearing and know the contents thereof, and the same are true to the best of my knowledge and belief and based on the records of the Department.

DATED this 8th day of January, 2015.



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

SUBSCRIBED AND SWORN to before me this 8th day of January, 2015.



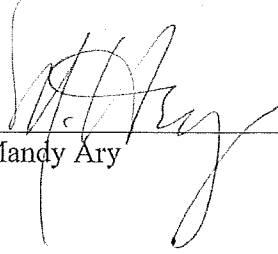
Notary Public for Idaho
My commission expires on 30 Oct 2019

IDAHO CODE § 41-232A CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I have, on this 8th day of January, 2015, ~~December, 2014~~, and in compliance with Idaho Code § 41-232A, caused a true and correct copy of the foregoing VERIFIED COMPLAINT AND NOTICE OF RIGHT TO HEARING to be served upon the following by the designated means:

Rodrigo Diaz
1463 Frio Run
San Antonio, TX 78245-9585

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



Mandy Ary