

LAWRENCE G. WASDEN
Attorney General

JOHN C. KEENAN
Deputy Attorney General
State of Idaho
Department of Insurance
700 W. State Street, 3rd Floor
P.O. Box 83720
Boise, Idaho 83720-0043
Telephone: (208) 334-4283
Facsimile: (208) 334-4298
john.keenan@doi.idaho.gov
I.S.B. No. 3873

Attorneys for the Department of Insurance

FILED
DEC 11 2015
Department of Insurance
State of Idaho

BEFORE THE DIRECTOR OF THE DEPARTMENT OF INSURANCE

STATE OF IDAHO

IDAHO DEPARTMENT OF INSURANCE,

Complainant,

vs.

MICHELLE M. WESTERN, formerly
known as Michelle M. Thorne, an individual
holding Idaho Resident Bail Agent License
No. 59479; MICHELLE'S BAIL BOND,
LLC, an Idaho limited liability company
holding Idaho Bail Agency License No.
280436; and DANIELLE KINGSTON, an
individual holding Idaho Resident Bail
Agent License No. 152981,

Respondents.

Docket No. 18-2991-14

**STIPULATION AND
FINAL ORDER**

STIPULATION

The Idaho Department of Insurance (hereinafter “Department”) and Respondents MICHELLE M. WESTERN (hereinafter “Western”) and MICHELLE’S BAIL BOND, LLC, (hereinafter “Michelle’s Bail Bond”) hereby agree and stipulate as follows:

1. The Director of the Department has jurisdiction over this matter pursuant to title 41, Idaho Code.
2. On January 27, 2015, the Department filed and served a *Verified Complaint and Notice of Right to Hearing* (hereinafter “Verified Complaint”) on Respondents Western and Michelle’s Bail Bond, and on a third respondent, Danielle Kingston.
3. Respondent Danielle Kingston is not a party to this Stipulation, and this Stipulation and Final Order do not resolve any allegations of the Department regarding Danielle Kingston.
4. With regard to Count One of the Verified Complaint, the Department alleged that Respondents Western and Michelle’s Bail Bond, respectively, violated Idaho Code §§ 41-1024, 41-1043(2), 41-1043(3), and 41-1016(1)(h), when they failed to correctly handle fiduciary funds, failed to maintain collateral in a separate trust account, and failed to return collateral on a timely basis.
5. With regard to Count Two of the Verified Complaint, the Department alleged that Respondents Western and Michelle’s Bail Bond, respectively, violated Idaho Code § 41-247 when they failed on two (2) occasions to respond to two (2) separate Department letters of inquiry.
6. With regard to Count Three of the Verified Complaint, the Department alleged that Respondents Western and Michelle’s Bail Bond, respectively violated Idaho Code §§ 41-

1024, 41-1043(2), 41-1043(3), and 41-1016(1)(h), when they failed to correctly handle fiduciary funds, failed to maintain collateral in a separate trust account, and failed to return collateral on a timely basis.

7. With regard to Count Four of the Verified Complaint, the Department alleged that Respondent Western violated Idaho Code § 41-1016(1)(h), when Western acted as a notary public in a manner contrary to Idaho Code § 51-108.

8. In consideration of the foregoing statements, the Department and Respondents Western and Michelle's Bail Bond agree:

- a. That Western admits to one violation of Idaho Code § 41-1024 when Western failed to correctly handle fiduciary funds;
- b. That Michelle's Bail Bond admits to one violation of Idaho Code § 41-1024 when Michelle's Bail Bond failed to correctly handle fiduciary funds;
- c. That Western's Idaho Resident Bail Agent License No. 59479 shall be revoked effective the date the Final Order is signed by the Director, and that, in accordance with Idaho Code § 41-1026(3), Western shall be ineligible to hold any license under title 41, Idaho Code, until after the expiration of one (1) year from the date of such revocation;
- d. That Michelle's Bail Bond's Idaho Bail Agency License No. 280436 shall be revoked effective the date the Final Order is signed by the Director, and that, in accordance with Idaho Code § 41-1026(3), Michelle's Bail Bond shall be ineligible to hold any license under title 41, Idaho Code, until after the expiration of one (1) year from the date of such revocation;

