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JUL 22 2019  
Department of Insurance  
State of Idaho

*Attorneys for the Department of Insurance*

**BEFORE THE DIRECTOR OF THE DEPARTMENT OF INSURANCE**  
**STATE OF IDAHO**

IDAHO DEPARTMENT OF INSURANCE,

Complainant,

vs.

RICHARD DOUGLAS YOUNG, an  
individual holding Idaho Resident Producer  
License No. 60822,

Respondent.

Docket No. 18-3567-19

**STIPULATION AND FINAL ORDER**

The parties herein, namely the Idaho Department of Insurance (“Department”) and RICHARD DOUGLAS YOUNG (“Respondent”), do hereby enter into this Stipulation to resolve as between them the matters at issue in Department Docket No. 18-3567-19 and do hereby stipulate and agree as follows:

## **JURISDICTION & PROCEDURE**

1. The Director of the Idaho Department of Insurance (“Director”) has jurisdiction over Respondent and the subject matter herein, pursuant to the Idaho Insurance Code, Idaho Code §§ 41-101 *et. seq.*, and the rules promulgated thereunder.

2. Pursuant to Idaho Code § 41-213, the Department may institute such proceedings as deemed necessary for the enforcement of any provision of the Idaho Insurance Code, including but not limited to suspension or revocation of insurance licenses and the imposition of administrative penalties.

3. Respondent holds Idaho Resident Producer License No. 60822, which license was originally issued on January 16, 1998, and which expired on December 31, 2018.

4. On April 25, 2019, the Department filed and served on Respondent a Verified Complaint and Notice of Right to Hearing (“Complaint”) in Docket No. 18-3567-19.

5. On March 6, 2019, the Respondent filed a Request for Hearing.

6. The matter was set for hearing on April 30, 2019.

7. A Motion to Amend Verified Complaint was filed on April 9, 2019.

8. The Motion to Amend Verified Complaint was granted on April 25, 2019, and the hearing was reset to May 20, 2019.

9. The Amended Verified Complaint was filed and served on April 25, 2019.

10. A Notice of Appearance of J. Kahle Baker, on behalf of Respondent, and a Motion to Continue Hearing was filed on May 16, 2019.

11. An Order Granting Motion to Continue Hearing and Resetting Hearing Date was entered on May 21, 2019. The hearing was reset to July 23, 2019.

## **AGREEMENT**

12. In lieu of proceeding to a hearing on the Complaint, the Department and Respondent agree to resolve as between them the matters at issue in the above-entitled matter through this negotiated and stipulated settlement; wherefore, the Department and Respondent stipulate and agree to the following terms:

- a. Respondent admits to one (1) violation of Idaho Code § 41-1024(1), by failing to timely remit premium funds to the insurer; however, Respondent does not admit to any fact, representation or finding that the Respondent diverted or appropriated any funds for his own use or personal profit; furthermore, following an investigation, the Department uncovered no evidence that Respondent diverted or appropriated any funds for his own use or personal profit;
- b. Respondent admits to one (1) violation of Idaho Code § 41-1016(1)(h), relating only to financial irresponsibility or incompetence by failing to remit premium funds to the insurer;
- c. Respondent's Idaho Resident Producer License No. 60822 shall be revoked for a period of five (5) years commencing on the date of entry of the Final Order herein;
- d. An administrative penalty shall be imposed against Respondent for the total sum of Fourteen Thousand Dollars (\$14,000.00), with the sum of Twelve Thousand Dollars (\$12,000.00) of said penalty to be suspended, and the remaining Two Thousand Dollars (\$2,000.00) of said penalty to be paid in full within thirty (30) days of entry of the Final Order herein.

- e. The Idaho Department of Insurance shall not consider any application for any license as authorized under title 41, Idaho Code, from Respondent for a period of five (5) years after the order of revocation as provided herein, and until such time that the total administrative penalty imposed by the Final Order herein, including the suspended sum of Twelve Thousand Dollars (\$12,000.00), has been paid in full;
- f. In the event Respondent files an application for a license under title 41, Idaho Code, after the term of the five (5) year revocation and payment in full of the total administrative penalty, Respondent agrees that he shall be required to show good cause why the prior revocation shall not be deemed a bar to the issuance of a new license.

13. In agreeing to the provisions stated hereinabove, Respondent knowingly and voluntarily waives any rights Respondent may have to dispute the issues of fact and law raised in the above-entitled matter, including but not limited to the rights afforded by Idaho Code § 41-232A, which provides for the right to a hearing; the right to be represented at a hearing by counsel chosen and retained by Respondent; the right to present a defense, oral and documentary evidence and to cross-examine witnesses at such hearing and the right to seek judicial review or appeal the Final Order entered herein.

14. The Department and Respondent each agree that this Stipulation is a full and final settlement of the issues raised between them in the above-entitled matter, namely Docket No. 18-3567-19.

15. Respondent understands and acknowledges that the Department may take such lawful actions as may be required or appropriate to investigate and determine whether Respondent is in compliance with this Stipulation and the Final Order approving this Stipulation.

16. In the event that the Department takes action relating to alleged violations of this Stipulation or the Final Order approving this Stipulation, the Stipulation and Final Order shall be admissible in full in that proceeding for any purpose.

17. The Department and Respondent enter into this Stipulation freely and voluntarily, after having had the opportunity to consult with counsel of their choice, and with full understanding of the legal consequences of this Stipulation and the Final Order approving this Stipulation.

