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**Department of Insurance
State of Idaho**

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Attorneys for Idaho Department of Insurance

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

IDAHO DEPARTMENT OF INSURANCE,

Complainant,

vs.

KIMBERLY L. WALLER, an individual
holding Idaho Non-Resident Producer and
Surplus Lines Broker License NPN 1326154,

Respondent.

Docket No. 18-4328-23

STIPULATION AND FINAL ORDER

Complainant, the Idaho Department of Insurance ("Department"), by and through its undersigned counsel, Deputy Attorney General Michael Witry, and Respondent, Kimberly L. Waller, ("Respondent"), agree to the terms and conditions set forth herein and pursuant to the following *Stipulation and Final Order* ("Stipulation") agree to the following:

FINDINGS OF FACT

1. Respondent was a Illinois resident who was registered with the Department and

held Idaho Non-Resident Insurance Producer License issued on June 29, 2004, and Idaho Non-Resident Surplus Lines Broker License issued on June 29, 2004, NPN 1326154, both expiring August 30, 2022.

2. The Director of the Department ("Director") has jurisdiction in the state of Idaho over matters involving insurance regulation and licensing in accordance with title 41, Idaho Code.

3. This administrative proceeding is brought under the provisions of Idaho Insurance Code, Idaho Code § 41-101 *et seq.*, and Idaho Code §§ 41-210 and 41-213, which authorizes the Director to enforce the provisions of title 41 of the Idaho Code, including those governing Respondent's activities as an insurance producer and surplus lines broker doing business in the state of Idaho, including, but not limited to, license revocation and the imposition of administrative penalties.

4. On October 26, 2023, the Department filed and served a *Verified Complaint and Notice of Right to Hearing* ("Complaint") on and against Respondent, seeking the revocation of Respondent's Idaho nonresident producer license and Idaho nonresident surplus lines broker license and the imposition of administrative fines.

5. The Department alleges in the Complaint, and Respondent agrees, that she failed to file her annual report of surplus lines business or remit the taxes as required by law to the Department for the year 2022.

CONCLUSIONS OF LAW

6. Idaho Code § 41-1016(5) provides that the Director shall retain the authority to enforce the provisions of and impose any penalty or remedy authorized by title 41, Idaho Code, against any person who is under investigation for or charged with a violation of title 41, Idaho Code or department rule, even if the person's license or registration has been surrendered or has

lapsed by operation of law.

7. Idaho Code § 41-1223(4) provides that Respondent's surplus lines license is subject to the applicable provisions of chapter 10, title 41, Idaho Code (Producer licensing).

8. Idaho Administrative Code ("IDAPA") 18.06.06.012 provides that each broker will file an annual report with the Director by March 1st of each year, of surplus line business transacted during the previous calendar year on an approved form.

9. Idaho Code § 41-1230 provides that if any broker fails to file his/her annual report prior to the first day of April after the tax is due, the broker shall be liable for a fine of twenty-five dollars (\$25.00) for each day of delinquency commencing with the second day of April.

STIPULATION

10. Based on the foregoing, the Department and Respondent agree that this matter will be resolved by stipulation upon the parties agreement to the following terms and conditions:

- a. Respondent admits that she did not file her annual report of surplus lines business or remit taxes as required by law to the Department by March 1, 2023;
- b. Respondent certifies that she did not conduct any surplus lines business in Idaho in 2022 or in 2023;
- c. Respondent voluntarily surrenders Idaho Non-Resident Producer License No. 1326154 and Idaho Non-Resident Surplus Lines Broker License No. 1326154, effective August 30, 2022;
- d. Respondent is fined in the amount of \$25.00 for each day between April 2, 2023, and the date of the Order, pursuant to Idaho Code § 41-1230; and
- e. The entire amount of the fine is suspended, to be paid upon Respondent's application for a license of any kind with the Department. No Idaho licensing

application will be considered until this fine is paid in full.

