

LAWRENCE G. WASDEN
Attorney General

RICHARD B. BURLEIGH, ISB No. 4032
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) 334-4219
Facsimile: (208) 334-4298
richard.burleigh@doi.idaho.gov

FILED
JUL 18 2016 *WLS*
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:

JACKIE WAYNE SMITH,
Idaho Nonresident Insurance Producer
License No. 63577 and Idaho Nonresident
Surplus Lines Broker License No. 125229

Docket No. 18-3179-16

**SUMMARY ORDER REVOKING
IDAHO NONRESIDENT INSURANCE
PRODUCER AND SURPLUS LINES
BROKER LICENSES**

The Director of the Idaho Department of Insurance (Director), having been apprised of the lapse of the Kentucky resident insurance producer license of JACKIE WAYNE SMITH (SMITH), as further described below, and pursuant to the authority granted by Idaho Code § 41-1016(2), does hereby make the following findings and enter a Summary Order as follows:

FINDINGS OF FACT

1. According to records maintained by the National Association of Insurance Commissioners and by the Kentucky Department of Insurance, SMITH was licensed as a

resident insurance producer in the state of Kentucky, from the issuance of such license on March 25, 1999, until the license lapsed due to nonrenewal effective December 1, 2015.

2. The Department has not received notification from SMITH of relicensing as a resident in any other state.

3. SMITH has been continuously licensed as an Idaho nonresident insurance producer, holding license number 63577 from the date of the initial issuance of such license on June 29, 2008, to the present date.

4. SMITH is also currently licensed in Idaho as a nonresident surplus lines broker, holding license number 125229, since the issuance of such license on July 7, 2005.

CONCLUSIONS OF LAW

5. Idaho Code § 41-1016(2)(b)(ii) provides that the Director shall, without hearing, suspend for not more than twelve (12) months, or shall revoke or refuse to continue any nonresident insurance producer license issued under title 41, chapter 10, Idaho Code, where the nonresident no longer has a license in the licensee's home state because the home state license was "nonrenewed by the nonresident and remains nonrenewed for a period greater than ninety (90) days beyond its expiration date, and without notice to the director of relicensing as a resident in another state."

6. Idaho Code § 41-1026(2) provides that "[s]uspension, revocation, or refusal of any one (1) license held by the licensee under title 41, Idaho Code, shall automatically suspend, revoke, or refuse continuation of all other licenses held by the licensee under title 41, Idaho Code."

7. Based on the foregoing, the Director finds that the circumstances set forth above justify the revocation of SMITH's Idaho nonresident insurance producer license, pursuant to

Idaho Code § 41-1016(2)(b)(ii), which action shall trigger automatic revocation of SMITH's Idaho nonresident surplus lines broker license.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that Idaho Nonresident Insurance Producer License No. 63577 issued to SMITH is hereby REVOKED, effective immediately.

IT IS FURTHER ORDERED that Idaho Nonresident Surplus Lines Broker License No. 125229 issued to SMITH is hereby REVOKED, effective immediately.

IT IS FURTHER ORDERED, pursuant to Idaho Code § 41-1027(1), that SMITH shall immediately return Idaho Nonresident Insurance Producer License No. 63577 and Idaho Nonresident Surplus Lines Broker License No. 125229 to the Idaho Department of Insurance at the following address: 700 West State Street, P.O. Box 83720, Boise, Idaho, 83720-0043.

DATED this 18 day of July, 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 by 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 is a final order of the Director. 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 this order by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or operates its principal place of business in Idaho, or
- iv. The real property or personal property that was the subject of the agency action is located.

An appeal must be filed within twenty-eight (28) days of (a) the service date of this final order, (b) an order denying 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 an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on this 18 day of July, 2016, I caused a true and correct copy of the foregoing SUMMARY ORDER REVOKING IDAHO NONRESIDENT INSURANCE PRODUCER AND SURPLUS LINES BROKER LICENSES to be served upon the following by the designated means:

Jackie Wayne Smith
PBS Insurance Underwriting
303 Middletown Park Place, Suite F
Louisville, KY 40243-2516

☒ first class mail
☐ certified mail
☐ hand delivery

Jackie Wayne Smith
502 Evergreen Place Court
Louisville, KY 40223-2277

☒ first class mail
☐ certified mail
☐ hand delivery

Selective Insurance Company of New York
40 Wantage Avenue
Branchville, NJ 07890

☒ first class mail
☐ certified mail
☐ hand delivery

Market Finders Ins. Corporation
9117 Leesgate Rd.
Louisville, KY 40222

☒ first class mail
☐ certified mail
☐ hand delivery

Surplus Line Association of Idaho, Inc.
595 S. 14th Street
Boise, ID 83702

☒ first class mail
☐ certified mail
☐ hand delivery

Richard B. Burleigh
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



Kelly Grady