

LAWRENCE G. WASDEN
Attorney General

JUDY L. GEIER, ISB #6559
Deputy Attorney General
Idaho Department of Insurance
700 W. State Street
P.O. Box 83720
Boise, Idaho 83720-0043
Telephone No. (208) 334-4204
Facsimile No. (208) 334-4298
judy.geier@doi.idaho.gov

FILED
SEP 18 2015
Department of Insurance
State of Idaho

Attorneys for the Department of Insurance

BEFORE THE DIRECTOR OF THE DEPARTMENT OF INSURANCE

STATE OF IDAHO

In the Matter of:

MCLARENS, INC., a Delaware corporation dba
in Idaho as NORCROSS CLAIMS SERVICES,

RESPONDENT.

Docket No. 18-3078-15

**STIPULATION AND FINAL ORDER
RESOLVING VIOLATIONS OF
IDAHO INSURANCE CODE**

The parties herein, namely the Idaho Department of Insurance (“**Department**”) and its counsel of record, Judy L. Geier, Deputy Attorney General, and MCLARENS, INC., a Delaware corporation, dba as NORCROSS CLAIMS SERVICES (“**RESPONDENT**”), do hereby admit, agree, and stipulate to the following facts and conclusions of law:

1. That the Director of the Idaho Department of Insurance has jurisdiction over this matter pursuant to title 41, Idaho Code.

2. That pursuant to Idaho Code §§ 41-1103 and 41-1104(2) a person must obtain a valid adjuster’s license from the Department prior to conducting investigations of and negotiating the settlement of insurance claims in Idaho.

3. That RESPONDENT is a Delaware corporation that operates in Idaho under the assumed business name of Norcross Claims Services, conducting investigations and/or negotiating

settlements of insurance claims without the proper licensing from the Department in violation of Idaho Code §§ 41-1103 and 41-1104(2).

4. That RESPONDENT advertised on its website as recently as August 2015 that it maintained and had maintained since 2012 an office in Idaho.

5. That in accordance with its advertising, RESPONDENT hired personnel to investigate and negotiate insurance claims in Idaho on its behalf.

6. That between July 2014 and December 2014, RESPONDENT hired one such personnel who also did not possess a valid Idaho adjuster's license.

7. That these activities were performed in Idaho by RESPONDENT without first obtaining an adjuster's license from the Department.

8. That RESPONDENT was notified by letter dated January 15, 2015, and six subsequent communications from the Department that RESPONDENT needed to provide requested information pursuant to Idaho Code § 41-247 regarding its and its agent's adjuster activities in Idaho.

9. That RESPONDENT did not provide the information requested by the Department, but as a result of the Department's communications, REPONDENT's agent complied with Idaho Code §§ 41-1103 and 41-1104 and obtained a valid adjuster's license on February 18, 2015. However, RESPONDENT continued to hold itself out as an adjuster in Idaho, despite not possessing a valid Idaho adjuster's license.

10. That RESPONDENT maintains multiple adjuster licenses from other states such as Arizona, California, Nevada, New York, Oregon, and Washington.

11. That on August 17, 2015, the Department filed a Verified Complaint and Notice of Right to Hearing (the "Complaint") against RESPONDENT for (i) operating in Idaho without a valid adjuster license and (ii) for failing to respond to the Department's Idaho Code § 41-247

requests for documentation.

12. That the Complaint notified RESPONDENT of the above violations and outlined the Director's enforcement authority by stating the following:

- a) pursuant to Idaho Code §§ 41-210 and 41-213, the Director may institute a lawsuit or other lawful proceeding as he may deem necessary for the enforcement of any provision of title 41, Idaho Code, and may take other actions including but not limited to issuing an order: (a) requiring the party to cease and desist any prohibited act or practice; (b) affecting the party's licensure for such reasons set forth in title 41, Idaho Code; (c) impose an administrative penalty as provided in title 41, Idaho Code; and (d) initiate any action in district court for the same relief or and relief authorized in title 41, Idaho Code;
- b) pursuant to Idaho Code § 41-117, the Director may impose an administrative penalty not to exceed \$5,000 for each violation of any provision of title 41 of the Idaho Code and may consider each instance of violation to be a separate offense; and/or
- c) pursuant to Idaho Code § 41-117A, the Director may impose an administrative penalty not to exceed \$15,000 upon any person who transacts insurance of any kind or character without proper licensing.

13. That on August 26, 2015, after receiving the Complaint, RESPONDENT submitted an application for an adjuster's license.

14. That review of said application is currently pending.

15. That, in lieu of a contested enforcement action, the parties agree that this matter can be brought to a close by a negotiated and stipulated settlement.

16. RESPONDENT agrees to pay and shall pay a penalty in the amount of Thirty Five

Thousand Dollars (\$35,000) to the Department within fifteen (15) days following the entry of the final order concerning this Stipulation.

17. Nothing in this Stipulation shall affect the Department's review of RESPONDENT's nonresident adjuster license application, which review and approval, if appropriate, shall proceed in the Department's normal course.