11. Respondent acknowledges that this is an administrative action against her license and will be reported to NAIC. Respondent may be required to report or disclose this action to other agencies through which Respondent holds a license;

12. In the event that Respondent fails to comply with any of the terms and conditions of this Stipulation and Final Order, the imposed fine shall be due and payable immediately to the Department upon request. Any violation of this Stipulation and Final order shall be a violation of Idaho Code § 41-1016(b) and the Department may elect to proceed with adjudication of this action accordingly.

13. This Stipulation is subject to approval by the Director or the Director's designee, and shall become effective and binding upon the execution by all parties and the entry of the final order. Should the Director decline to approve this Stipulation, the Department and Respondent shall retain all of their rights, claims and/or defenses, and any factual and/or legal admissions made by Respondent herein shall be withdrawn.

14. By entering into this Stipulation, Respondent knowingly and voluntarily waives any rights to a hearing on the alleged violation(s) in the Complaint and the 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.

15. This Stipulation constitutes the entire agreement between the parties and there are no valid or binding agreements, understandings, representations, or warranties that are not expressly set forth herein.

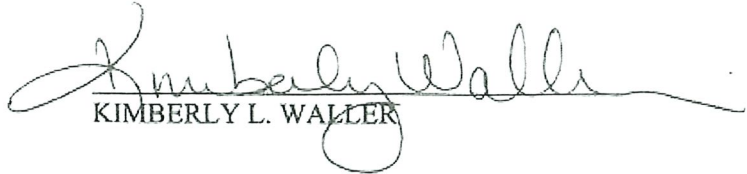
16. Respondent agrees that, upon execution of this Stipulation and Final Order, no subsequent action or assertion shall be maintained or pursued in any manner asserting the

invalidity of this Stipulation and Final Order and its provisions.

17. Upon entry of the final order, this *Stipulation and Final Order* shall become public record and subject to disclosure under the Idaho Public Records Act.

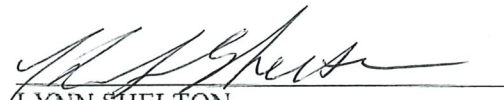
AGREED this 28 day of December, 2023.

1.


KIMBERLY L. WALLER

AGREED this _____ day of _____, 2023.

STATE OF IDAHO
DEPARTMENT OF INSURANCE


LYNN SHELTON
Fiscal Officer - Premium Tax Specialist
12/28/23


Approved as to Form:

STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL


Michael Witry
Deputy Attorney General
Attorney for the Department of Insurance

FINAL ORDER

The parties hereto, namely the Idaho Department of Insurance and KIMBERLY L. WALLER ("Respondent") 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 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 Non-Resident Producer License No. 1326154 and Idaho Non-Resident Surplus Lines Broker License No. 1326154 issued to Respondent are hereby SURRENDERED effective August 30, 2022;

IT IS FURTHER ORDERED that Respondent is fined in the amount of \$25.00 for each day between April 2, 2023, and the date of the Order, pursuant to Idaho Code § 41-1230;

IT IS FURTHER ORDERED that the entire amount of the fine is suspended, to be paid upon Respondent's application for a license of any kind with the Department.

DATED this 9 day of January 2023.

STATE OF IDAHO
DEPARTMENT OF INSURANCE



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 10th day of January, 2024, I caused a true and correct copy of the foregoing STIPULATION AND FINAL ORDER to be served upon the following parties by the designated means:

Kimberly L. Waller 11 Delburne Dr. David, IL 61019-9540	☒ First Class Mail ☐ Certified Mail ☐ Hand Delivery ☐ Facsimile ☒ Email: kwaller2011@hotmail.com
John Keenan Deputy Attorney General Idaho Department of Insurance 700 W. State St., 3 rd Floor PO Box 83720 Boise, ID 83720-0043	☐ First Class Mail ☐ Certified Mail ☐ Hand Delivery ☐ Facsimile ☒ Email: john.keenan@doi.idaho.gov
Michael Witry Deputy Attorney General Idaho Department of Insurance 700 W. State St., 3 rd Floor PO Box 83720 Boise, ID 83720-0043 <i>Counsel for Department of Insurance</i>	☐ First Class Mail ☐ Certified Mail ☐ Hand Delivery ☐ Facsimile ☒ Email: michael.witry@doi.idaho.gov