

FILED

FEB 28 2025

Department of Insurance  
State of Idaho

**Before the Director of the Department of Insurance  
State of Idaho**

**Idaho Department of Insurance,**

Complainant,

vs.

**Adroit Health Group, LLC**, a Texas  
limited liability company holding Idaho  
Nonresident Producer License No.  
17986716,

Respondent.

Docket No. 18-4439-24

**Order Granting Motion for  
Reconsideration**

I issued the Findings of Fact, Conclusions of Law, and Final Order in this matter on January 13, 2025. Dkt. No. 21. On January 27, 2025, Adroit Health Group, LLC (“Adroit”) moved for reconsideration of the Final Order, and attached additional documentary evidence that had not been introduced at hearing. Dkt. No. 22. This evidence included:

1. An email chain from September of 2009 concerning the use of the NIPR Reporting of Actions Warehouse;
2. A press release from the Idaho Department of Insurance from September of 2009 concerning the NIPR Reporting of Actions warehouse; and
3. A model bulletin from the NAIC Producer Licensing Task Force dating from March of 2009.

“The decision to grant or deny a request for reconsideration generally rests in the sound discretion of the trial court.” *Puckett v. Verska*, 144 Idaho 161, 166 (2007)

(internal citation omitted). “[C]onsideration of additional evidence or facts accompanying a motion for reconsideration rests with the discretion of the district court, rather than a mandatory obligation.” *Summerfield v. St. Luke’s McCall, Ltd.*, 169 Idaho 221, 233 (2021). A court may deny considering new evidence if there is no good reason why it was not introduced sooner: a presiding officer has

...discretion to not consider evidence which reasonably should have been made a part of the record sooner, but was not. In short, while a motion for reconsideration is a safety valve to protect against legal and factual errors, it is not intended to be a mechanism that encourages tactical brinksmanship or a lack of diligence.

*Id.* at 234.

In this case, the evidence Adroit seeks to add to the record is over fifteen years old. There is no reason why it could not have been introduced at the hearing.

Furthermore, the attached evidence has little bearing on the outcome of this case. Exhibit 1 demonstrates that the Department was aware of, and “accepted,” reports from NIPR in 2009, but it does not specify whether “accepting” the report was sufficient to satisfy the reporting requirement found in Idaho Code § 41-1021(1).

To the extent that the statement in Exhibit 2 that “[r]eporting to the Warehouse will satisfy the statutory requirements of the producer to notify the Department” functioned as agency guidance, it is no longer in effect. Pursuant to Executive Order 2020-02 (Jan. 16, 2020), any agency guidance that the Department intended to retain must have been posted to the agency guidance section of the Department’s website by July 1, 2020. This document is not currently on the agency guidance section of the site. <https://doi.idaho.gov/information/regulation/agency-guidance/> (accessed February 12, 2025). It was not included on the oldest available version of the site, which dates from August 24, 2021.

<https://web.archive.org/web/20210824181031/https://doi.idaho.gov/information/regulation/agency-guidance/> (accessed February 12, 2025). It appears that any effect the document may have had expired on July 1, 2020. Adroit also failed to submit evidence that Adroit relied upon this document when choosing not to report the



action, and failed to submit evidence that this press release was published anywhere.

While several states did adopt the model bulletin that was attached as Exhibit 3<sup>1</sup>, Idaho did not. The model bulletin is not relevant to this action.

None of these new documents touch on whether the Department has the statutory power to delegate its responsibility under Idaho Code § 41-1021(1) to collect reports directly from an insurance producer, nor do they demonstrate that the Department had actually entered an enforceable agreement to delegate such responsibility. The responsibility remains with the Department and with the individual producers. Therefore, even if I believed that Adroit's delay in introducing these documents was justifiable—and I do not—I would not find that these documents constituted sufficient grounds for reconsideration.