- e. That an administrative penalty shall be imposed against Respondents Western and Michelle's Bail Bond, jointly, in the total sum of Three Thousand Six Hundred Dollars (\$3,600.00);
- f. That, commencing the first full month after entry of the Final Order in the above-entitled matter, Respondents Western and Michelle's Bail Bond agree to pay the sum of \$100.00 per month towards the balance of the administrative penalty, with said sum to be paid without interest or prepayment penalty until the penalty is paid in full;
- g. That the Department will not consider any future license application from either or both Western and Michelle's Bail Bond until the administrative penalty as set forth above, and as imposed by the Final Order to be executed herein, has been paid in full;
- h. That, upon revocation of the licenses of Respondents Western and Michelle's Bail Bond, as set forth above, said Respondents shall not act or hold herself or itself out, respectively, as a bail agent or bail bond agency, until such time, if any, that Respondents are again properly licensed under Idaho law;
- i. That, upon revocation of the license of Respondent Western and continuing thereafter until such time, if any, that said Respondent is again properly licensed under Idaho law, Respondent Western agrees that if it is discovered that Respondent Western has violated any section of title 41, Idaho Code, relating to bail bonds and the Department brings an enforcement action against Respondent Western and a hearing is held or waived and a formal finding of a violation has been made in the form of a final order as required by law, the

Director may immediately enter an order permanently revoking the Idaho resident bail agent license of Respondent Western;

j. That, upon revocation of the license of Respondent Michelle's Bail Bond and continuing thereafter until such time, if any, that said Respondent is again properly licensed under Idaho law, Respondent Michelle's Bail Bond agrees that if it is discovered that Respondent Michelle's Bail Bond has violated any section of title 41, Idaho Code, relating to bail bonds and the Department brings an enforcement action against Respondent Michelle's Bail Bond and a hearing is held or waived and a formal finding of a violation has been made in the form of a final order as required by law, the Director may immediately enter an order permanently revoking the Idaho resident bail agent license of Respondent Michelle's Bail Bond;

k. That this Stipulation shall be adopted in full and incorporated into the Final Order.

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

10. Before executing this Stipulation, Respondents Western and Michelle's Bail Bond have had the opportunity to review this Stipulation with their respective attorney and to seek appropriate advice and counsel relating to this Stipulation and Final Order.

11. The parties hereto waive their right to notice and hearing at which they 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.

12. The parties hereto have reviewed the proposed Final Order and agree as to its form and that said Final Order may be submitted to the Director of the Department for his review and signature.

IT IS SO AGREED.

DATED THIS 2nd day of December, 2015.

RESPONDENT MICHELLE M. WESTERN

By: Michelle M. Western
MICHELLE M. WESTERN

DATED THIS 2nd day of December, 2015.

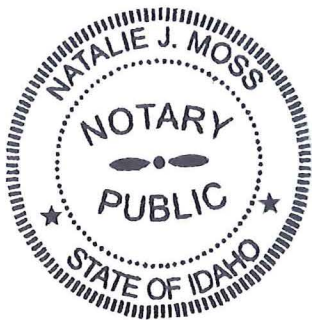
RESPONDENT MICHELLE'S BAIL BOND, LLC

By: Michelle M. Western
MICHELLE M. WESTERN
Its Member

STATE OF IDAHO)
 : ss.
County of Bonneville)

On this 2nd day of December, 2015, before me, the undersigned Notary Public, personally appeared MICHELLE M. WESTERN, for herself and in her capacity as a member of MICHELLE'S BAIL BOND, LLC, proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument, and acknowledged to me that she executed the same on the two signature lines as identified above.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



Natalie Moss
Notary Public of Idaho
Residing at Meridian, ID
My commission expires 6-13-18

STIPULATION AND FINAL ORDER APPROVED AS TO FORM:

By: _____
STEPHEN A. MEIKLE
Advantage Legal Services
Attorney for Michelle M. Western and Michelle's Bail Bond, LLC

IT IS SO AGREED.

DATED THIS 3 day of Dec., 2015.

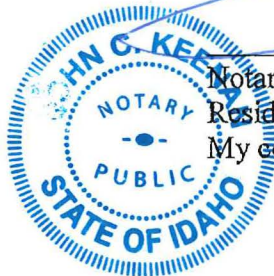
STATE OF IDAHO
DEPARTMENT OF INSURANCE

By: Elaine Mellon
ELAINE MELLON
Bureau Chief, Consumer Services Bureau

STATE OF IDAHO)
 : ss.
County of Ada)

On this 3 day of December, 2015, before me, the undersigned Notary Public, personally appeared ELAINE MELLON, proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument, and acknowledged to me that she executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



[Signature]
Notary Public of Idaho
Residing at Boise
My commission expires 30 Oct 2019

STIPULATION AND FINAL ORDER APPROVED AS TO FORM:

By: [Signature]
JOHN C. KEENAN
Deputy Attorney General
Attorney for Idaho Department of Insurance