18. RESPONDENT acknowledges that it has had the opportunity to consult with counsel concerning this Stipulation. RESPONDENT waives its right to notice and hearing at which it may be represented by counsel, present evidence and examine witnesses. RESPONDENT waives its right to submit this matter for review by a court of competent jurisdiction.

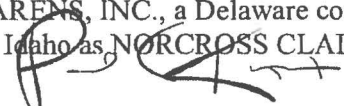
19. The parties agree that the terms of this Stipulation are appropriate and proper under the circumstances referenced herein, and that they have entered into this Stipulation knowingly, voluntarily and with full knowledge of any rights they may be waiving thereby.

20. The parties further agree that execution of this Stipulation and the performance of its terms shall effect a resolution of the matters contained in the Complaint.

21. The parties hereby waive the right to seek reconsideration and judicial review of this Stipulation or the violations of the Idaho Code referenced herein.

AGREED THIS 16th day of September, 2015.

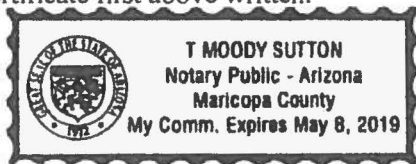
MCLARENS, INC., a Delaware corporation
dba in Idaho as NORCROSS CLAIMS SERVICES

By: 
Name: Paul C. Kottler
Its: _____

STATE OF Arizona)
County of Maricopa) ss.

On this 16th day of September, 2015, before me, the undersigned, a Notary Public in and for said State, personally appeared Paul Kottler, the President of MCLARENS, INC., a Delaware corporation dba in Idaho as NORCROSS CLAIMS SERVICES, who executed the foregoing instrument on behalf of said company, and acknowledged to me that the said instrument is the free and voluntary act and deed of said corporation, for the uses and purposes therein mentioned.

WITNESS MY HAND and official seal hereto affixed the day, month and year in this certificate first above written.



T. Moody Sutton
Notary Public in and for the
State of Arizona
Residing at Maricopa County
My commission expires: May 8, 2019

Approved as to Form:

By: [Signature]
Jonathan Macy, General Counsel
McLarens, Inc.

AGREED THIS ____ day of September, 2015.

IDAHO DEPARTMENT OF INSURANCE

By: _____
Elaine Mellon, CLU, ChFC
Bureau Chief, Consumer Services
Idaho Department of Insurance

Approved as to Form:

OFFICE OF THE ATTORNEY GENERAL
STATE OF IDAHO

By: _____
Judy L. Geier
Deputy Attorney General
Attorney for the Idaho Department of Insurance

STATE OF _____)
) ss.
County of _____)

On this ____ day of September, 2015, before me, the undersigned, a Notary Public in and for said State, personally appeared _____, the _____ of MCLARENS, INC., a Delaware corporation dba in Idaho as NORCROSS CLAIMS SERVICES, who executed the foregoing instrument on behalf of said company, and acknowledged to me that the said instrument is the free and voluntary act and deed of said corporation, for the uses and purposes therein mentioned.

WITNESS MY HAND and official seal hereto affixed the day, month and year in this certificate first above written.

Notary Public in and for the
State of _____
Residing at _____
My commission expires: _____

Approved as to Form:

By: _____
Jonathan Macy, General Counsel
McLarens, Inc.

AGREED THIS 16 day of September, 2015.

IDAHO DEPARTMENT OF INSURANCE

By: Elaine Mellon
Elaine Mellon, CLU, ChFC
Bureau Chief, Consumer Services
Idaho Department of Insurance

Approved as to Form:

OFFICE OF THE ATTORNEY GENERAL
STATE OF IDAHO

By: Judy L. Geier
Judy L. Geier
Deputy Attorney General
Attorney for the Idaho Department of Insurance

FINAL ORDER

IT IS HEREBY ORDERED,

- a. That the preceding Stipulation is approved and adopted in full.
- b. That RESPONDENT shall pay a Thirty five Thousand Dollars (\$35,000.00) penalty to the Department within fifteen (15) business days following the entry of this Order
- c. That the matters contained in the Complaint shall be resolved upon RESPONDENT's satisfaction of the above penalty; and
- d. That the Department shall proceed with its review of RESPONDENT's application for nonresident adjuster license application in the Department's normal course of business, unaffected by the terms of this Stipulation.

DATED this 18 day of September, 2015.

STATE OF IDAHO
DEPARTMENT OF INSURANCE



DEAN CAMERON
Director

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 18 day of September, 2015, I caused a true and correct fully-executed copy of the foregoing STIPULATION AND FINAL ORDER RESOLVING VIOLATIONS OF IDAHO INSURANCE CODE to be served on the following by the designated means:

Jonathan Macy
General Counsel
McLarens
One Datran Center
9100 South Dadeland Blvd., Ste. 800
Miami, FL 33156

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

Judy L. Geier
Deputy Attorney General
Idaho Department of Insurance
700 W. State Street, 3rd Floor
P.O. Box 83720
Boise, ID 83720-0043

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



Kelly Grady