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FILED

MAR 11 2015

Department of Insurance  
State of Idaho

*Attorneys for the Department of Insurance*

**BEFORE THE DIRECTOR OF THE DEPARTMENT OF INSURANCE**

**STATE OF IDAHO**

STATE OF IDAHO, DEPARTMENT OF  
INSURANCE,

Complainant,

vs.

EDWARD ALAN ABEL, Non-Resident  
Producer License No. 467148,

Respondent.

Docket No. 18-3008-14

**ORDER OF DEFAULT REVOKING  
NON-RESIDENT PRODUCER  
LICENSE**

The Director of the Idaho Department of Insurance (Director) has reviewed the record in the above-captioned case. Respondent Edward Alan Abel has been lawfully served the Verified Complaint and Notice of Right to Hearing, a copy of which is attached hereto as Exhibit A. As evidenced from the Affidavit of Brandon Karpen, Abel has failed to file an answer to the Verified Complaint and has failed to request a hearing. Accordingly, having found that Abel has waived his rights regarding the opportunity for hearing,

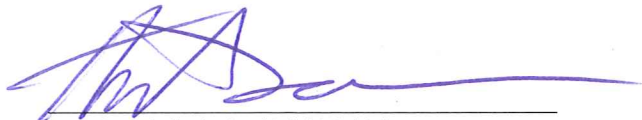
IT IS HEREBY ORDERED that Non-Resident Producer License No. 467148 issued to

Edward Alan Abel is hereby REVOKED. Abel shall immediately return Non-Resident Producer License No. 467148 to the Idaho Department of Insurance, P.O. Box 83720, Boise, Idaho 83720-0043.

IT IS SO ORDERED.

DATED: March 10<sup>th</sup>, 2015.

STATE OF IDAHO  
DEPARTMENT OF INSURANCE



THOMAS A. DONOVAN  
Acting 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 will be reported to the National Association of Insurance Commissioners (NAIC) and will appear in the Idaho Department of Insurance's online searchable database. Be aware that this proceeding must be disclosed on any license application and must be reported to any and all states in which you hold an insurance 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.

#### **CERTIFICATE OF SERVICE**

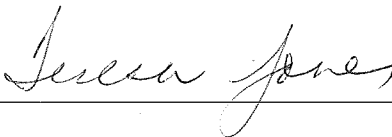
I HEREBY CERTIFY that I have, on this 17<sup>th</sup> day of March, 2015, caused a true and correct copy of the foregoing ORDER OF DEFAULT REVOKING NON-RESIDENT PRODUCER LICENSE to be served upon the following by the designated means:

Edward A. Abel  
5140 Urbanview Street  
Fort Worth, TX 76114-1700

☒ first class mail  
☐ certified mail  
☐ hand delivery  
☐ via facsimile

Brandon Karpen  
Deputy Attorney General  
Idaho Department of Insurance  
700 W. State Street, 3<sup>rd</sup> Floor  
P.O. Box 83720  
Boise, ID 83720-0043

☐ first class mail  
☐ certified mail  
☒ hand delivery  
☐ via facsimile

  
\_\_\_\_\_

LAWRENCE G. WASDEN  
Attorney General

BRANDON KARPEN, ISB No. 7956  
Deputy Attorney General  
State of Idaho  
Department of Insurance  
700 W. State Street, 3<sup>rd</sup> Floor  
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Facsimile: (208) 334-4298  
[brandon.karpen@doi.idaho.gov](mailto:brandon.karpen@doi.idaho.gov)

**FILED**  
**FEB 11 2015** *WMA*  
Department of Insurance  
State of Idaho

*Attorneys for the Department of Insurance*

**BEFORE THE DIRECTOR OF THE DEPARTMENT OF INSURANCE**

**STATE OF IDAHO**

STATE OF IDAHO, DEPARTMENT OF  
INSURANCE,

Complainant,

vs.

EDWARD ALAN ABEL, Non-Resident  
Producer License No. 467148,

Respondent.

Docket No. 18-3008-14

**VERIFIED COMPLAINT AND  
NOTICE OF RIGHT TO HEARING**

The Idaho Department of Insurance ("Department") complains and allege as follows:

**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 an insurance producer.

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.

3. This pleading also serves as notice to Respondent of his right to contest the allegations, the requested relief, and of his right to hearing.

