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FILED

MAY 15 2023

**Department of Insurance
State of Idaho**

BEFORE THE DIRECTOR OF THE DEPARTMENT OF INSURANCE

STATE OF IDAHO

Idaho Department of Insurance,

Complainant,

vs.

Marc L. Miles, an individual holding Idaho
Resident Producer License No. 2577139,

Respondent.

Docket No. 18-4251-23

Stipulation and Final Order

Come now the staff of the Idaho Department of Insurance (“Department”) and Marc L. Miles (“Miles”) and do hereby agree and stipulate as follows:

FINDINGS OF FACT

1. Miles is a licensed insurance producer in the state of Idaho, holding Resident Producer License No. 2577139, which license is due to expire on November 30, 2023. Miles is subject to the provisions of title 41, Idaho Code, and to the rules of the Idaho Department of Insurance promulgated thereunder.

2. The Director of the Department (“Director”) has jurisdiction over Miles and the

subject matter herein pursuant to provisions of Idaho's Producer Licensing Act, Idaho Code §§ 41-1001 *et seq.*, as well as the Idaho Insurance Code, Idaho Code §§ 41-101 *et seq.*

3. On January 26, 2023, the Department filed a Verified Complaint and Notice of Right to Hearing, Docket Number 18-4251-23 (hereinafter "Verified Complaint"), seeking revocation of Miles's producer license and imposition of administrative penalties.

4. Among the allegations in the Verified Complaint were that Miles violated Idaho Code § 41-1016(1)(a), (1)(c), and (1)(h) when he failed to disclose the existence of criminal and administrative cases against him on his application for licensure.

CONCLUSIONS OF LAW

5. Idaho Code § 41-1016(1) provides that the Director of the Department may impose an administrative penalty of up to \$1,000, and suspend, revoke, or refuse to issue an insurance license for certain enumerated violations.

6. Idaho Code § 41-1016(1)(a) gives cause for the imposition of a penalty and action against a producer for "[p]roviding incorrect, misleading, incomplete or materially untrue information in the licensing application."

7. Idaho Code § 41-1016(1)(c) gives cause for the imposition of a penalty and action against a producer for "[o]btaining or attempting to obtain a license through misrepresentation or fraud."

8. Idaho Code § 41-1016(1)(h) gives cause for the imposition of a penalty and action against a producer for "[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.

9. Idaho Code § 41-117 makes clear that each instance of violation may be treated as a separate offense.

10. The parties agree that this matter may be brought to a close by a negotiated and stipulated settlement and entry of this Stipulation and Final Order.

AGREEMENT

11. Based upon the foregoing, Miles and the Department stipulate and agree as follows:

- a. Miles admits to four violations of Idaho Code § 41-1016(1)(a), four violations of Idaho Code § 41-1016(1)(c), and four violations of Idaho Code § 41-1016(1)(h).
- b. As sanction for the violations referenced above, Miles and the Department agree to the penalties set forth below and agree that the Director may enter the Final Order attached hereto, which provides as follows:
 - i. That the Stipulation be adopted in full and incorporated into the Final Order;
 - ii. That Miles's Idaho Resident Producer License No. 2577139 shall be revoked immediately upon the issuance of the Final Order;
 - iii. That Miles shall not re-apply for an Idaho Resident Producer License before the expiration of five years after the revocation of Miles's Idaho Resident Producer License No. 2577139;
 - iv. That Miles shall pay an administrative penalty of nine thousand dollars (\$9,000);
 - v. That seven thousand dollars (\$7,000) of the administrative penalty described above is suspended, to become payable in the event Miles submits to the Department a new application for any Idaho license provided for and authorized under title 41, Idaho Code;
 - vi. That the remaining two thousand dollars (\$2,000) of the administrative penalty shall be payable within ninety (90) days of

the date of the Final Order.

- c. Miles further expressly agrees that, in the event he submits to the Department an application for any Idaho license provided for and authorized under title 41, Idaho Code, the Department may consider the facts and allegations in the Verified Complaint in this action as true for the limited purpose of evaluating Miles's character and fitness for licensure.

12. By entering into this Stipulation, Miles knowingly and voluntarily waives any rights he would otherwise have to notice and a hearing at which he may be represented by counsel, present evidence, and examine witnesses. The parties hereto further waive their right of reconsideration, appeal, and other rights as set forth in title 67, chapter 52, Idaho Code, including the right to submit this matter for review by a court of competent jurisdiction.

13. The parties agree that the terms of this Stipulation and Final Order are appropriate and proper under the circumstances referenced herein.

14. Miles acknowledges that he has read this Stipulation and Final Order and understands its contents; that he has been given the opportunity to discuss this Stipulation and Final Order with independent legal counsel of his choosing; and that he has entered into this Stipulation knowingly, voluntarily, and with full knowledge of any rights he may be waiving thereby.