18. Respondent agrees that, upon execution of this Stipulation, no subsequent action or assertion shall be maintained or pursued in any manner asserting the invalidity of this Stipulation and Final Order and its provisions.

19. Respondent understands that this Stipulation and the Final Order approving this Stipulation shall be reported to the Regulatory Information Retrieval System ("RIRS") maintained by National Association of Insurance Commissioners ("NAIC").

20. This Stipulation embodies the entire agreement between the Department and Respondent, and there are no agreements, understandings, representations or warranties that are not expressly set forth herein.

21. This Stipulation is subject to approval by the Director and shall become effective and binding upon the Department and Respondent upon such approval. Should the Director decline to approve this Stipulation, the Department and Respondent shall retain all their rights, claims and/or defenses, and any factual and/or legal admissions made by Respondent herein shall be withdrawn.

22. Upon the Director's entry of the Final Order approving this Stipulation, this Stipulation and the Final Order shall be a public record under the Idaho Public Records Act.

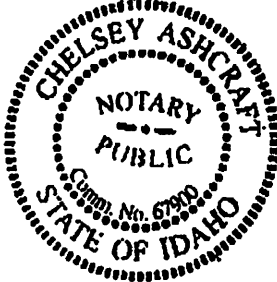
AGREED THIS 22 day of July, 2019.

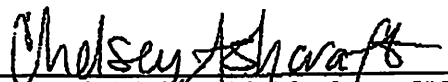
RESPONDENT

  
RICHARD DOUGLAS YOUNGSTATE OF IDAHO )  
County of Bannock ) ss.

On this 22 day of July, 2019, before me, the undersigned, a Notary Public in and for said State, personally appeared RICHARD DOUGLAS YOUNG, known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

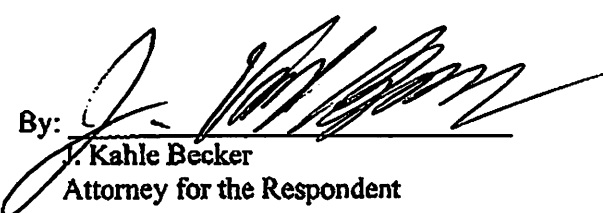
WITNESS MY HAND and official seal hereto affixed the day, month and year in this certificate first above written.



  
Notary Public in and for the State of Idaho  
Residing at 4650 Hawthorne Chubbuck ID  
My commission expires 6/15/22

Approved as to Form:

KAHLE BECKER LAW

By:   
Kahle Becker  
Attorney for the Respondent

AGREED THIS 22 day of July, 2019.

STATE OF IDAHO  
DEPARTMENT OF INSURANCE

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

Approved as to Form:

STATE OF IDAHO  
OFFICE OF THE ATTORNEY GENERAL

By: John C. Keenan  
John C. Keenan  
Deputy Attorney General  
Attorney for the Idaho Department of Insurance

### **FINAL ORDER**

The Director having reviewed the Stipulation entered hereinabove, and having found that there is a basis in fact for the admission therein and in consideration of the premises;

**IT IS HEREBY ORDERED** that the preceding Stipulation is APPROVED and ADOPTED in full and incorporated in this Final Order as if set forth herein;

**IT IS FURTHER ORDERED** that Idaho Resident Producer License No. 60822, held in the name of RICHARD DOUGLAS YOUNG, is hereby REVOKED for a period of five (5) years commencing immediately;

**IT IS FURTHER ORDERED** that an administrative penalty in the sum of FOURTEEN THOUSAND DOLLARS (\$14,000) is hereby imposed against RICHARD DOUGLAS YOUNG, with Twelve Thousand Dollars (\$12,000) of said penalty suspended, and a Two Thousand Dollars (\$2,000) of said penalty due and payable within fifteen (15) days of entry of this Final Order;

**IT IS FURTHER ORDERED** that the Idaho Department of Insurance shall not consider any application for any license authorized under title 41, Idaho Code, from RICHARD DOUGLAS YOUNG for a period of five (5) years after entry of this Final Order as provided herein, and continuing thereafter until such time that the total administrative penalty imposed by this Order, including the suspended sum of Twelve Thousand Dollars (\$12,000) has been paid in full; and

**IT IS FURTHER ORDERED** that in the event RICHARD DOUGLAS YOUNG files an application for a license authorized under title 41, Idaho Code, RICHARD DOUGLAS YOUNG shall be required to show good cause why the prior revocation shall not be deemed a bar to the issuance of a new license.



**IT IS SO ORDERED.**

DATED this 22 day of July 2019.

STATE OF IDAHO  
DEPARTMENT OF INSURANCE

  
DEAN L. CAMERON  
Director

**NOTIFICATION OF RIGHTS**

This is a final order of the Director of the Idaho Department of Insurance and is effective immediately. 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 or orders previously issued in this case may appeal this final order and all previously issued orders in this case to district court 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.

**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.

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 22<sup>nd</sup> day of July, 2019, I caused a true and correct fully-executed copy of the foregoing STIPULATION AND FINAL ORDER to be served on the following by the designated means:

J. Kahle Becker  
KAHLE BECKER LAW  
223 N. 6<sup>th</sup> Street, Suite 325  
Boise, ID 83702

☒ first class mail  
☐ certified mail  
☐ hand delivery

John C. Keenan  
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

  
Pamela Murray