#### **CONTROLLING LAW**

4. This action is brought pursuant to Idaho Code § 41-1016(1), which defines the causes and violations that can lead to the imposition of administrative penalties, and suspension, revocation, or refusal to issue an insurance license.

#### **RESPONDENT**

5. Edward A. Abel is a Texas-licensed insurance producer, currently holding Idaho Non-resident Insurance Producer License No. 467148. Abel's Texas license expired in September 2014. His Idaho license was issued on November 5, 2013, and expires July 31, 2016.

6. Department records reflect that Abel is licensed as an insurance producer in Arizona, California, Connecticut, Washington D.C., Delaware, Indiana, Kansas, Kentucky, Maryland, Maine, North Carolina, Nevada, Oregon, Pennsylvania, Rhode Island, Tennessee, Utah, Wisconsin, West Virginia, and Wyoming.

7. Department records further reflect that Abel has had insurance licenses revoked in Colorado, Missouri, and Virginia.

8. As an authorized non-resident producer, Respondent falls within the jurisdiction of the Director of the Idaho Department of Insurance (“Director”) and title 41 of the Idaho Code.

### **FACTUAL ALLEGATIONS**

9. In November 1978, Abel pled guilty to a felony charge of aggravated robbery in Travis County, Texas, and was sentenced to serve five to fifteen years of incarceration with the Texas Department of Correction.

10. In January 1986, Abel pled guilty to a felony charge of aggravated robbery with a deadly weapon in Tarrant County, Texas, and was sentenced to serve twelve years of incarceration with the Texas Department of Correction.

11. In November 2013, Abel submitted an application for an Idaho non-resident insurance producer license (“Application”).

12. Background Question No. 1 of the Application asks, “[h]ave you ever been convicted of a crime, had a judgment withheld, or deferred, or are you currently charged with committing a crime?”

13. Abel answered “no” in response to Background Question No. 1.

14. On October 4, 2013, the Colorado Department of Insurance revoked Abel’s non-resident insurance license.

15. On April 7, 2014, the Missouri Department of Insurance revoked Abel’s non-resident insurance license.

16. On November 3, 2014, the Virginia Department of Insurance revoked Abel’s non-resident insurance license.

17. To date, Abel has not reported any of the revocations to the Department.

**COUNT ONE: VIOLATION OF IDAHO CODE § 41-1016(1)(a)**

18. Paragraphs 1-17 are re-alleged as if set forth in full.

19. Idaho Code § 41-1016(1)(a) permits the Department to seek an order that revokes the license of any producer for “[p]roviding incorrect, misleading, incomplete or materially untrue information in the license application.”

20. Abel’s response of “No” to Background Question No. 1 of his Application is incorrect, misleading, incomplete or materially untrue information.

21. As a result of the violation of Idaho Code § 41-1016(1)(a), the Department has cause and is entitled to an order that revokes Abel’s non-resident license.

**COUNT TWO: VIOLATION OF IDAHO CODE § 41-1016(1)(f)**

22. Paragraphs 1-21 are re-alleged as if set forth in full.

23. Idaho Code § 41-1016(1)(f) gives cause for revocation of an insurance license based on the licensee “[b]eing convicted of or pleading guilty to any felony, or to a misdemeanor which evidences bad moral character, dishonesty, a lack of integrity and financial responsibility, or an unfitness and inability to provide acceptable service to the consuming public.”

24. Abel has pled guilty to at least two felony charges, which gives the Department cause to seek an order that revokes Abel’s non-resident license pursuant to Idaho Code § 41-1016(1)(f).

**COUNT THREE: VIOLATION OF IDAHO CODE § 41-1016(1)(i)**

25. Paragraphs 1-24 are re-alleged as if set forth in full.

26. Idaho Code § 41-1016(1)(i) permits the Department to seek an order that revokes the license of any producer who has had “an insurance license denied, suspended or revoked in any other state, province, district or territory.”

27. Abel has had insurance licenses revoked in Colorado, Missouri, and Virginia.

28. As a result of the revocations, the Department has cause and is entitled to an order that revokes Abel's non-resident license, pursuant to Idaho Code § 41-1016(1)(i).

**COUNT FOUR: VIOLATIONS OF IDAHO CODE § 41-1021(1)**

29. Paragraphs 1-28 are re-alleged as if set forth in full.

30. Idaho Code § 41-1016(1)(b) permits the Department to seek an order that suspends or revokes the license of any producer who is deemed to have "violat[ed] any provision of title 41, Idaho Code ...."

