

FILED

JUN 05 2024

Raúl R. Labrador
Attorney General

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.

Preferred Fire Protection, LLC, a Utah
limited liability company formerly holding
Idaho Fire Protection Sprinkler Contractor
License No. FPSC-085,

Respondent.

Docket No. 18-4408-24

Order of Default

The Director of the Idaho Department of Insurance (“Director”) having reviewed the record herein; and Preferred Fire Protection, LLC (“Preferred Fire Protection”) who currently holds Idaho Fire Protection Sprinkler Contractor License No. FPSC-085, having been lawfully served the Verified Complaint and Notice of Right to Hearing (“Complaint”), a copy of which is attached hereto as Exhibit A and incorporated herein; and having failed to file an answer thereto and having failed to

Order of Default - 1

request a hearing regarding said Complaint; and the Director having found as a result thereof that Preferred Fire Protection is in default and has waived their rights regarding the opportunity for hearing; and in consideration of the above;

It is hereby ordered that Idaho Fire Protection Sprinkler License No. FPSC-085 issued to Preferred Fire Protection *shall not be renewed*, effective immediately.

It is further ordered that within thirty (30) days of the service date of this Order, Preferred Fire Protection shall pay to the Idaho Department of Insurance an administrative penalty of Ten Thousand Dollars (\$10,000.00).

Dated this 5 *day of June, 2024.*

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 5th day of June, 2024, I caused a true and correct copy of the foregoing Order of Default to be served upon the following parties by the method(s) indicated below:

Preferred Fire Protection, LLC 3690 S 500 W, Ste. 103 Salt Lake City, UT 84115	<input checked="" type="checkbox"/> First Class Mail <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Facsimile <input type="checkbox"/> Email:
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



Jan Noriyuki
Paralegal

Raúl R. Labrador
Attorney General

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Department of Insurance
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Before the Director of the Department of Insurance

State of Idaho

Idaho Department of Insurance,

Complainant,

vs.

Preferred Fire Protection, LLC, a Utah
limited liability company formerly
holding Idaho Fire Protection Sprinkler
Contractor license No. FPSC-085,

Respondent.

Docket No. 18-4408-24

**Verified Complaint and Notice
of Right to Hearing**

Comes now the staff of the Idaho Department of Insurance (“Department”), by and through its undersigned counsel, Michael Witry, Deputy Attorney General, 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:

**Preferred Fire Protection, LLC
Idaho Fire Protection Sprinkler Contractor License No. FPSC-085**

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 Preferred Fire Protection, LLC is further notified of its right to object to the requested relief, including the basis for any objection, and to request a hearing in writing.

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 Respondent’s activities as a fire protection sprinkler contractor.

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.

Respondents

3. Preferred Fire Protection, LLC (“Preferred Fire Protection”), at all pertinent times herein, is and was a Utah limited liability company holding Idaho Fire Protection Sprinkler Contractor License No. FPSC-085.

Controlling Law

4. Idaho Code § 41-254 provides that the Idaho Department of Insurance, Division of the State Fire Marshal, may prescribe regulations in addition to the international fire code as adopted, which may be deemed necessary for the prevention of fires and protection of life and property, and such regulations are to be enforced by the State Fire Marshal.

5. IDAPA 18.08.02.012 provides that no one may act or advertise as a fire protection sprinkler contractor without a license.

6. IDAPA 18.08.02.013.01 provides that fire protection sprinkler contractor licenses are valid for up to one year and expire on the 31st day of December of each year, regardless of the month issued.

7. IDAPA 18.08.02.013.03 and IDAPA 18.08.02.014.02(c) provide that fire protection sprinkler contractor license renewals must be completed on forms prescribed by the State Fire Marshal and accompanied by the prescribed fee of one hundred dollars.

8. IDAPA 18.08.02.016.01(h) provides that a fire protection sprinkler contractor's license may be suspended or revoked for violating any provision of IDAPA 18.08.02.

9. Idaho Code § 41-117 provides that each violation of Title 41 for which a greater penalty is not provided by another provision of law shall in addition to any applicable prescribed denial, suspension, or revocation of certificate of authority or license be punishable by an administrative penalty of not more than one thousand

dollars (\$1,000) for any individual or natural person and not more than five thousand dollars (\$5,000) for any other person. It further provides that each instance of violation may be considered a separate offense.

