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FILED
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Department of Insurance
State of Idaho

Attorney for Idaho Department of Insurance

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

In the Matter of:

ANTHONY BRETT HINTON,

Nonresident Surplus Lines Broker License No.
430004 and Nonresident Producer License No.
124963.

Docket No. 18-4019-21

ORDER OF DEFAULT

The Director of the Idaho Department of Insurance (“Director”) having reviewed the record herein; and ANTHONY BRETT HINTON (“HINTON”), having been lawfully served the Verified Complaint and Notice of Right to Hearing, a copy of which is attached hereto as Exhibit A and incorporated herein, and, as evident from the Statement of Counsel of Michael Witry, having failed to file an answer thereto and having failed to request a hearing regarding said Verified Complaint; and the Director having found as a result thereof that HINTON has waived his rights regarding the opportunity for hearing; and in consideration of the above;

IT IS HEREBY ORDERED that Idaho Nonresident Surplus Lines Broker License No. 430004 issued to HINTON is REVOKED effective immediately.

IT IS FURTHER ORDERED that Idaho Nonresident Insurance Producer License No. 124963 issued to HINTON is REVOKED effective immediately.

IT IS FURTHER ORDERED that HINTON shall pay to the Idaho Department of Insurance a fine of \$25 per day commencing April 1, 2021, through the date of entry of this final order.

DATED this 3rd day of January, 2022.

STATE OF IDAHO
DEPARTMENT OF INSURANCE



DEAN L. CAMERON
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 may be reported to other government agencies. Be aware that you may be required to disclose this proceeding on any license application, and you may be required to report this action to any and all states in which you hold a 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. Idaho Code § 67-5274.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 4th day of January, 2022, I caused a true and correct copy of the foregoing ORDER OF DEFAULT to be served upon the following by the designated means:

Anthony Brent Hinton
PetFirst Healthcare, LLC
400 Missouri Avenue, Ste. 105
Jeffersonville, IN 47130-3086

- first class mail
- certified mail
- hand delivery
- facsimile
- email

Anthony Brent Hinton
302 Birdie Court
Simpsonville, KY 40067-6570

- first class mail
- certified mail
- hand delivery
- facsimile
- email

Independence American Insurance Co.
485 Madison Avenue, 14th Floor
New York, NY 10022-5872

- first class mail
- certified mail
- hand delivery
- facsimile
- email

New Hampshire Insurance Company
175 Water Street, Fl. 18
New York, NY 10038-4976

- first class mail
- certified mail
- hand delivery
- facsimile
- email

Michael Witry
Deputy Attorney General
Idaho Department of Insurance
PO Box 83720
Boise, Idaho 83720-0043

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FILED
DEC 01 2021
Department of Insurance
State of Idaho
PM

Attorneys for the Department of Insurance

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

In the Matter of:

ANTHONY BRENT HINTON,

Nonresident Surplus Lines Broker License
No. 430004 and Nonresident Producer
License No. 124963.

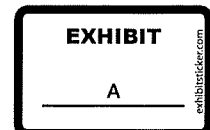
Docket No. 18-4019-21

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

COMES NOW the staff of the Idaho Department of Insurance (the "Department"), by and through its undersigned counsel, and does hereby give notice of verified allegations constituting violation(s) of Idaho law, notice that relief will be requested from the Director of the Department, and a notice of the right to contest the allegations and requested relief herein and right to hearing to:

ANTHONY BRENT HINTON
Nonresident Surplus Lines Broker License No. 430004
Nonresident Producer License No. 124963

The Department alleges the following facts and violations of title 41, Idaho Code, as itemized below. The Department will present an order seeking the relief described below upon



twenty-one (21) days following service of this Verified Complaint, and ANTHONY BRENT HINTON is further notified of his right to object to the requested relief, including the basis for any objection, and to request a hearing in writing.

ALLEGATIONS

The allegations and violations supporting the requested relief are:

1. Idaho Code § 41-210 empowers the Director of the Idaho Department of Insurance (“Director”) to enforce the provisions of title 41, Idaho Code. As such, the Director has jurisdiction over this matter.
2. ANTHONY BRENT HINTON (“HINTON”) is duly authorized by the State of Idaho as a nonresident surplus lines broker and as a nonresident insurance producer. HINTON is therefore subject to title 41, Idaho Code, and to the rules of the Department.
3. HINTON was granted Idaho Nonresident Surplus Lines Broker License No. 430004 (“Surplus Lines License”) on November 5, 2012, pursuant to title 41, chapter 12, Idaho Code.
4. HINTON was granted Idaho Nonresident Insurance Producer License No. 124963 (“Nonresident Producer License”) on July 1, 2005, pursuant to title 41, chapter 10, Idaho Code.
5. “Surplus Line Coverage” is defined as certain insurance products that cannot otherwise be procured from insurers authorized to do business within Idaho, which consequently are allowed to be procured from unauthorized insurers subject to certain conditions delineated in Idaho Code § 41-1214.
6. Surplus lines brokers must file an annual verified report with the Department on or before March 1 of each year, detailing all of the surplus lines insurance transacted by the broker during the preceding year. Idaho Code § 41-1228.

7. Surplus lines brokers must also remit to the Department on or before March 1 of each year, a premium tax equivalent to one and five-tenths percent (1.5%) of the total premiums, less federal and state taxes and examination fees, on surplus line insurance subject to tax transacted by the broker during the preceding calendar year. Idaho Code § 41-1229.