31. Idaho Code § 41-1021(1) requires a producer to report to the Department any administrative action taken against the producer by another governmental agency within 30 days of the final disposition of the action.

32. The October 4, 2013, revocation of Abel's non-resident insurance license by the Colorado Department of Insurance is a reportable event pursuant to Idaho Code § 41-1021(1) that Abel was obligated to report to the Department within thirty days of such revocation.

33. The April 7, 2014, revocation of Abel's non-resident insurance license by the Missouri Department of Insurance is a reportable event pursuant to Idaho Code § 41-1021(1) that Abel was obligated to report to the Department within thirty days of such revocation.

34. The November 3, 2014, revocation of Abel's non-resident insurance license by the Virginia Department of Insurance is a reportable event pursuant to Idaho Code § 41-1021(1) that Abel was obligated to report to the Department within thirty days of such revocation.

35. Abel has not reported any of the above-described revocations to the Department, in violation of Idaho Code § 41-1021(1).



36. As a result of the violations of Idaho Code § 41-1021(1), the Department has cause and is entitled to an order that revokes Abel's non-resident license, pursuant to Idaho Code § 41-1016(1)(b).

#### **REQUEST FOR RELIEF**

Based upon the foregoing facts and allegations, unless the Department receives a written objection from Respondent, including the basis for the objection and a demand for hearing, within twenty-one days following service of this verified complaint and notice, the Department intends to submit a proposed order to the Director whereby the Director shall revoke Abel's non-resident insurance producer license.

#### **NOTICE OF RIGHT TO A HEARING**

Pursuant to Idaho Code § 41-232A, Respondent has 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 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).

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

Thomas A. Donovan, Acting 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, Brandon Karpen, Deputy Attorney General, at the following address:

Brandon Karpen  
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. Should you wish to discuss these options, please contact the undersigned deputy attorney general. If Respondent fails 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.

DATED this 11<sup>th</sup> day of February, 2015.

OFFICE OF THE ATTORNEY GENERAL

  
By: BRANDON KARPEN  
Deputy Attorney General  
Attorney for the Department of Insurance

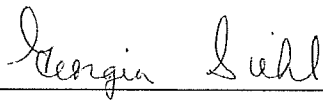
**VERIFICATION**

STATE OF IDAHO    )  
                              : ss.  
County of Ada        )

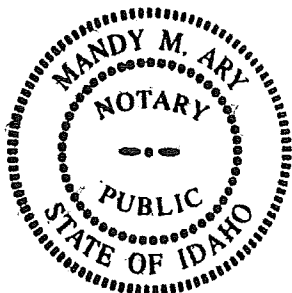
Georgia Siehl, Bureau Chief, Company Activities, for the Department of Insurance, State of Idaho, being first duly sworn, deposes and says:

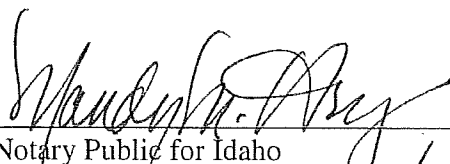
I have read the foregoing Verified Complaint and Notice of Right to Hearing and know the contents thereof, and the same are true to the best of my knowledge and belief and based on the records of the Department.

DATED this 11<sup>th</sup> day of February, 2015.

  
\_\_\_\_\_  
Georgia Siehl, CPA, CFE  
Bureau Chief / Chief Examiner  
Idaho Department of Insurance

SUBSCRIBED AND SWORN to before me this 11<sup>th</sup> day of February, 2015.



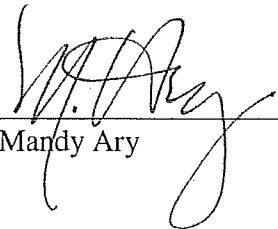
  
\_\_\_\_\_  
Notary Public for Idaho  
My commission expires on 7/24/18

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 11<sup>th</sup> day of February, 2015, I caused a true and correct copy of the foregoing VERIFIED COMPLAINT AND NOTICE OF RIGHT TO HEARING to be served upon the following by the designated means:

Edward A. Abel  
5140 Urbanview Street  
Fort Worth, TX 76114-1700

- ☒ first class mail
- ☒ certified mail
- ☐ hand delivery
- ☐ via facsimile

  
\_\_\_\_\_  
Mandy Ary