15. Miles acknowledges that this is an administrative action that may be required to be reported on license applications and license renewal forms and disclosed to other agencies through which Miles holds a license.

16. This Stipulation is subject to approval by the Director or the Director's designee, and shall become effective and binding upon the Department and Miles upon such approval. Should the Director decline to approve this Stipulation and Final Order, the Department and Miles

shall retain all of their rights, claims and/or defenses, and any factual and/or legal admissions made by Miles herein shall be withdrawn.

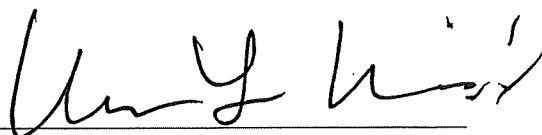
17. This Stipulation constitutes the full and final resolution of all matters addressed herein, and the Department agrees that, subject to the Director's approval described above, the Department shall seek no further civil or administrative sanctions for the violations alleged in the Verified Complaint, subject to the agreement set forth in Paragraph 11 above.

18. Miles agrees that, upon execution of this Stipulation and Final Order, no subsequent action or assertion shall be maintained or pursued in any manner asserting the invalidity of this Stipulation and Final Order and its provisions.

19. This Stipulation and Final Order embodies the entire agreement between the Department and Miles, and there are no agreements, understandings, representations, or warranties that are not expressly set forth herein.


20. Upon the Director's entry of the Final Order approving this stipulation, this Stipulation and Final Order shall be a public record under the Idaho Public Records Act.

AGREED this 1st day of May, 2023.

By: 
Marc L. Miles

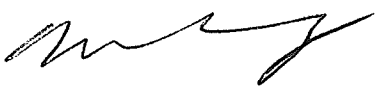
AGREED this 12th day of May, 2023.

STATE OF IDAHO
DEPARTMENT OF INSURANCE

By: 
RANDALL M. PIPAL
Bureau Chief, Consumer Services

Approved as to Form:

STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL

By: 
Michael Witry
Deputy Attorney General
Attorney for the Department of Insurance

FINAL ORDER

The parties hereto, namely the Idaho Department of Insurance and Marc L. Miles ("Miles") having entered into the foregoing Stipulation, and the form of the order having been approved, the Director, having reviewed the same, does hereby find that there is a factual basis for entry of a Final Order herein and does hereby conclude that Miles did violate title 41, Idaho Code, as stated in the Stipulation.

NOW, THEREFORE, based on the foregoing and in consideration of the premises,

IT IS HEREBY ORDERED that the foregoing Stipulation is approved and is incorporated herein as if set forth in full and made a part hereof;

IT IS FURTHER ORDERED that Idaho Resident Insurance Producer License No. 2577139 issued to Miles is hereby REVOKED effective immediately;

IT IS FURTHER ORDERED that Miles shall not re-apply for an Idaho Resident Producer License before the expiration of five years after the date of the Final Order;

IT IS FURTHER ORDERED that Miles is assessed an administrative penalty of nine thousand dollars (\$9,000);

IT IS FURTHER ORDERED that seven thousand dollars (\$7,000) of the administrative penalty is suspended until such time as Miles applies for any Idaho license provided for and authorized under title 41, Idaho Code;

IT IS FURTHER ORDERED that the remaining two thousand dollars (\$2,000) of the administrative penalty is payable within ninety (90) days of the date of this Final Order.

DATED this 12th day of May, 2023.

STATE OF IDAHO
DEPARTMENT OF INSURANCE

A handwritten signature in black ink, appearing to read "Dean L. Cameron", written over a horizontal line.

DEAN L. CAMERON
Director

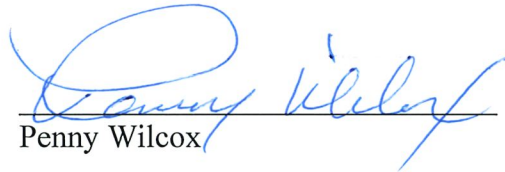
NOTICE REGARDING REPORTABLE PROCEEDINGS

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 for which you are 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. You 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 you hold an insurance license.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 15th day of May, 2023, I caused a true and correct copy of the STIPULATION AND FINAL ORDER to be served upon the following parties by the method(s) indicated below:

Marc L. Miles 5120 W Frenchglen Dr Eagle, ID 83616	<input checked="" type="checkbox"/> First Class Mail <input type="checkbox"/> Certified Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Facsimile <input checked="" type="checkbox"/> Email: mmiles321@outlook.com
Michael Witry Deputy Attorney General Idaho Department of Insurance 700 W. State St., 3 rd Floor Boise, ID 83720-0043 <i>Counsel for the Department of Insurance</i>	<input type="checkbox"/> First Class Mail <input type="checkbox"/> Certified Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Facsimile <input checked="" type="checkbox"/> Email: michael.witry@doi.idaho.gov


Penny Wilcox