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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.

Noelle Monique Otersen, an individual
holding Idaho Non-Resident Producer
License No. 18764103,

Respondent.

Docket No. 18-4402-24

Stipulation and Final Order

Come now the staff of the Idaho Department of Insurance (“Department”) and
Noelle Monique Otersen (“Otersen”) and do hereby agree and stipulate as follows:

Findings of Fact

1. Otersen is a licensed insurance producer in the state of Idaho, holding
Non-Resident Producer License No. 18764103, which license is due to expire on
November December 31, 2024. Otersen 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 Otersen 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 July 1, 2024, the Department filed a Verified Complaint and Notice of Right to Hearing, Docket Number 18-4402-24 (hereinafter “Verified Complaint”), seeking revocation of Otersen’s producer license and imposition of administrative penalties.

4. Among the allegations in the Verified Complaint were that Otersen violated Idaho Code § 41-1016(1)(e), (1)(h), and (1)(j) when she submitted an application for insurance to an insurer without the purported applicant’s authorization.

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)(e) gives cause for the imposition of a penalty and action against a producer for “[m]isrepresenting the terms of an actual or proposed insurance contract or application for insurance or misrepresenting any fact material to any insurance transaction or proposed transaction.”

7. 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.”

8. Idaho Code § 41-1016(1)(j) gives cause for the imposition of a penalty and action against a producer for “[f]orging another’s name on an application for insurance or on any document related to an insurance transaction.”

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, Otersen and the Department stipulate and agree as follows:

- a. Otersen admits to one violation of Idaho Code § 41-1016(1)(e), one act of incompetence in violation of Idaho Code § 41-1016(1)(h), and one violation of Idaho Code § 41-1016(1)(j).
- b. As sanction for the violations referenced above, Otersen 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 Otersen’s Idaho Non-Resident Producer License No.

18764103 shall be revoked immediately upon the issuance of the Final Order;

iii. That Otersen shall not re-apply for an Idaho Resident Producer License before the expiration of one year after the revocation of Otersen's Idaho Non-Resident Producer License No. 2577139;

iv. That Otersen shall pay an administrative penalty of one thousand five hundred dollars (\$1,500).

c. Otersen further expressly agrees that, in the event she 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 Otersen's character and fitness for licensure, and that Otersen must petition and show good cause why the prior revocation should not be deemed a bar to the issuance of a new license.

12. By entering into this Stipulation, Otersen knowingly and voluntarily waives any rights she would otherwise have to notice and a hearing at which she 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. Otersen acknowledges that she has read this Stipulation and Final Order and understands its contents; that she has been given the opportunity to discuss this Stipulation and Final Order with independent legal counsel of her choosing; and that she has entered into this Stipulation knowingly, voluntarily, and with full knowledge of any rights she may be waiving thereby.

15. Otersen 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 Otersen 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 Otersen upon such approval. Should the Director decline to approve this Stipulation and Final Order, the Department and Otersen shall retain all of their rights, claims and/or defenses, and any factual and/or legal admissions made by Otersen 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. Otersen 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 Otersen, 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 10th day of September, 2024.

By: 
Noelle Monique Otersen

Approved as to Form:

By: s/ William M. Hugbanks
William Hugbanks
Gordon Rees Scully Mansukhani
Attorney for Respondent

Agreed this 11th day of SEPTEMBER, 2024.

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
Attorneys for the Department of Insurance

Final Order

The parties hereto, namely the Idaho Department of Insurance and Noelle Monique Otersen ("Otersen") 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 Otersen 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 Non-Resident Insurance Producer License No. 18764103 issued to Otersen is hereby *revoked* effective immediately;

It is further ordered that Otersen shall not re-apply for a license with the Department before the expiration of one year after the date of the Final Order;

It is further ordered that Otersen is assessed an administrative penalty of one thousand five hundred dollars (\$1,500).

Dated this 11th day of September, 2024.

State of Idaho
Department of Insurance

A handwritten signature in black ink, reading "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 11th day of September, 2024, I caused a true and correct copy of the foregoing Stipulation and Final Order to be served upon the following by the designated means:

Meredith L. Thielbahr William M. Hughbanks Gordon Rees Scully Mansukhani, LLP 999 W. Main Street, Ste. 100 Boise, ID 83702	<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: mthielbahr@grsm.com whughbanks@grsm.com
Michael Witry Deputy Attorney General Idaho Department of Insurance 700 W. State St., 3 rd Floor PO Box 83720 Boise, ID 83720-0043	<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
Banner Life Insurance Co. 3275 Bennett Creek Ave. Frederick, MD 21704	<input checked="" type="checkbox"/> First Class Mail <input type="checkbox"/> Certified Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Facsimile <input type="checkbox"/> Email:
Fidelity & Guaranty Life Insurance Co. 801 Grand Ave., Ste. 2600 Des Moines, IA 50309	<input checked="" type="checkbox"/> First Class Mail <input type="checkbox"/> Certified Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Facsimile <input type="checkbox"/> Email:
Molina Healthcare of Utah, Inc. 7050 Union Park Center, Ste. 200 Midvale, UT 84047	<input checked="" type="checkbox"/> First Class Mail <input type="checkbox"/> Certified Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Facsimile <input type="checkbox"/> Email:



Jan Noriyuki
Paralegal