

LAWRENCE G. WASDEN
Attorney General

JUDY L. GEIER, ISB No. 6559
Deputy Attorney General
State of 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
APR 07 2016 *YLS*
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.

MICHAEL ANTONIO MARSHALL
Nonresident Producer License No. 529143,

Respondent.

Docket No. 18-3145-16

ORDER OF DEFAULT

The Director of the Idaho Department of Insurance (“Director”) having reviewed the record herein; and MICHAEL ANTONIO MARSHALL, who currently holds Nonresident Producer License No. 529143, having been lawfully served the Verified Complaint and Notice of Right to Hearing, a copy of which is attached hereto as Exhibit A and incorporated herein, and, as evident from the Affidavit of Judy L. Geier, having failed to file an answer thereto and having failed to request a hearing regarding said Verified Complaint; and the Director having found as a result

thereof that MICHAEL ANTONIO MARSHALL has waived his rights regarding the opportunity for hearing; and in consideration of the above;

IT IS HEREBY ORDERED that Nonresident Producer License No. 529143 issued to MICHAEL ANTONIO MARSHALL is REVOKED effective immediately.

IT IS FURTHER ORDERED, pursuant to Idaho Code § 41-1027(2), that MICHAEL ANTONIO MARSHALL shall immediately return Nonresident Producer License No. 529143 to the Idaho Department of Insurance, P.O. Box 83720, Boise, Idaho 83720-0043.

IT IS SO ORDERED.

DATED this 7 day of April, 2016.

STATE OF 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 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 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 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

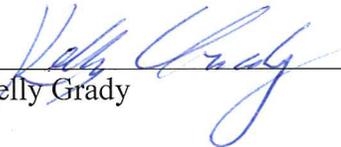
I HEREBY CERTIFY that I have, on this 7 day of April, 2016, caused a true and correct copy of the foregoing ORDER OF DEFAULT to be served upon the following by the designated means:

Michael Antonio Marshall
106 Herons Cove
Carrollton, VA 23314

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

Michael Antonio Marshall
12085 Ramsey Road
Ivor, VA 23866

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



Kelly Grady

LAWRENCE G. WASDEN
Attorney General

JUDY L. GEIER, ISB No. 6559
Deputy Attorney General
Idaho Department of Insurance
700 W. State Street
P.O. Box 83720
Boise, Idaho 83720-0043
Telephone No. (208) 334-4219
Facsimile No. (208) 334-4298
judy.geier@doi.idaho.gov

FILED
MAR 08 2016
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.

MICHAEL ANTONIO MARSHALL
Nonresident Producer License No. 529143,

Respondent.

Docket No. 18-3145-16

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

COMES NOW the staff of the Idaho Department of Insurance (the "Department"), by and through its undersigned counsel, 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:

MICHAEL ANTONIO MARSHALL
Nonresident Producer License No. 529143

EXHIBIT

A

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, MICHAEL ANTONIO MARSHALL, you are further notified of your right to object to the requested relief, including the basis for any objection, and to request a hearing in writing.

ALLEGATIONS

The allegations and violations supporting the requested relief are:

1. On or about May 22, 2015, MICHAEL ANTONIO MARSHALL (“RESPONDENT”) submitted an application for a nonresident producer license. On his application, RESPONDENT affirmatively denied having been convicted of a misdemeanor.
2. On May 26, 2015, RESPONDENT was issued Nonresident Producer License No. 529143 pursuant to Idaho Code § 41-1009, which license expires on November 30, 2017.
3. On or about June 8, 2015, RESPONDENT submitted a corrective posting to the National Insurance Producer Registry (“NIPR”) that stated as follows:

To whom it may concern,

I, Michael Marshall, applied for a non-resident [sic] license on May 22, 2015.

I mistakenly answered “NO” to background question #1 and should have answered “YES”.

I apologize for any inconvenience this may have caused and have attached my written statement & background documents for review.

Please let me know if you need anything else at all.

Thank you,

/s/

Michael Marshall
106 Herons Cove, Carrollton VA 23314
NPN #: 17590904

4. The attached written statement submitted as background documentation reads as follows:

Geico Human Resources,

This letter is in reference to misdemeanor for a simple worthless check from 2008. This was an oversight on my part and I paid court cost of \$120.00 and restitution of \$350.00 which satisfied the judgment against me.

Sincerely,

/s/

Michael Marshall

5. On January 21, 2016, RESPONDENT executed a Voluntary Surrender of Insurance Agent or Consultant License Authority (“**Surrender Agreement**”), surrendering his resident producer license to the State Corporation Commission for the Commonwealth of Virginia. The Surrender Agreement expressly prohibits RESPONDENT from reapplying for a producer license from Virginia for a period of not less than five years.

6. On February 1, 2016, a multi-state alert was posted on the Regulatory Information Retrieval System (“RIRS”) warning all states of RESPONDENT’s voluntary surrender to Virginia of his home state producer license.

7. On February 5, 2016, the Department notified RESPONDENT requesting that he surrender his Idaho nonresident license by February 29, 2016, in lieu of the Department initiating an administrative action to revoke his license.