FINAL ORDER

The parties hereto, namely the Idaho Department of Insurance and Respondents MICHELLE M. WESTERN and MICHELLE'S BAIL BOND, LLC, 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 Respondents MICHELLE M. WESTERN and MICHELLE'S BAIL BOND, LLC, did violate title 41, Idaho Code, as set forth 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 Resident Bail Agent License No. 59479 issued to MICHELLE M. WESTERN is hereby REVOKED effective immediately and that, in accordance with Idaho Code § 41-1026(3), MICHELLE M. WESTERN shall be ineligible to hold any license under title 41, Idaho Code, until after the expiration of one (1) year from the date of this Final Order;

IT IS FURTHER ORDERED that Idaho Bail Agency License No. 280436 issued to MICHELLE'S BAIL BOND, LLC is hereby REVOKED effective immediately and that, in accordance with Idaho Code § 41-1026(3), MICHELLE'S BAIL BOND, LLC, shall be ineligible to hold any license under title 41, Idaho Code, until after the expiration of one (1) year from the date of this Final Order;

IT IS FURTHER ORDERED that an administrative penalty in the total amount of Three Thousand Six Hundred Dollars (\$3,600) is hereby imposed jointly against Respondents MICHELLE M. WESTERN and MICHELLE'S BAIL BOND, LLC;

IT IS FURTHER ORDERED that Respondents MICHELLE M. WESTERN and MICHELLE'S BAIL BOND, LLC, shall pay jointly, the sum of \$100.00 per month until the administrative penalty is paid in full, without prepayment penalty or interest;

IT IS FURTHER ORDERED that the Idaho Department of Insurance will not consider any future license application from either or both MICHELLE M. WESTERN and MICHELLE'S BAIL BOND, LLC, until the administrative penalty imposed herein is paid in full;

IT IS FURTHER ORDERED that upon revocation and continuing thereafter until such time, if any, that Respondent MICHELLE M. WESTERN is again properly licensed under Idaho law, MICHELLE M. WESTERN shall not hold herself out or act as a bail agent;

IT IS FURTHER ORDERED that upon revocation and continuing thereafter until such time, if any, that Respondent MICHELLE'S BAIL BOND, LLC, is again properly licensed under Idaho law, MICHELLE'S BAIL BOND, LLC, shall not hold itself out or act as a bail bond agency;

IT IS FURTHER ORDERED that upon revocation of the license of Respondent MICHELLE M. WESTERN and continuing thereafter until such time, if any, that said Respondent is again properly licensed under Idaho law, if it is discovered that MICHELLE M. WESTERN has violated any section of title 41, Idaho Code, relating to bail bonds and the Department brings an enforcement action against MICHELLE M. WESTERN and a hearing is held or waived and a formal finding of a violation has been made in the form of a final order as required by law, the Director may immediately enter an order permanently revoking the Idaho resident bail agent license of MICHELLE M. WESTERN; and

IT IS FURTHER ORDERED that upon revocation of the license of Respondent MICHELLE'S BAIL BOND, LLC, and continuing thereafter until such time that said Respondent is properly licensed under Idaho law, if it is discovered that MICHELLE'S BAIL BOND, LLC, has violated any section of title 41, Idaho Code, relating to bail bonds and the Department brings an enforcement action against MICHELLE'S BAIL BOND, LLC, and a hearing is held or waived and a formal finding of a violation has been made in the form of a final order as required by law, the Director may immediately enter an order permanently revoking the Idaho bail agency license of MICHELLE'S BAIL BOND, LLC.

IT IS SO ORDERED.

DATED THIS 11 day of December, 2015.

STATE OF IDAHO
DEPARTMENT OF INSURANCE

By 
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 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.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 11 day of December, 2015, I caused to be served a true copy of the foregoing **STIPULATION AND FINAL ORDER** by the method indicated below, and addressed to each of the following:

Advantage Legal Services
Stephen A. Meikle, Attorney
P.O. Box 51137
Idaho Falls, ID 83405-1137

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

*Counsel for Respondents Michelle M. Western and
Michelle's Bail Bond, LLC*

Michael J. Kraynick, PLLC
113 E. Bullion Street, Suite A
Hailey, ID 83333

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

Counsel for Respondent Danielle Kingston

David V. Nielsen
Hearing Officer
P.O. Box 1192
Boise, ID 83701-1192

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

Allegheny Casualty Company
One Newark Center, 20th Floor
Newark, NJ 07102

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

American Contractors Indemnity Company
601 S. Figueroa Street, 16th Floor
Los Angeles, CA 90017

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

John C. Keenan
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