Adroit asserts that the Equal Protection Clause and the Due Process Clause of the Idaho Constitution prohibit the Department's actions in this case. However, they do not cite to any case law or statute that would allow me, in my capacity as a hearing officer, to make a finding that any particular action violated the Idaho Constitution. That power is not among the powers granted to me by statute, and therefore, Adroit's constitutional claims must be heard by a court. *Roberts v. Transportation Dep't*, 121 Idaho 727, 732 (Ct. App. 1991) (administrative agency's powers limited to those granted by statute).

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<sup>1</sup> See Iowa Ins. Bulletin 2009-6 (June 30, 2009); Utah Ins. Bulletin 2009-5 (Jul. 28, 2009); R.I. Ins. Bulletin 2009-7 (Sept. 14, 2009); Ark. Ins. Bulletin 13-2009 (Sept. 15, 2009); Wy. Ins. Memorandum 02-2009 (Sept. 18, 2009); Neb. Ins. Notice 9-28-2009 (Sept. 28, 2009); Ak. Ins. Bulletin 2009-8 (Oct. 1, 2009); Ohio Ins. Bulletin 2009-14 (Oct. 7, 2009); N.D. Ins. Bulletin 2009-3 (Oct. 14, 2009); Okla. Ins. Bulletin 10-16-2009 (Oct. 16, 2009); N.J. Ins. Bulletin 09-32 (Oct. 20, 2009); Ariz. Regulatory Bulletin 2009-4 (Oct. 23, 2009); Tenn. Ins. Bulletin 12-15-2009 (Dec. 15, 2009); Wisc. Ins. Bulletin 12-17-2009 (Dec. 17, 2009); Minn. Ins. Bulletin 2010-01 (Jan. 12, 2010); Ill. Ins. Bulletin 2010-1 (Feb. 9, 2010); Ky. Advisory Op. 2010-2 (Feb. 10, 2010); Nev. Ins. Bulletin 2010-002 (Feb. 23, 2010); Mass. Ins. Bulletin B-2011-015 (Aug. 30, 2011). Texas is a notable omission from this list. Texas also issued a Consent Order against Adroit for failing to disclose a disciplinary action directly to the state because Adroit believed that reporting through NIPR was sufficient. Ex. 1019.

However, upon further review of the existing evidence, I do not believe that the preponderance of the evidence clearly establishes that license revocation is the most appropriate. In particular, I am persuaded by the testimony that the Department maintained an informal policy allowing some applicants to withdraw their applications if the applications contained an obvious error. Our laws expect all people who work in insurance to “practice honesty and equity in all insurance matters.” Idaho Code § 41-113(2). The Department, too, must practice equity and apply its policies consistently. Adroit should have the opportunity to submit a corrected application.

Therefore, *It is Ordered*:

1. Adroit’s Motion for Reconsideration is *granted*;
2. The Findings of Fact, Conclusions of Law, and Final Order is *withdrawn*;
3. Adroit’s application to renew Idaho Nonresident Producer License No. 17986716 is *withdrawn*;
4. Within sixty days of this Order, Adroit may submit a new application to renew Idaho Nonresident Producer License No. 17986716. This application must fully disclose any administrative proceeding or legal actions or disputes including FINRA sanction or arbitration proceeding regarding any professional or occupational license or registration in which Adroit or any owner, partner, officer or director of the business entity, or member or manager of a limited liability company has been named or involved as a party, regardless of whether Adroit believes it has been previously reported to the Idaho DOI;
5. The Department shall consider Adroit’s renewal application on the merits, and, pursuant to Idaho law, shall consider the protection of Idaho consumers and the results of any disclosed administrative proceedings before determining whether to grant the renewal; and
6. If Adroit does not submit a new application for renewal within sixty days, its Idaho Nonresident Producer License No. 17986716 will be deemed to be expired.

Dated this 27 day of February, 2025.

State of Idaho  
Department of Insurance




Dean L. Cameron  
Director



### Certificate of Service

I hereby certify that on this 28<sup>th</sup> day of February, 2025, I caused a true and correct copy of this Order Granting Motion for Reconsideration to be served upon the following parties by the method(s) indicated below:

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