8. To date, RESPONDENT has failed to surrender Nonresident Producer License No. 529143.

COUNT I
FAILURE TO MAINTAIN HOME STATE LICENSE
VIOLATION OF IDAHO CODE §§ 41-1009(1)(a) and 41-1016(1)(b)

9. The foregoing allegations in Paragraphs 1 through 8 are incorporated herein as if set forth in full.

10. Pursuant to Idaho Code § 41-1009(1)(a), in order to receive and maintain an Idaho nonresident producer license, a party must be “currently licensed as a resident and in good standing in his or her home state.”

11. RESPONDENT’s surrender to the Commonwealth of Virginia of his home state license is a failure to maintain a current resident license in good standing and a violation of Idaho Code § 41-1009(1)(a).

12. Pursuant to Idaho Code § 41-1016(1)(b), the Director may impose an administrative penalty not to exceed \$1,000 and may revoke or refuse to issue or continue any license issued under Idaho’s insurance code if the Director finds that RESPONDENT violated any provision of title 41 of the Idaho Code.

13. Pursuant to Idaho Code § 41-213, the Director may institute suits or other lawful proceedings as he may deem necessary for the enforcement of any provision of title 41, Idaho Code, including but not limited to: (1) issuing an order revoking a license issued under the authority of title 41, Idaho Code; and (2) imposing an administrative penalty as provided in title 41, Idaho Code.

COUNT II
INCORRECT, MISLEADING, INCOMPLETE OR MATERIALLY
UNTRUE INFORMATION
IN VIOLATION OF IDAHO CODE § 41-1016(1)(a)

14. The foregoing allegations in Paragraphs 1 through 13 are incorporated herein as if set forth in full.

15. Idaho Code § 41-1016(1)(a) prohibits any applicant from “providing incorrect, misleading, incomplete or materially untrue information [on] a license application.”

16. On or about May 22, 2015, RESPONDENT denied on his application for nonresident producer license his prior misdemeanor conviction. Despite RESPONDENT’s

corrective entry weeks later, RESPONDENT's affirmative denial of his prior misdemeanor conviction is a violation of Idaho Code § 41-1016 (1)(a).

17. Pursuant to Idaho Code § 41-213, the Director may institute suits or other lawful proceedings as he may deem necessary for the enforcement of any provision of title 41, Idaho Code, including but not limited to: (1) issuing an order revoking a license issued under the authority of title 41, Idaho Code; and (2) imposing an administrative penalty as provided in title 41, Idaho Code.

18. Pursuant to Idaho Code § 41-1016(1)(a), the Director may impose an administrative penalty not to exceed \$1,000 and may revoke or refuse to issue or continue any license issued under Idaho's insurance code if the Director finds that RESPONDENT provided incorrect, misleading, incomplete or materially untrue information in a license application.

REQUEST FOR RELIEF

19. 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 (21) days following service of this notice, the Department intends to submit a proposed order to the Director whereby the Director shall immediately revoke RESPONDENT's Nonresident Producer License No. 529143.

NOTICE OF RIGHT TO HEARING

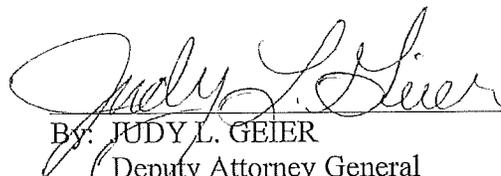
THEREFORE, based on violations as alleged above, you have the right to have a hearing in accord with Idaho Code § 41-232A. In order to effectively object to this notice and prevent an order for the requested relief from being entered, you must, within twenty-one (21) days of the date of service of this Verified Complaint and Right to Hearing, submit a written request for a hearing to the Director of the Idaho Department of Insurance responding to the alleged violations pending against you. You must deliver any written request for hearing by mailing it to the Director, Idaho Department of Insurance, P.O. Box 83720, Boise, Idaho 83720-0043, or personally delivering said written request to the offices of the Department of Insurance at 700 W. State Street, Third Floor, Boise, Idaho, and also providing a copy to the undersigned at the same address.

If you fail to submit a timely written response to the allegations and request for hearing, a final order will be entered imposing the relief described above after twenty-one (21) days from the service of this Complaint.

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 within twenty-one (21) days from the service of this Complaint.

DATED this 8th day of March, 2016.

OFFICE OF THE ATTORNEY GENERAL


By: JUDY L. GEIER
Deputy Attorney General
Attorney for the Department of Insurance

IDAHO CODE § 41-232A CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I have, on this 8th day of March, 2016, and in compliance with Idaho Code § 41-232A, 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:

Michael Antonio Marshall
Government Employees Insurance Company
1345 Perimeter Parkway
Virginia Beach, VA 23454-5882

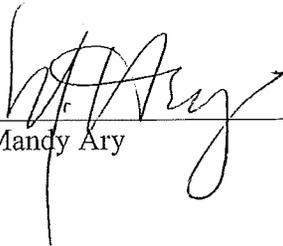
- first class mail
- certified mail
- hand delivery
- via facsimile

Michael Antonio Marshall
106 Herons Cove
Carrollton, VA 23314

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

Michael Antonio Marshall
12085 Ramsey Road
Ivor, VA 23866

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



Mandy Ary