8. In accordance with the foregoing, HINTON was required to submit an annual report and to remit premium tax due, if any, for calendar year 2020 by no later than March 1, 2021. To date, HINTON has neither filed an annual report nor paid premium tax for any surplus lines business transacted in Idaho during calendar year 2020.

FIRST CAUSE OF ACTION
Failure to File an Annual Report

9. All foregoing paragraphs are incorporated herein as if set forth in full.

10. HINTON failed to file an annual report and remit premium tax due, if any, for calendar year 2020 by March 1, 2021, and to date remains delinquent in filing said report, in violation of Idaho Code § 41-1228(1).

11. Pursuant to Idaho Code § 41-1230, a surplus lines broker who fails to file an annual report “shall be liable for a fine of twenty-five dollars (\$25.00) for each day of delinquency commencing with the first day of April” after such report is due.

12. Pursuant to Idaho Code § 41-1224(1)(a), the Director may suspend or revoke any surplus lines broker’s license if the broker fails to file an annual report or to remit tax as required by law.

13. Pursuant to Idaho Code § 41-1224(4), a surplus lines broker whose license has been suspended or revoked shall not again be licensed until any fines or delinquent taxes owed are paid and, in the case of revocation, not until the expiration of one (1) year from the date of final revocation.

14. The Department seeks immediate revocation of HINTON's Surplus Lines License.

15. The Department also seeks imposition against HINTON of a fine of twenty-five dollars (\$25.00) per day, calculated from April 1, 2021, until the sooner of such date as HINTON files the annual report and pays all taxes due, if any, or the date of final revocation of HINTON's Surplus Lines License, in accordance with Idaho Code § 41-1230.

SECOND CAUSE OF ACTION
Simultaneous Revocation of Nonresident Producer License

16. All foregoing paragraphs are incorporated herein as if set forth in full.

17. HINTON holds a Nonresident Producer License issued by the State of Idaho.

18. Pursuant to Idaho Code § 41-1224(3), suspension or revocation of HINTON's Surplus Lines License shall cause the Director to likewise suspend or revoke all other licenses held by HINTON under title 41, Idaho Code, including HINTON's Nonresident Producer License.

19. Pursuant to Idaho Code § 41-1224(4), reinstatement of a suspended or revoked surplus lines broker license cannot occur until any fines or delinquent taxes owed are paid and, in the case of revocation, not until the expiration of one (1) year from the date of final revocation.

20. Therefore, the Department also seeks revocation of HINTON's Nonresident Producer License for a minimum of one (1) year from the date of final revocation or until such time as HINTON would again be eligible for a surplus lines broker license in accordance with Idaho Code § 41-1224(4).

REQUEST FOR RELIEF

Based upon the foregoing facts and allegations, the Department prays for an order from the Director providing relief as follows:

1. Immediate revocation of HINTON's Idaho Nonresident Surplus Lines Broker License No. 430004; and

2. Immediate revocation of HINTON's Idaho Nonresident Insurance Producer License No. 124963; and

3. Imposition of a fine of \$25 per day commencing April 1, 2021, through the earlier of the date that HINTON submits his annual report for calendar year 2020 or entry of the Director's final order herein.

NOTICE OF RIGHT TO OBJECT AND TO REQUEST A HEARING

Based on violations as alleged above, ANTHONY BRENT HINTON, you have the right to a hearing in accordance with Idaho Code § 41-232A(2). In order to effectively object to this notice and prevent an order for the requested relief from being entered, you must, within twenty-one (21) days of the date of issuance of this Verified Complaint, submit a written request for hearing to the Director of the Idaho Department of Insurance, responding to the alleged violations pending against you. You must deliver any written request for hearing by mailing it to the Director, Idaho Department of Insurance, P.O. Box 83720, Boise, Idaho 83720-0043, or personally delivering said written request to the offices of the Department of Insurance at 700 W. State Street, Third Floor, Boise, Idaho, and also providing a copy to the undersigned at the same address.

If you fail to submit a timely written response to the allegations and request for hearing, a final order will be entered imposing the relief described above after twenty-one (21) days from the issuance of this Verified Complaint.

DATED this 15th day of December, 2021.

STATE OF IDAHO
OFFICE OF ATTORNEY GENERAL



By: MICHAEL WITRY
Deputy Attorney General
Attorney for the Department of Insurance

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 18th day of December, 2021, I 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:

Anthony Brent Hinton
PetFirst Healthcare, LLC
400 Missouri Avenue, Ste. 105
Jeffersonville, IN 47130-3086

- first class mail
- certified mail
- hand delivery
- email

Anthony Brent Hinton
302 Birdie Court
Simpsonville, KY 40067-6570
abhinton@petfirst.com

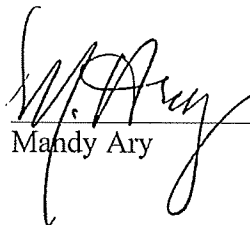
- first class mail
- certified mail
- hand delivery
- email

Independence American Insurance Co.
485 Madison Avenue, 14th Floor
New York, NY 10022-5872

- first class mail
- certified mail
- hand delivery
- email

New Hampshire Insurance Company
175 Water Street, Fl. 18
New York, NY 10038-4976

- first class mail
- certified mail
- hand delivery
- email



Mandy Ary