Count I

10. All of the foregoing paragraphs are realleged and incorporated herein as though set forth in full.

11. Preferred Fire Protection obtained a Fire Protection Sprinkler Contractor License from the State Fire Marshal on March 1, 2022. This license expired on December 31, 2022.

12. Preferred Fire Protection did not submit an application to renew this license to the State Fire Marshal.

13. Preferred Fire Protection did not pay the renewal fee of \$100 to the State Fire Marshal.

14. On or about July 7, 2023, Preferred Fire Protection received a permit from the City of Meridian to begin installing a fire protection sprinkler system at 700 South Wayfinder Avenue in Meridian, and began work thereafter.

15. By installing a fire protection sprinkler system without an active license from the State Fire Marshal, Rapid Fire Protection has subjected itself to discipline pursuant to Idaho Code § 41-254 and IDAPA 18.08.02.016.01(h).

16. By failing to pay the renewal fee for the fire protection sprinkler contractor license before beginning installation, Rapid Fire Protection has subjected itself to discipline pursuant to Idaho Code § 41-254 and IDAPA 18.08.02.016.01(h).

Prayer for Relief

Based on the foregoing facts and allegations, the Department prays for relief as follows:

1. For an Order imposing an administrative penalty against Preferred Fire Protection in the amount of \$5,000 for each violative act as alleged herein in such total number as shall be proven at hearing, but, in the event of a default, an amount not less than Ten Thousand Dollars (\$10,000), which represents \$5,000 per violation of Idaho Code § 41-117, as alleged herein; and
2. For an Order refusing to renew Preferred Fire Protection's Fire Protection Sprinkler Contractor license no. FPSC-085; and
3. For such other and further relief as the Director deems just and necessary under the circumstances.

Notification of Rights

To: Preferred Fire Protection, LLC, the above-named Respondent:

Pursuant to Idaho Code § 41-232A, you have 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 twenty-one (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). If you fail 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.

Any written request for a hearing shall be served on the Director of the Idaho Department of Insurance, addressed as follows:

Dean L. Cameron, 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 at the following address:

Michael Witry
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(1)(c). Should you wish to discuss these options, please contact the undersigned deputy attorney general.

Dated this 6th day of may, 2024.

State of Idaho
Office of the Attorney General



Michael Witry
Deputy Attorney General
Attorneys for Idaho Department of Insurance

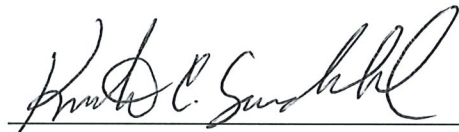
Verification

State of Idaho)
)ss.
County of Ada)

Knute Sandahl, State Fire Marshal of the State of Idaho, being first duly sworn, deposes and says:

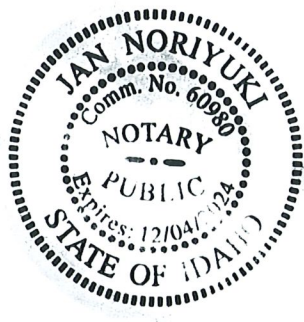
I am an authorized representative of the State of Idaho, Department of Insurance, Complainant in the above entitled action, and have authority to sign this verification on its behalf. I have read the foregoing Verified Complaint and Notice of Right to Hearing, know the contents thereof and under penalty of perjury pursuant to the law of the state of Idaho, state that the foregoing is true and correct to the best of my knowledge, information, and belief.

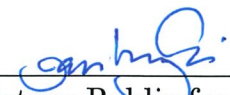
Dated this 6th day of May, 2024.



Knute Sandahl
State Fire Marshal
Idaho Department of Insurance

Subscribed and sworn to before me this 6th day of May, 2024.

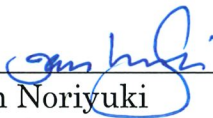



Notary Public for Idaho
Residing at: Boise, ID
My Commission Expires 12-4-2024

Certificate of Service

I hereby certify that on this 6th day of May, 2024, I caused a true and correct copy of the VERIFIED COMPLAINT AND NOTICE OF RIGHT TO HEARING to be served upon the following parties by the method(s) indicated below:

Preferred Fire Protection, LLC 3690 S 500 W, Ste 103 Salt Lake City, UT 84115	<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:
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



Jan Noriyuki
Paralegal